

**Harvey Murray et al vs RAJ Cardiovascular  
2006-84-CD**

**06-84-CD  
Harvey Murray et al vs Sung J. Park**

Date: 06/14/2006

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 11:05 AM

**ROA Report**

Page 1 of 1

Case: 2006-00084-CD

Current Judge: Fredric Joseph Ammerman

Harvey Murray, Genevieve Murrayvs.Sung J. Park MD, RAJ Cardiovascular Association

**Medical Professional Liability Action**

Date		Judge
01/18/2006	New Case Filed.  Filing: Complaint in Civil Action Paid by: Taladay, Matthew B. (attorney for Murray, Harvey) Receipt number: 1912106 Dated: 01/18/2006 Amount: \$85.00 (Check) 2CC Shff.  Certificate of Merit, RAJ Cardiovascular Association, filed. by s/ Matthew B. Taladay Esq. 2CC shff.  Certificate of Merit, Sung J. Park, MD., filed by s/ Matthew B. Taladay Esq. 2CC shff.	No Judge No Judge No Judge No Judge No Judge
03/20/2006	Sheriff Return, January 24, 2006, sheriff of Cumberland County was deputized.  January 27, 2006 at 3:20 pm served the within Complaint; certificate of Merit on Sung J. Park M.D.  January 24, 2006, Sheriff of Allegheny County was deputized.  January 26, 2006 at 2:52 pm served the within Complaint; certificate of merit on RAJ Cardiovascular Association. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Hanak \$68.00 Cumberland Co. costs pd by Hanak \$33.21 Allegheny Co. costs pd by Hanak \$50.00 Sheila O'Bryon cost pd by Hanak \$5.00	No Judge
04/28/2006	Praecipe For Entry of Appearance, filed. Kindly enter the appearance of John C. Conti Esq., and Lisa D. Dauer Esq., and the law firm of Dickie, McCamey & Chilcote P.C. on behalf of the Defendants in the above-captioned matter, filed by s/ Lisa D. Dauer Esq. No CC., copy yo C/A.	Fredric Joseph Ammerman
05/18/2006	Preliminary Objections to Plaintiffs' Complaint; Order of Court, filed (Brief not filed), filed by Atty. Kabbert no cert. copies.  Praecipe for Oral Argument on Preliminary Objections to Plaintiffs' Complaint, filed by Atty. Kabbert. no cert. copies.	Fredric Joseph Ammerman Fredric Joseph Ammerman
05/24/2006	Order, NOW, this 23rd day of May, 2006, Ordered that argument on Defendant's Preliminary Objections to Plaintiffs' Complaint has been scheduled for Mon. June 19, 2006 at 10:00 a.m. in Courtroom no. 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge 3CC Atty Klabbert	Fredric Joseph Ammerman
06/13/2006	Amended Complaint in Civil Action, filed by s/ Matthew B. Taladay Esq. No CC.	Fredric Joseph Ammerman

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2006-00443-CD	Cavalry Portfolio Services, Plaintiff Cavalry SPV, I, LLC Plaintiff Providian National Bank Plaintiff Timko, Michelle M. Defendant	05/30/2006	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$2,238.98 Judgment Amount	Open	05/30/2006
2006-00457-CD	Discover Bank Plaintiff Spencer, Betsy S. Defendant	05/30/2006	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$8,210.08 Judgment Amount	Open	05/30/2006
2006-00478-CD	Bankers Trust Company of Plaintiff Deutsche Bank National Tru Plaintiff Rittenhouse, James D. III Defendant Rittenhouse, Lisa A. Defendant	05/31/2006	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$25,771.57 Judgment Amount	Writ of Executio	05/31/2006
2006-00537-CD	Helsel, Richard A. Defendant Lezzer Holdings, Inc. Plaintiff	06/01/2006	Court Ordered In favor of: Plaintiff Judgment amount or comment: Court Order RE: 1972 Harley Davison Motorcycle	Open	06/01/2006
2006-00561-CD	Associates Consumer Disco Plaintiff Citifinancial Services, Inc. Plaintiff Corson, Darlene F. Defendant Corson, Thomas J. Defendant	06/01/2006	Default Judgment In favor of: Plaintiff Judgment amount or comment: 71,068.92	Open	06/01/2006
2006-00608-CD	Beneficial Consumer Discou Plaintiff Beneficial Mortgage Compa Plaintiff Sankey, Christopher D. Defendant	05/31/2006	Default Judgment In favor of: Plaintiff Judgment amount or comment: \$42,311.16	Open	05/31/2006
2006-00883-CD	Erin Capital Management, L Plaintiff Probeck, Alan Defendant	06/01/2006	DJ Transcript Judgme In favor of: Plaintiff Judgment amount or comment: 8013.50	Open	06/01/2006

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

HARVEY MURRAY and  
GENEVIEVE MURRAY,  
Plaintiffs

vs.

