

05-1979-CD
Wal-Mart Pharmacy #1769 vs Patricia
Baughman

Walmart Pharmacy vs Patricia Baughman
2005-1979-CD

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

WAL-MART PHARMACY #1769
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CD

Type of Pleading:
Praecipe

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:
S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

DEC 21 2005

01/12/06/2
William A. Shaw

Prothonotary/Clerk of Courts

NOTICE TO DEFT

Date 12-21-2005

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

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No. _____

PRAECIPE

TO WILLIAM A. SHAW, PROTHONOTARY:

Please enter judgment in favor of Plaintiff, WAL-MART
PHARMACY #1769, and against the Defendant, PATRICIA BAUGHMAN,
in the sum of \$1,725.85, in accordance with Notice of Judgment
issued by Patrick N. Ford, District Justice, hereto attached.

Defendant's address is: 739 Treasure Lake, DuBois,
Pennsylvania, 15801.



S. Casey Bowers
Attorney for Defendant

**NOTICE OF JUDGMENT/TRANSCRIPT
CIVIL CASE**

Mag. Dist. No.:

46-3-01

MDJ Name: Hon.

PATRICK N. FORD

Address:

309 MAPLE AVENUE**PO BOX 452****DUBOIS, PA**Telephone: **(814) 371-5321****15801**

PLAINTIFF:

NAME and ADDRESS

WAL-MART PHARMACY #1769**20 INDUSTRIAL DRIVE****DUBOIS, PA 15801**

DEFENDANT:

VS.

NAME and ADDRESS

BAUGHMAN, PATRICIA**1300 MAPLE AVENUE****DUBOIS, PA 15801**

PATRICK N. FORD
309 MAPLE AVENUE
PO BOX 452
DUBOIS, PA 15801

Docket No.: **CV-0000121-05**Date Filed: **3/15/05****THIS IS TO NOTIFY YOU THAT:**

Judgment:

DEFAULT JUDGMENT PLTF

Judgment was entered for:

(Name)

WAL-MART PHARMACY #1769

Judgment was entered against: (Name)

BAUGHMAN, PATRICIAin the amount of \$ **1,592.60** on:

(Date of Judgment)

5/24/05

Defendants are jointly and severally liable.

(Date & Time)



Damages will be assessed on:



This case dismissed without prejudice.



Amount of Judgment Subject to

Attachment/42 Pa.C.S. § 8127 \$ _____

Portion of Judgment for physical
damages arising out of residential
lease \$ _____

Amount of Judgment	\$ 1,497.55
Judgment Costs	\$ 95.05
Interest on Judgment	\$.00
Attorney Fees	\$.00
Total	\$ 1,592.60

Post Judgment Credits \$ _____

Post Judgment Costs \$ _____

Certified Judgment Total \$ _____

ANY PARTY HAS THE RIGHT TO APPEAL WITHIN 30 DAYS AFTER THE ENTRY OF JUDGMENT BY FILING A NOTICE OF APPEAL WITH THE PROTHONOTARY/CLERK OF THE COURT OF COMMON PLEAS, CIVIL DIVISION. YOU MUST INCLUDE A COPY OF THIS NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH YOUR NOTICE OF APPEAL.

EXCEPT AS OTHERWISE PROVIDED IN THE RULES OF CIVIL PROCEDURE FOR MAGISTERIAL DISTRICT JUDGES, IF THE JUDGMENT HOLDER ELECTS TO ENTER THE JUDGMENT IN THE COURT OF COMMON PLEAS, ALL FURTHER PROCESS MUST COME FROM THE COURT OF COMMON PLEAS AND NO FURTHER PROCESS MAY BE ISSUED BY THE MAGISTERIAL DISTRICT JUDGE.

UNLESS THE JUDGMENT IS ENTERED IN THE COURT OF COMMON PLEAS, ANYONE INTERESTED IN THE JUDGMENT MAY FILE A REQUEST FOR ENTRY OF SATISFACTION WITH THE MAGISTERIAL DISTRICT JUDGE IF THE JUDGMENT DEBTOR PAYS IN FULL, SETTLES, OR OTHERWISE COMPLIES WITH THE JUDGMENT.

5-24-05

Date

Patrick N. Ford

, Magisterial District Judge

I certify that this is a true and correct copy of the record of the proceedings containing the judgment.

7-12-05

Date

Patrick N. Ford

, Magisterial District Judge

My commission expires first Monday of January, **2006**.

SEAL

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Wal-Mart Pharmacy #1769

Vs.

No. 2005-01979-CD

Patricia Baughman

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$1,592.60 on the December 21, 2005.

William A. Shaw
Prothonotary

William A. Shaw

CA

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

WAL-MART PHARMACY #1769
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CV

Type of Pleading:
**PETITION TO OPEN
JUDGMENT AND STAY
SALE**

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:
S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED

DEC 21 2005

0/12:10/04
William A. Shaw

Prothonotary/Clerk of Courts

2 cmt to Atty

FOR SER.

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

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:
:

No. _____

PETITION TO OPEN JUDGMENT
AND STAY SALE

Defendant, PATRICIA BAUGHMAN, by and through her attorneys, HANAK, GUIDO AND TALADAY, hereby Petition to Open Judgment against her and stay sale of her property representing as follows:

1. Plaintiff is WAL-MART PHARMACY #1769 and is believed to be a business corporation or other business entity with offices located at 20 Industrial Drive, DuBois, Clearfield County, Pennsylvania.

2. Defendant is PATRICIA BAUGHMAN, an adult individual residing at 739 Treasure Lake, DuBois, Clearfield County, Pennsylvania.

3. Plaintiff filed a civil complaint against Defendant on or about March 15, 2005, at Magisterial District Court #46-3-01 (DuBois).

4. The Defendant received the Complaint together with notice of hearing to occur on May 9, 2005.

5. Defendant appeared at said court at the date and time set for said hearing. The lower court nonetheless entered default judgment against the Defendant in the amount of \$1,497.55.

6. Said judgment was transferred to this Court on December 21, 2005, at the above term and number.

7. The Defendant contacted Mid-Penn Legal Services in an effort to appeal the lower court's decision. However, after time to file an appeal passed, said agency informed the Defendant that it could not help her.

8. The Defendant later learned that Plaintiff's claim against her stemmed from pharmaceuticals provided to Defendant's mother, Geraldine Silk.

9. Plaintiff acknowledges that the products were not provided to the Defendant. In fact, Plaintiff has refused to provide the Defendant with an itemized list of the pharmaceuticals allegedly provided to Defendant's mother as a release of said information would violate applicable sections of the Health Care Information Privacy Protection Act ("HIPPA").

10. Plaintiff's claim against the Defendant are barred by the Statute of Frauds.

11. At no time did the Defendant agree, in writing or otherwise, to be liable for the debts of her mother.

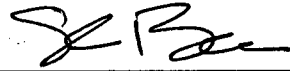
12. The subject pharmaceuticals were provided to Defendant's mother without Defendant's knowledge.

13. A constable sale of all Defendant's personal property is scheduled to be held on December 28, 2005, at 2:00 p.m.

14. The interest of justice and equity would be best served if this Court would stay said sale and open the judgment against Defendant.

WHEREFORE, Defendant, PATRICIA BAUGHMAN, respectfully requests this Court to issue an order staying any sale of Defendant's property pending final resolution of this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Casey Bowers', is written above a horizontal line.

S. Casey Bowers
Attorney for Defendant

VERIFICATION

I, S. CASEY BOWERS, hereby verify that the statements contained in the foregoing PETITION TO OPEN JUDGMENT AND STAY SALE are correct to the best of my personal knowledge or information and belief.

At the time of the signing of this Verification, the Defendant was not available. The undersigned has sufficient knowledge to sign this Verification as I am counsel for Defendant and possess a detailed knowledge of the case.

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.

A handwritten signature in black ink, appearing to read 'S. Casey Bowers', is written over a horizontal line.

S. Casey Bowers
Attorney for Defendant

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CD

ORDER

AND NOW, this 21st day of December, 2005, upon consideration of the foregoing Petition to Open Judgment and Stay Sale, it is hereby ordered that any sale of Defendant's property in enforcement of said judgment shall be and is hereby stayed and:

- (1) a rule is issued upon the Plaintiff to show cause why the Defendant is not entitled to the relief requested;
- (2) the Plaintiff shall file an answer to the petition within twenty (20) days of service upon the Defendant;
- (3) the petition shall be decided under Pa.R.C.P. 206.7;
- (4) an evidentiary hearing on disputed issues of material fact shall be held on January 13, 2006, at 9:30 o'clock a m., in Courtroom No. 2 of the Clearfield County Courthouse.