SUNG J. PARK, M.D., and  
RAJ CARDIOVASCULAR  
ASSOCIATION,  
Defendants

No. 06-84-CD

Type of Pleading:

**COMPLAINT IN A CIVIL  
ACTION**

Filed on Behalf of:

PLAINTIFFS

Counsel of Record for  
This Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Date: January 17, 2006

FILED *Min:03/01* *Att* *2cc Sheriff*  
*JAN 18 2006* *Att* *pd 85.00*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and  
GENEVIEVE MURRAY, his wife,  
Plaintiffs

vs.

SUNG J. PARK, M.D., and  
RAJ CARDIOVASCULAR  
ASSOCIATION,  
Defendants

No. \_\_\_\_\_, 2005, C.D.

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

HARVEY MURRAY and :  
GENEVIEVE MURRAY, his wife, :  
Plaintiffs :  
vs. :  
No. \_\_\_\_\_, 2005, C.D.  
SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants :  
.

**COMPLAINT**

AND NOW, comes the Plaintiffs, HARVEY MURRAY and  
GENEVIEVE, 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**

**Harvey Murray, Plaintiff**  
**vs.**  
**Sung J. Park, M.D., and**  
**RAJ Cardiovascular Association, Defendants.**

1. The Plaintiffs, HARVEY MURRAY and GENEVIEVE MURRAY, his wife, are adult individuals, who reside at 685 Lincoln Drive, DuBois, Clearfield County, Pennsylvania.
2. Defendant, SUNG J. PARK, M.D., is an adult individual, and at all times material hereto was a duly licensed and practicing physician specializing in cardiovascular surgery with professional offices located at Cardiovascular Surgical Institute, Suite 301, 423 North 21st Street,

Camp Hill, Cumberland County, Pennsylvania, 17011. Plaintiffs are asserting a professional liability claim against this Defendant.

3. The Defendant, RAJ CARDIOVASCULAR ASSOCIATION, is a Pennsylvania professional corporation, with an office and place of business at Suite 216, Shadyside Medical Building, 5200 Center Avenue, Pittsburgh, Pennsylvania, 15232. Plaintiffs are asserting a professional liability claim against this Defendant by its agent, servant or employee, Defendant, SUNG J. PARK, M.D.

4. At all times material hereto, Defendant, SUNG J. PARK, M.D., was the agent, servant or employee of Defendant, RAJ CARDIOVASCULAR ASSOCIATION, and at all times material hereto, was acting within the scope of his employment.

5. As a result of a stress test and a subsequent cardiac catheterization performed on Plaintiff, HARVEY MURRAY, at the DuBois Regional Medical Center, the Plaintiff, HARVEY MURRAY, underwent open heart bypass surgery at the DuBois Regional Medical Center on May 16, 2003, which was performed by Defendant, SUNG J. PARK, M.D.

6. The catheterization findings that resulted in the open heart bypass surgery performed on Plaintiff, HARVEY MURRAY on May 16, 2003, revealed an 80% ostial blockage of the left main coronary artery; a small non-dominant right coronary artery; the left anterior descending had a single large diagonal branch and the circumflex coronary artery was a dominant vessel with only minor irregularities.

7. The operative report of the open heart surgery performed by Defendant, SUNG J. PARK, M.D., states that Plaintiff, HARVEY MURRAY, underwent a two vessel bypass with the left internal mammary artery placed to the left anterior descending artery vessel and a saphenous vein graph placed to the obtuse marginal (a/k/a circumflex) artery.

8. On May 20, 2004, Plaintiff, HARVEY MURRAY, underwent an exercise treadmill stress test at the DuBois Regional Medical Center which revealed clinically positive with PVC's and EKG changes. As a result on or about May 26, 2004, Plaintiff, HARVEY MURRAY, underwent a second cardiac catherization at the DuBois Regional Medical Center the results of which revealed that the circumflex coronary system had not been bypassed in the original operation. Instead, the vein graph had been placed on the diagonal branch of the left anterior descending coronary artery and the left internal mammary artery had been placed on the left on the anterior descending vessel itself; the obtuse marginal branch of the circumflex artery was not bypassed.