BY THE COURT:

Paul E. Cherry

FILED

DEC 21 2005

01/12/10/10

William A. Shaw

Prothonotary/Clerk of Courts

2 clear to Affr

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

WAL-MART PHARMACY #1769
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CD

Type of Pleading:

AFFIDAVIT OF SERVICE

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

FILED^{no CC}
m 110:32 BOK
DEC 29 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

The undersigned, S. CASEY BOWERS, hereby swears and affirms that the Plaintiff, WALMART PHARMACY #1769, was duly served with a copy of Defendant's Praecipe to Transfer Judgment, Petition to Open Judgment and Stay Sale and Order of Court setting date of January 13, 2006 for argument in the above matter at the office address of 20 Industrial Drive, DuBois, Pennsylvania, on December 23, 2005, by the United States Postal Service, Certified Mail, the return receipt, No. 7003 1010 0005 2745 3426, is attached hereto.



S. Casey Bowers

Sworn and subscribed before me

this 28th day of December, 2005.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Barbara A. Bowser, Notary Public
City of DuBois, Clearfield County
My Commission Expires Mar. 28, 2009

Member, Pennsylvania Association of Notaries

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Walmart Pharmacy #1769
20 Industrial Drive
DuBois, PA 15801

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Brock McDaniel

C. Date of Delivery

12-23-05

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

X

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 1010 0005 2745 3426

Domestic Return Receipt

102595-02-M-1540

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

WAL-MART PHARMACY # 1769

Plaintiff,

v.

PATRICIA BAUGHMAN,

Defendant.

No. 05-1979-C.D.

OPINION

FILED
JAN 18 2006
William A. Shaw
Prothonotary/Clerk of Courts
2006
15801
100 D. Mike Sell
(without memo)
@

This matter comes before the Court pursuant to a Petition to Open Judgment and Stay Sale filed on behalf of Defendant Patricia Baughman. Alternatively, Defense Counsel, during oral argument, requested the judgment be stricken. The hearing to consider Defendant's Petition was held on January 13, 2006. Plaintiff Wal-Mart was previously awarded a default judgment by Magisterial District Judge Ford on May 9, 2005 in the amount of \$ 1,497.55. The judgment was transferred to this Court pursuant to the Defendant's entry of judgment in the Clearfield County Prothonotary's Office.

The Pennsylvania Supreme Court in Cintas Corp. v. Lee's Servs., 700 A.2d 915 (Pa., 1997), explains a court's powers when requested to strike or open a default judgment. "A petition to strike a default judgment and a petition to open a default judgment are generally not interchangeable." Id. at 918. The trial court's discretion varies greatly dependent upon which request is made.

A request to strike a default judgment is strictly limited. The Superior Court, in Triangle Printing Company v. Image Quest, explained the restrictions of a trial court consideration of a petition to strike a judgment entered in magisterial district court.

... A petition to strike a default judgment operates as a demurrer to the record and may be granted for a fatal defect or irregularity appearing on the face of the record. (internal citations omitted) A court may only look at the facts of record at

the time judgment was entered to decide if the record supports the judgment. A petition to strike does not involve the discretion of the court.

730 A.2d 998, 1000 (Pa.Super., 1999). Accordingly, the Court's inquiry is limited by the record itself. "The transcript is a form with many blanks, intended to facilitate recordation of events relevant in most civil suits before the district justice." Id. Here, the record from the District Judge confirms default judgment was entered against Defendant on May 9, 2005. No further relevant information is noted. Therefore, this Court cannot strike the default judgment.

Next, the Defendant requests the Court to open the default judgment. A trial court has greater discretion based upon a court's equitable powers. A petition to open must meet the following test:

- (1) the petition to open must be promptly filed;
- (2) the failure to appear or file a timely answer must be excused;
- (3) the party seeking to open the judgment must show a meritorious defense.