9. The original post operative report prepared by Defendant, SUNG J. PARK, M.D., on the open heart bypass surgery which was performed on May 16, 2003, at the DuBois Regional Medical Center notes that the circumflex vessel was grafted which was not the case.

10. As a result of the results of said catheterization on June 4, 2004, Plaintiff, HARVEY MURRAY, underwent an angioplasty procedure on June 4, 2004, at the UPMC Presbyterian Hospital,

Pittsburgh, Pennsylvania, to unblock the blockages of the coronary arteries of Plaintiff, HARVEY MURRAY, as above described which had not been bypassed in the original surgery of May 16, 2003, which was performed by the Defendant, SUNG J. PARK, M.D., at the DuBois Regional Medical Center.

11. The carelessness, negligence and recklessness of the Defendant, SUNG J. PARK, M.D., as a servant, agent and employee of the Defendant, RAJ CARDIOVASCULAR ASSOCIATION, in rendering the aforesaid medical care to the Plaintiff, HARVEY J. MURRAY, includes but is not limited to the following:

- (a) Failing to render proper treatment and care to the Plaintiff;
- (b) Failing to perform proper surgical procedures and to utilize appropriate surgical methods and techniques and performing the open heart bypass surgery on the Plaintiff, HARVEY J. MURRAY;
- (c) In failing to bypass the blocked circumflex coronary system in the original operation of May 16, 2003;
- (d) In placing the vein graft on the diagonal branch of the left anterior descending coronary artery;
- (e) In failing to bypass the blocked obtuse marginal branch of the circumflex artery while noting in the post operative report that the circumflex vessel was grafted;
- (f) In failing to perform with the requisite degree of care in performing the bypass surgery upon Plaintiff, HARVEY MURRAY, on May 16, 2003;

(g) In failing to conform to the requisite standard of care under the circumstances in the performance of said surgery.

12. As a direct and proximate result of the Defendant's negligence as aforesaid, Plaintiff, HARVEY MURRAY, suffered severe physical and emotional pain, discomfort and significant and serious mental anguish which will probably continue in the future.

13. Plaintiff's injuries and pain and suffering, as well as the second catheterization and the angioplasty procedures were a direct and proximate result of the negligence, carelessness and recklessness of the Defendants and were not due to any act or inaction on the part of the Plaintiff, HARVEY MURRAY.

14. Prior to the cardiac catheterization which was performed on June 4, 2004, Plaintiff, HARVEY MURRAY, through the exercise of reasonable diligence could not have discovered the injuries and the negligence of the Defendants as above set forth.

15. As a direct and proximate cause of the negligence of the Defendants as aforesaid, the prognosis for an angioplasty procedure is not as good as the prognosis of an artery which has been bypassed due to the fact that an artery which has been subject to angioplasty is much more likely to clog or become obstructed than an artery that has been bypassed.

16. As a direct and proximate result of the Defendants' carelessness and negligence, has been required to undergo medical procedures and treatment as aforesaid for which he has incurred and

probably will continue to incur medical expenses for an indefinite time into the future.

17. As a direct and proximate result of the Defendants' negligence and carelessness, the Plaintiff, HARVEY MURRAY, will continue to suffer in the future from a compromised artery which was subject to angioplasty but should have been bypassed in the surgery which was performed on May 16, 2003.

18. As a direct and proximate result of the carelessness and negligence of the Defendants, the Plaintiff, HARVEY MURRAY, has been forced to spend large sums of money for medical care and treatment in the past and will be forced to continue to expend large sums of money for medical expenses and probably will continue to be forced to expend large sums of money for medical expenses and hospitalization expenses in the future.

19. As a direct and proximate result of the carelessness and negligence of the Defendants, the Plaintiff, HARVEY MURRAY, has in the past and will continue in the future to suffer severe mental anguish, humiliation and loss of life pleasures and has in the past and probably will continue in the future to suffer mental pain and anguish as well as physical pain and suffering, and which also will result in an inability to live a normal social life.

20. The amount in controversy is in excess of Twenty-five Thousand and 00/100 (\$25,000.00) Dollars.

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.

JURY TRIAL DEMANDED.