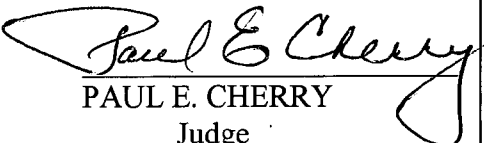
Cintas Corp., 700 A.2d at 919. The Defendant failed to promptly file a petition to open. Nearly six (6) months passed before the default judgment was entered and the Defendant made any request of this Court. As such, the Defendant is precluded from receiving her requested relief.

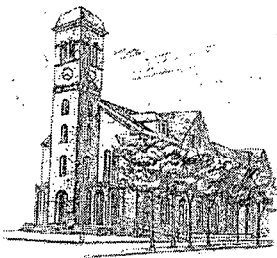
Based upon the foregoing, the Court enters the following Order:

ORDER

NOW, this 18th day of January 2006, it is the Order of this Court that the Defendant's Petition to Open Judgment and Stay Sale be and is hereby DENIED.

BY THE COURT,


PAUL E. CHERRY
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: 11/18/02

 You are responsible for serving all appropriate parties.

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

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

 Other

 Special Instructions:

CA

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

WAL-MART PHARMACY #1769
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CD

Type of Pleading:

**MOTION FOR
RECONSIDERATION**

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Date: January 27, 2006

FILED ^{icc}
01:50 PM
JAN 27 2006 @ Atty Bowers

William A. Shaw
Prothonotary/Clerk of Courts

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

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No. 2005-1979-CD

MOTION FOR RECONSIDERATION

AND NOW, comes the Defendant, PATRICIA BAUGHMAN, by and through her attorneys, HANAK, GUIDO AND TALADAY, and respectfully requests this Honorable Court to reconsider its decision as set forth in Opinion and Order dated January 18, 2006, averring as follows:

1. In its Order dated January 18, 2006, this Court denied Defendant's Petition to Open Judgment based on the fact that the Defendant did not file said Petition until 6 months after the entry of judgment.

2. The Defendant did not have knowledge that judgment was entered until she was contacted by the Constable on or about October 25, 2005, to schedule the execution sale.

3. Immediately after being so informed of said sale, Defendant contacted Mid-Penn Legal Services. Some 3 weeks passed until Defendant was notified by Mid-Penn Legal Services that she did not qualify to be served by said agency.

4. Defendant then contacted the undersigned on or about December 20, 2005. The Petition to Open Judgment was filed just 1 day thereafter on December 21, 2005.

5. As such, any delay in filing the subject petition was not the fault of the Defendant.

WHEREFORE, Defendant would respectfully request the Court to reconsider its decision and open judgment in the above captioned matter.

A handwritten signature in black ink, appearing to read 'S. Casey Bowers', is written over a horizontal line.

S. Casey Bowers
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that on the 27th day of January, 2006, the
within Motion for Reconsideration was served by first class mail, postage
prepaid upon the following:

Walmart Pharmacy #1769
20 Industrial Drive
DuBois, PA 15801

A handwritten signature in black ink, appearing to read 'S. Casey Bowers', written over a horizontal line.

S. Casey Bowers

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

WAL-MART PHARMACY #1769
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CD

Type of Pleading:

**MOTION TO WITHDRAW
MOTION FOR
RECONSIDERATION**

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Date: 2/2, 2006

FILED ^{icc}
01:10:45 PM
FEB 08 2006
Atty Bowers
William A. Shaw
Prothonotary/Clerk of Courts

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

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No. 2005-1979-CD

MOTION TO WITHDRAW
MOTION FOR RECONSIDERATION

AND NOW, comes the Defendant, PATRICIA BAUGHMAN, by and through her attorneys, HANAK, GUIDO AND TALADAY, hereby withdraw the Motion for Reconsideration now pending before this Court in the above captioned matter.

Respectfully submitted,



S. Casey Bowers
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that on the 2nd day of February,
2006, the within Motion to Withdraw Motion for Reconsideration was
served by first class mail, postage prepaid upon the following:

Walmart Pharmacy #1769
20 Industrial Drive
DuBois, PA 15801



S. Casey Bowers

V 22

CA

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

No. 2005-1979-CD

PATRICIA BAUGHMAN,
Defendant

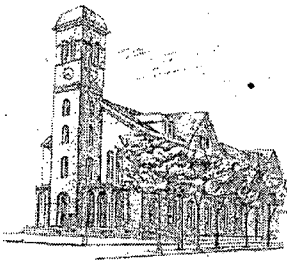
ORDER OF COURT

AND NOW, this 21st day of February, 2006, upon
consideration of Defendant's Motion to Withdraw Motion for
Consideration, said Motion is hereby granted.

BY THE COURT:

Paul E Cherry

FILED 2cc Amy Bowers
01/11/06
FEB 22 2006 @
William A. Shaw
Prothonotary/Clerk of Courts



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: 2/22/06

X You are responsible for serving all appropriate parties.

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

_____ Plaintiff(s)/Attorney(s)

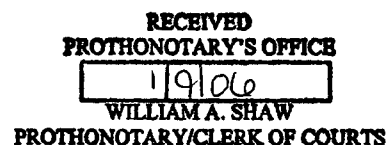
_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

January 3, 2006

Hon. Paul E. Cherry
Clearfield County Courthouse
P.O. Box 549
Clearfield, PA 16830



Re: Wal-Mart Pharmacy v. Patricia Baughman (CV-0000121-05)

Dear Judge Cherry,

I hope to comply with the enclosed order by providing the following information.

1. I represent the plaintiff, Wal-Mart Pharmacy #1769 located at 20 Industrial Drive, DuBois, Clearfield County, Pennsylvania.
2. The defendant is Patricia Baughman who resides in Clearfield County, Pennsylvania.
3. The defendant's mother, Geraldine Silk, is and has been a resident at Nelson's Golden Years Personal Care Home located at RD 3, DuBois, Clearfield County, Pennsylvania since at least November of 2004.
4. Acting via our agent, we entered into a written agreement with the defendant to provide prescription drugs to the defendant's mother. Our agent is Kathy Nelson, the owner and operator of Nelson's Golden Years Personal Care Home. We filled and delivered prescriptions to the defendant's mother from November 30, 2004 to January 25, 2005. We mailed bills to the defendant for services provided for a period of January 2005 through April 2005 via the United States Postal Service.
5. After not receiving payment for the prescription drugs for the month of December 2004, we attempted to contact the defendant several times via telephone because of the high cost of the medicine to no avail.
6. We contacted Kathy Nelson with our concerns and were told that the defendant had assured her that the defendant's mother had applied to receive a PACE (Pharmaceutical Assistance Contract for the Elderly) card to help her with prescription costs and that we would be able to rebill and receive payment for her prescription drug bill.
7. We verified with the PACE Program that the defendant's mother was eligible for services only from March 30, 2001 to October 15, 2003 and from November 16, 2003 to November 21, 2003 and, thus, not eligible during the time we provided prescription drugs to her.
8. After providing prescription drugs to the defendant's mother for a second month without receiving payment and/or any news of insurance, we decided to stop providing medicine to her and notified Kathy Nelson of our decision.

9. We attempted to contact the defendant at the same telephone number provided to us by Kathy Nelson, again, to no avail. On one occasion, we spoke to what sounded like a young female who verified that this telephone was indeed the defendant's residence and asking her to have the defendant return our call.

10. We filed a claim in the magisterial court in DuBois on March 15, 2005 against the defendant for nonpayment of services.

11. I personally appeared at the magisterial court to state our case on the date of the hearing and was sent home when the defendant did not appear for the hearing. The court entered a default judgement for us in the amount of \$1497.55.


12. The matter proceeded to a constable sale when the defendant failed to satisfy the judgement from the magisterial court.

13. The defendant refused to provide us with a written copy of power of attorney forms and thus we were unable to provide her with a detailed list of her mother's prescription drug list in person. We did offer and followed through sending a detailed list to the defendant's mother who would then be able to hand the list to the defendant if she so chose to.

14. I have been assured by Kathy Nelson that the defendant is indeed responsible for handling her mother's finances including payment for services provided to her mother.

15. I would ask that this court uphold the lower court's decision and hold the defendant liable for her rightful debt.

Respectfully submitted,


Tom De Pue
Pharmacy Manager
Wal-Mart Pharmacy #1769
20 Industrial Drive
DuBois, PA 15801
814-375-5005

We received this in the mail
on Monday (1/19). May we file
this in?