**COUNT II**

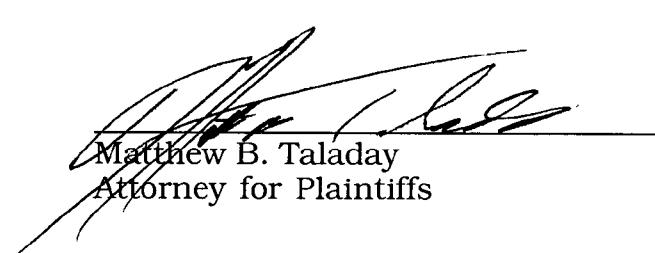
**Genevieve Murray, Plaintiff**  
**vs.**  
**Sung J. Park, M.D., and**  
**RAJ Cardiovascular Association, Defendants.**

21. Paragraphs 1 through 20 are incorporated herein by reference as though set forth more fully set forth at length.

22. As a result of the injuries to her husband, Plaintiff, GENEVIEVE MURRAY, has been deprived and probably will be deprived of her husband's aid, comfort, services and companionship all to her great detriment and loss.

WHEREFORE, Plaintiff, GENEVIEVE MURRAY demands judgment against the Defendants, SUNG J. PARK, M.D., and RAJ CARDIOVASCULAR ASSOCIATION, in an amount in excess of Twenty-five Thousand and 00/100 (\$25,000.00) Dollars.

JURY TRIAL DEMANDED.



Matthew B. Taladay  
Attorney for Plaintiffs

**VERIFICATION**

We, HARVEY MURRAY and GENEVIEVE MURRAY, 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.

Harvey Murray  
Harvey Murray

Genevieve Murray  
Genevieve Murray

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

HARVEY MURRAY and  
GENEVIEVE MURRAY,  
Plaintiffs

vs.

SUNG J. PARK, M.D., and  
RAJ CARDIOVASCULAR  
ASSOCIATION,  
Defendants

No. 06-84-c

Type of Pleading:

**CERTIFICATE OF  
MERIT**

Filed on Behalf of:

PLAINTIFFS

Counsel of Record for  
This Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Date: January 17, 2006

2cc  
FILED  
JAN 18 2006  
WMAS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and  
GENEVIEVE MURRAY, his wife,  
Plaintiffs

No. \_\_\_\_\_, 2005, C.D.

vs.

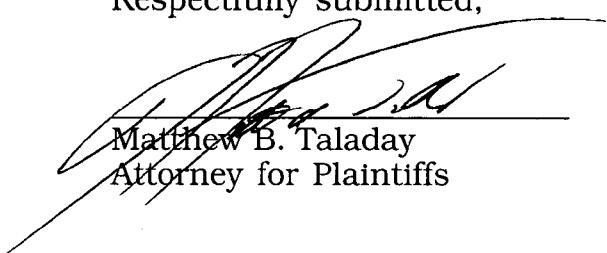
SUNG J. PARK, M.D., and  
RAJ CARDIOVASCULAR  
ASSOCIATION,  
Defendants

**CERTIFICATE OF MERIT**

MATTHEW B. TALADAY, 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 RAJ CARDIOVASCULAR ASSOCIATION, by its agent, servant or employee, SUNG J. PARK, 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 RAJ CARDIOVASCULAR ASSOCIATION is based on the fact that SUNG J. PARK, M.D., as the agent, servant or employee of RAJ CARDIOVASCULAR ASSOCIATION for whom RAJ CARDIOVASCULAR ASSOCIATION is responsible deviated from an acceptable professional standard and that such conduct was a cause in bringing about the harm.

Respectfully submitted,

  
Matthew B. Taladay  
Attorney for Plaintiffs

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

HARVEY MURRAY and  
GENEVIEVE MURRAY,  
Plaintiffs

vs.

SUNG J. PARK, M.D., and  
RAJ CARDIOVASCULAR  
ASSOCIATION,  
Defendants

No. 06-84-CD

Type of Pleading:

**CERTIFICATE OF  
MERIT**

Filed on Behalf of:

PLAINTIFFS

Counsel of Record for  
This Party:

Matthew B. Taladay, Esq.  
Supreme Court No. 49663  
Hanak, Guido and Taladay  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

814-371-7768

JURY TRIAL DEMANDED

Date: January 17, 2006

FILED 200  
M 11:03 AM JAN 18 2006  
JAN 18 2006  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and  
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Plaintiffs

vs.