Bonnie


RECEIVED
PROTHONOTARY'S OFFICE
JAN 24 2006
JAN 24 2006
PROTHONOTARY'S OFFICE OF COURTS

RECEIVED
PROTHONOTARY'S OFFICE

119106

WILLIAM A. SHAW
PROTHONOTARY/CLERK OF COURTS

Walmart Pharmacy
20 Industrial Drive
Dubois PA 15801

GERMFIELD MAIL



7005 0390 0003 3538 8488

GERMFIELD Co. Pharmacy
GERMFIELD Co. Courthouse
PO Box 549
GERMFIELD PA 16830



0000



16830

U.S. POSTAGE
paid
DUBOIS, PA
15801
JAN 04 06
AMOUNT
\$4.42
00058654-01

RESIDENT RECORD PERSONAL CARE BOARDING HOME

ANNE SMITH - 515-2561
(Pat Girlfriend) Cell 590-0188

RESIDENT'S NAME <i>Geraldine Silk</i>		BIRTHDATE <i>3-12-27</i>	SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	SOCIAL SECURITY NO. <i>182-20-3766</i>
SOURCE OF INCOME <i>N/A</i>	AMOUNT <i>N/A</i>	DPW-MA NO. IF APPLICABLE <i>N/A</i>	INSURANCE POLICY NO. <i>N/A</i>	
DESIGNATED PERSON <i>Pat Baughman</i>		RELATIONSHIP TO PATIENT <i>Daughter</i>	MEDICARE NO. <i>175-20-77470</i>	
ADDRESS <i>1300 Maple Ave. N. Boonville Pa 15801</i>			PHONE NO. <i>372-2461</i>	
REFERRED BY <i>Annette Smith</i>	DATE OF ADM. <i>11-29-04</i>	WRITTEN ASSESSMENT RECEIVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PHYSICIAN CERT. REC'D. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE <i>11-29-04</i>

PERSONAL CARE SERVICES PROVIDED (Check Services Resident Receives)

YES	NO	TASKS OF DAILY LIVING
		Securing Transportation
		Shopping
		Making and Keeping Appointments
		Care of Personal Possessions
		Use of Telephone
		Getting In and Out of Bed
		Eating - Utensils
		Walking Up and Down Stairs
<input checked="" type="checkbox"/>		Cleaning Resident Rooms
<input checked="" type="checkbox"/>		Linen Service
YES	NO	MEDICATIONS
		Assistance With Self Administration of Medications
		Remembering Medication Schedule
		Remembering Location of Medications
		Storage of Medications

YES	NO	PERSONAL HYGIENE
<input checked="" type="checkbox"/>		Bathing
		Oral Hygiene
		Hair Grooming/Shampooing
		Dressing or Undressing
<input checked="" type="checkbox"/>		Care of Clothing
<input checked="" type="checkbox"/>		Personal Laundry
		Shaving
		Nail Care
		Toilet Habits
		Other - Specify
YES	NO	FINANCIAL MANAGEMENT
		Management of Funds for Personal Needs
		Management of Checking Account
		Management of Savings Account

AGENCIES PROVIDING ONGOING SERVICES

NAME OF PERSON	NAME OF AGENCY <i>DRmc Home Health</i>	PHONE <i>375-3300</i>
NAME OF PERSON	NAME OF AGENCY	PHONE
NAME OF PERSON	NAME OF AGENCY	PHONE

TERMINATION

DATE OF TERMINATION	<input type="checkbox"/> HOME CLOSURE <input type="checkbox"/> PROVIDER TERMINATION <input type="checkbox"/> RESIDENT TERMINATION	REASON FOR TERMINATION (Continue on Reverse)
REFUND GIVEN <input type="checkbox"/> YES <input type="checkbox"/> NO	AMOUNT	DATE
		RESIDENTS SIGNATURE

VIII. Assurance of Confidentiality

- A. The home acknowledges that the resident's records are confidential, and, except in emergencies, may not be opened to anyone other than the resident, the designated person, if any, agents of the Department of Public Welfare and the long-term care ombudsperson without the express written consent of the resident or without court order.
- B. The resident agrees by signature on this agreement that all records can be released to persons or institutions entrusted to provide the resident with medical care.

IX. Acknowledgments

- A. The resident certifies that he or she has at least \$ 60.00 per month of his or her own funds for personal expenditures.
- B. The resident acknowledges that this agreement has been reviewed and explained to the resident and the designated person, if any.
- C. The home will provide the resident and the designated person, if any, a written notice at least 30 days in advance of any changes to this agreement.

Geraldine Silk 11-29-04
Resident's Signature Date Signed

Kathy Nelson 11-29-04
Administrator/Designee Signature Date Signed

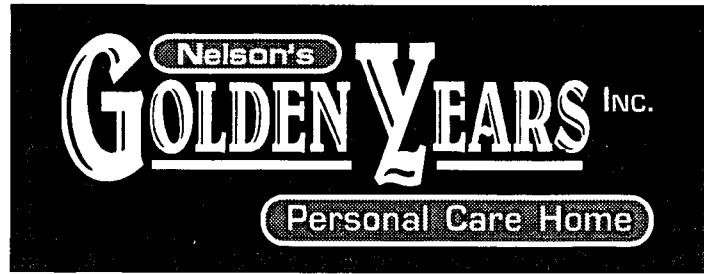
Payer (if different from resident) Date Signed

Patricia A. Baughman 11-29-04
Designated Person Date Signed
(signature is at the option of the resident)

If resident is unable to sign, resident must show mark below:

Resident's Mark Date Signed

A copy of the signed agreement is to be given to the resident, and a copy will also be filled in the resident's records.



1-10-06

To whom This may Concern:

Please be advised that Geraldine Silk was admitted to Nelson's Golden Years Personal Care Home 11-29-04. At that time Patricia Baughman (Daughter) Sign Admission chart as Designated Person in Charge of her mother Geraldine Silk. The Address Patricia Baughman gave me for which she lived is 1300 maple Ave DuBois, Pa 15801 Phone Number (814) 372-2461. to date I have not been notified of any change.

Sincerely

Kathy Nelson Administrator

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

WAL-MART PHARMACY #1769
Plaintiff

vs.

PATRICIA BAUGHMAN,
Defendant

No. 2005-1979-CD

Type of Pleading:

**PRAECIPE TO MARK
JUDGMENT SATISFIED**

Filed on Behalf of:
DEFENDANT

Counsel of Record for This
Party:

S. Casey Bowers, Esq.
Supreme Court No. 89032
Hanak, Guido and Taladay
498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
(814) 371-7768

Date: 3/14/06

FILED pd \$7.00 Atty
icc + 1 Cert of
m/10:40 am (15) Sat issued to
MAR 15 2006 Atty. Bowers

William A. Shaw
Prothonotary

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

WAL-MART PHARMACY #1769,
Plaintiff

vs.

No. 2005-1979-CD

PATRICIA BAUGHMAN,
Defendant

PRAECIPE TO MARK JUDGMENT SATISFIED

TO THE PROTHONOTARY:

Kindly mark the judgment entered against the above Defendant in
the above captioned matter satisfied.

WALMART PHARMACY #1769

By: 

Plaintiff

HANAK, GUIDO and TALADAY
Attorneys at Law

Robert M. Hanak
Anthony S. Guido
Matthew B. Taladay

Telephone: (814) 371-7768
Fax: (814) 371-1974

498 Jeffers Street
P.O. Box 487
DuBois, PA 15801
schowers@verizon.net

Nicole Hanak Bankovich
S. Casey Bowers

March 14, 2006

William A. Shaw, Prothonotary
Courthouse
P. O. Box 549
Clearfield, PA 16830

Re: Wal-Mart Pharmacy v. Baughman
No. 05-1979-CD

Dear Bill:

Enclosed please find Praeceptum to Mark Judgment Satisfied which we would appreciate your filing in our behalf. Kindly send us back the copies marked filed in the enclosed envelope.

Thank you for your attention to this matter.

Very truly yours,


S. Casey Bowers

SCB/bab
Enc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

Wal-Mart Pharmacy #1769

No.: 2005-01979-CD

Vs.

Debt: \$1592.60

Patricia Baughman

Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Wednesday, March 15, 2006 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 15th day of March, A.D. 2006.



Prothonotary