SUNG J. PARK, M.D., and  
RAJ CARDIOVASCULAR  
ASSOCIATION,  
Defendants

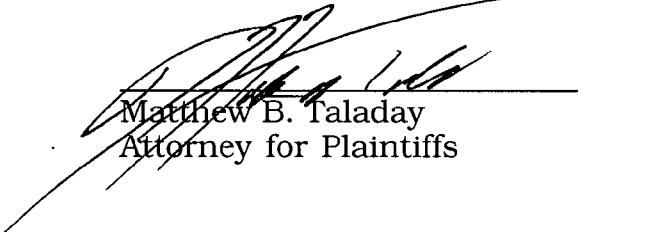
No. \_\_\_\_\_, 2005, C.D.

**CERTIFICATE OF MERIT**

MATTHEW B. TALADAY, 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, SUNG J. PARK, 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,

  
Matthew B. Taladay  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101174  
NO: 06-84-CD  
SERVICE # 1 OF 2  
COMPLAINT; CERTIFICATE OF MERIT

PLAINTIFF: HARVEY MURRAY and GENEVIEVE MURRAY

vs.

DEFENDANT: SUNG J. PARK, M.D. and RAJ CARDIOVASCULAR ASSOCIATION

**SHERIFF RETURN**

---

NOW, January 24, 2006, SHERIFF OF CUMBERLAND COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT; CERTIFICATE OF MERIT ON SUNG J. PARK, M.D..

NOW, January 27, 2006 AT 3:20 PM SERVED THE WITHIN COMPLAINT; CERTIFICATE OF MERIT ON SUNG J. PARK, M.D., DEFENDANT. THE RETURN OF CUMBERLAND COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

01/29/2006 NO CC  
WMA  
SMA  
N. Chester A. Sharpe  
Clearfield County Sheriff

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

DOCKET # 101174  
NO: 06-84-CD  
SERVICE # 2 OF 2  
COMPLAINT; CERTIFICATE OF MERIT

PLAINTIFF: HARVEY MURRAY and GENEVIEVE MURRAY

vs.

DEFENDANT: SUNG J. PARK, M.D. and RAJ CARDIOVASCULAR ASSOCIATION

**SHERIFF RETURN**

---

NOW, January 24, 2006, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT; CERTIFICATE OF MERIT ON RAJ CARDIOVASCULAR ASSOCIATION.

NOW, January 26, 2006 AT 2:52 PM SERVED THE WITHIN COMPLAINT; CERTIFICATE OF MERIT ON RAJ CARDIOVASCULAR ASSOCIATION, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101174  
NO: 06-84-CD  
SERVICES 2  
COMPLAINT; CERTIFICATE OF MERIT

PLAINTIFF: HARVEY MURRAY and GENEVIEVE MURRAY

vs.

DEFENDANT: SUNG J. PARK, M.D. and RAJ CARDIOVASCULAR ASSOCIATION

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	HANAK	14624	20.00
SHERIFF HAWKINS	HANAK	14624	48.00
CUMBERLAND CO.	HANAK	14625	33.21
ALLEGHENY CO.	HANAK	14626	50.00
SHEILA O'BRYON	HANAK	14627	5.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2006



Chester A. Hawkins  
Sheriff

## SHERIFF'S RETURN - REGULAR

101174

CASE NO: 2006-00055 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF CUMBERLANDMURRAY HARVEY ET AL

VS

PARK SUNG J M D ET AL

SHANNON SHERTZER, Sheriff or Deputy Sheriff of  
Cumberland County, Pennsylvania, who being duly sworn according to law,  
says, the within NOTICE was served upon

PARK SUNG J M D the

DEFENDANT, at 0015:20 HOURS, on the 27th day of January, 2006  
at CARDIOVASCULAR SURGICAL INST 423 N 21ST ST, SUITE 301

CAMP HILL, PA 17011 by handing to

ALLISON NOVINGER (SECRETARY)

a true and attested copy of NOTICE together with

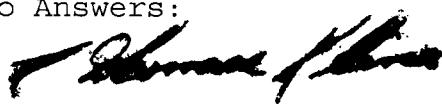
COMPLAINT

and at the same time directing His attention to the contents thereof.

## Sheriff's Costs:

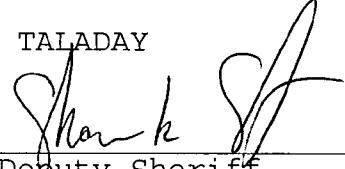
Docketing	18.00
Service	12.32
Affidavit	2.50
POSTAGE	.39
	.00
	33.21

## So Answers:

  
R. Thomas Kline01/30/2006  
HANAK, GUIDO & TALADAY

Sworn and Subscribed to before  
me this 1st day of

By:

  
Deputy Sheriff

February, 2006 A.D.  
Claudia Brewbaker

NOTARIAL SEAL  
CLAUDIA A. BREWBAKER NOTARY PUBLIC  
Carlisle Boro, Cumberland County  
My Commission Expires April 4, 2009

101174

## ALLEGHENY COUNTY SHERIFF'S DEPARTMENT

436 GRANT STREET  
 PITTSBURGH, PA 15219-2496  
 PHONE (412) 350-4700  
 FAX (412) 350-6388

115490

PETER R. DEFAZIO  
 Sheriff

DENNIS SKOSNIK  
 Chief Deputy

PLAINTIFF: Harvey & Genevieve Murray

VS.

DEFT.: Sung J. Park MDDEFT.: SERUS P.A.J. Cardiovascular Assoc.DEFT.: Suite 216 Shadyridge Medical BldgGARNIShee: 5200 Center AveADDRESS: P. Hsburgh PA 15272CASE#: 06-84-CDEXPIRES: 11-7-06 SUMMONS/PRAECIPE SEIZURE OR POSSESSION NOTICE AND COMPLAINT REVIVAL OR SCI FA INTERROGATORIES EXECUTION • LEVY OR GARNIShee OTHER car of meritMUNICIPALITY OR CITY WARD: \_\_\_\_\_ ATTY: Matthew TalarczykDATE: 20 ADDRESS: \_\_\_\_\_ATTY'S PHONE: 814-371-7768INDICATE TYPE OF SERVICE:  PERSONAL  PERSON IN CHARGE  DEPUTIZE  MAIL  POSTED  OTHER  LEVY  SEIZED & STORED

NOW: Jan 24 2006 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depose the Sheriff of Allegheny *certified* to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell all the personal property of the defendant on the premises located at: \_\_\_\_\_

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

## SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 26 day of Thurs. January, 20 06, at 2:52 o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania

I have served in the manner Described below: \_\_\_\_\_

Defendant(s) personally served.  
 Adult family member with whom said Defendant(s) reside(s). Name & Relationship \_\_\_\_\_  
 Adult in charge of Defendant's residence who refused to give name or relationship.  
 Manager/other person authorized to accept deliveries of United States Mail \_\_\_\_\_  
 Agent or person in charge of Defendant(s) office or usual place of business.

Alisa Williams - secretary

Other \_\_\_\_\_

Property Posted \_\_\_\_\_

Defendant not found because:  Moved  Unknown  No Answer  Vacant  Other \_\_\_\_\_

Certified Mail  Receipt \_\_\_\_\_  Envelope Returned \_\_\_\_\_  Neither receipt or envelope retuned: writ expired \_\_\_\_\_

Regular Mail Why \_\_\_\_\_

You are hereby notified that on \_\_\_\_\_, \_\_\_\_\_, levy was made in the case of \_\_\_\_\_  
 Possession/Sale has been set for \_\_\_\_\_, 20 \_\_\_\_\_ at \_\_\_\_\_ o'clock

**YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.**

ATTEMPTS \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Additional Costs Due \$ \_\_\_\_\_, This is  
 placed on writ when returned to Prothonotary. Please check  
 before satisfying case.

PETER R. DEFAZIO, Sheriff

BY: Sgt. James W. Sif (DEPUTY)

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal <u>Sheila R. O'Brien, Notary Public</u> <u>City of Pittsburgh, Allegheny County</u> <u>My Commission Expires June 19, 2003</u>	DISTRICT: <u>#3</u>
---	---------------------

White Copy - Sheriff

Pink Copy - Attorney

Notary



**Sheriff's Office  
Clearfield County**

CHESTER A. HAWKINS  
SHERIFF

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

**DEPUTATION**

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

PAGE 101174

TERM & NO. 06-84-CD

HARVEY MURRAY and GENEVIEVE MURRAY

COMPLAINT; CERTIFICATE OF MERIT

VS.

SUNG J. PARK, M.D. and RAJ CARDIOVASCULAR ASSOCIATION

**SERVE BY: 02/17/06**

**MAKE REFUND PAYABLE TO HANAK, GUIDO & TALADAY, ESQ.**

**SERVE:** SUNG J. PARK, M.D.

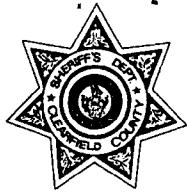
**ADDRESS:** Cardiovascular Surgical Institute, Suite 301, 423 North 21st St., CAMP HILL, PA 17011

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CUMBERLAND COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 24, 2006.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



# Sheriff's Office Clearfield County

CHESTER A. HAWKINS  
SHERIFF

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
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ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
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PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 101174

TERM & NO. 06-84-CD

HARVEY MURRAY and GENEVIEVE MURRAY

COMPLAINT; CERTIFICATE OF MERIT

VS.

SUNG J. PARK, M.D. and RAJ CARDIOVASCULAR ASSOCIATION

**SERVE BY: 02/17/06**

### MAKE REFUND PAYABLE TO HANAK, GUIDO & TALADAY, ESQ.

**SERVE:** RAJ CARDIOVASCULAR ASSOCIATION

**ADDRESS:** Suite 216, Shadyside Medical Bldg., 5200 Center Ave., PITTSBURGH, PA 15232

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 24, 2006.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE  
MURRAY,

Plaintiffs,

v.

SUNG J. PARK, M.D., and RAJ  
CARDIOVASCULAR ASSOCIATION,

Defendants.

CIVIL DIVISION

No. 06-84-CD

**PRAECIPE FOR ENTRY OF  
APPEARANCE**

Code:

Filed on behalf of Defendants,  
Sung J. Park, M.D., and RAJ Cardiovascular  
Association

Counsel of record for these parties:

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

**FILED**

APR 28 2006  
m/ 1:55/2  
William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C

COPY TO C/A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

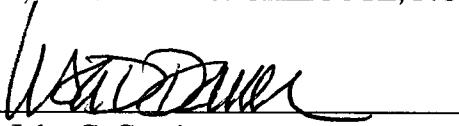
HARVEY MURRAY and GENEVIEVE	)	CIVIL DIVISION
MURRAY,	)	
	)	No. 06-84-CD
Plaintiffs,	)	
	)	
v.	)	
	)	
SUNG J. PARK, M.D., and RAJ	)	
CARDIOVASCULAR ASSOCIATION,	)	
	)	
Defendants.	)	

**PRAECIPE FOR ENTRY OF APPEARANCE**

TO: WILLIAM A. SHAW, SR., PROTHONOTARY

Kindly enter the Appearance of John C. Conti, Esquire, Lisa D. Dauer, Esquire, and the law firm of Dickie, McCamey & Chilcote, P.C., on behalf of the Defendants in the above-captioned matter.

DICKIE, MCCAMEY & CHILCOTE, P.C.

By 

John C. Conti

Lisa D. Dauer

Attorneys for Defendants,  
Sung J. Park, M.D., and RAJ Cardiovascular  
Association

**CERTIFICATE OF SERVICE**

I, John C. Conti, Esquire, hereby certify that true and correct copies of the foregoing Praeclipe for Entry of Appearance have been served this 21<sup>st</sup> day of April, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Matthew B. Taladay, Esquire  
HANAK, GUIDO and TALADAY  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(Counsel for Plaintiffs)

DICKIE, MCCAMEY & CHILCOTE, P.C.

By   
John C. Conti

Attorneys for Defendants,  
Sung J. Park, M.D., and RAJ Cardiovascular  
Association

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

HARVEY MURRAY and GENEVIEVE  
MURRAY,

Plaintiffs,

v.

SUNG J. PARK, M.D. and RAJ  
CARDIOVASCULAR ASSOCIATION,

Defendants.

CIVIL DIVISION

No. 06-84-CD

**PRELIMINARY OBJECTIONS TO  
PLAINTIFFS' COMPLAINT; BRIEF IN  
SUPPORT OF PRELIMINARY  
OBJECTIONS; ORDER OF COURT**

Filed on behalf of Defendants, Sung J. Park, M.D. and RAJ Cardiovascular Association

Counsel of record for these parties:

John C. Conti, Esquire  
PA I.D. # 28071Lisa D. Dauer, Esquire  
PA I.D. # 63274Richard J. Kabbert, Esquire  
PA I.D. #85521DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

TO: Plaintiffs

You are hereby notified to file a written response to the enclosed Preliminary Objections within twenty (20) days from the date of service hereof or a judgment may be entered against you.

By Richard J. Kabbert

Richard J. Kabbert

**JURY TRIAL DEMANDED****FILED**MAY 18 2006  
12:15 PMWilliam A. Shaw  
Prothonotary/Clerk of Courts  
W.A.S.

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

HARVEY MURRAY and GENEVIEVE	)	CIVIL DIVISION
MURRAY,	)	
	)	No. 06-84-CD
Plaintiffs,	)	
	)	
V.	)	
	)	
SUNG J. PARK, M.D. and RAJ	)	
CARDIOVASCULAR ASSOCIATION,	)	
	)	
Defendants.	)	

**PRELIMINARY OBJECTIONS TO PLAINTIFFS' COMPLAINT**

AND NOW, come the defendants, Sung J. Park, M.D. and RAJ  
Cardiovascular Association, by and through their attorneys, Dickie, McCamey &  
Chilcote, P.C., John C. Conti, Esquire, Lisa D. Dauer, Esquire, and Richard J. Kabbert,  
Esquire, and file the within Preliminary Objections to Plaintiffs' Complaint:

**MOTION TO STRIKE OR, IN THE ALTERNATIVE, MOTION FOR A MORE SPECIFIC  
PLEADING**

1. Plaintiffs commenced this action in the Court of Common Pleas of  
Clearfield County alleging that the defendants were negligent in the performance of  
bypass surgery upon the plaintiff-husband on May 16, 2003.

2. In Paragraph 11 of the Complaint, plaintiffs set forth allegations of  
negligence directed to the defendants.

3. In Paragraph 11, Subparagraph (a) of the Complaint, plaintiffs allege that  
the defendants were negligent as follows:

[In f]ailing to render proper treatment and care  
to the Plaintiff;

4. In Paragraph 11, Subparagraph (f) of the Complaint, plaintiffs allege that the defendants were negligent as follows:

In failing to perform with the requisite degree of care in performing the bypass surgery upon Plaintiff, HARVEY MURRAY, on May 16, 2003;

5. In Paragraph 11, Subparagraph (g) of the Complaint, plaintiffs allege that the defendants were negligent as follows:

In failing to conform to the requisite standard of care under the circumstances in the performance of said surgery.

6. The allegations set forth in Paragraph 11, Subparagraphs (a), (f) and (g) of the Complaint are conclusory allegations which are lacking in material facts and are contrary to Pa.R.Civ.P. 1019(a) and the case law of the Commonwealth of Pennsylvania. These allegations fail to apprise the defendants of the nature of the claims being asserted against them and thus should be stricken or required to be more specifically plead.

WHEREFORE, the defendants, Sung J. Park, M.D. and RAJ Cardiovascular Association, respectfully request that this Honorable Court enter an Order striking Paragraph 11, Subparagraphs (a), (f) and (g) of the Complaint or, in the alternative, requiring plaintiffs to more specifically plead these allegations.

DICKIE, McCAMEY & CHILCOTE, P.C.

By:   
John C. Conti  
Lisa D. Dauer  
Richard J. Kabbert

Attorneys for Defendants,  
Sung J. Park, M.D. and RAJ  
Cardiovascular Association

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE ) CIVIL DIVISION  
MURRAY, )  
 ) No. 06-84-CD  
Plaintiffs, )  
 )  
v. )  
 )  
SUNG J. PARK, M.D. and RAJ )  
CARDIOVASCULAR ASSOCIATION, )  
 )  
Defendants. )

**ORDER OF COURT**

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon  
consideration of the Preliminary Objections filed on behalf of Sung J. Park, M.D. and  
RAJ Cardiovascular Association, it is hereby ORDERED, ADJUDGED AND DECREED  
that the Preliminary Objections are GRANTED and that Paragraph 11, Subparagraphs  
(a), (f) and (g) of the Complaint are stricken or, in the alternative, to be more specifically  
pled.

BY THE COURT:

\_\_\_\_\_  
J.

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

HARVEY MURRAY and GENEVIEVE  
MURRAY,

Plaintiffs,

v.

SUNG J. PARK, M.D. and RAJ  
CARDIOVASCULAR ASSOCIATION,

Defendants.

CIVIL DIVISION

No. 06-84-CD

**PRAECIPE FOR ORAL ARGUMENT ON  
PRELIMINARY OBJECTIONS TO  
PLAINTIFFS' COMPLAINT**Filed on behalf of Defendants, Sung J.  
Park, M.D. and RAJ Cardiovascular  
Association

Counsel of record for these parties:

John C. Conti, Esquire  
PA I.D. # 28071Lisa D. Dauer, Esquire  
PA I.D. # 63274Richard J. Kabbert, Esquire  
PA I.D. #85521DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**William A. Shaw  
Prothonotary/Clerk of Courts  
MAY 18 2006  
12:15 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
N.C. 4/2Prothonotary/Clerk of Courts  
William A. ShawMAY 18 2006  
FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE	)	CIVIL DIVISION
MURRAY,	)	
	)	No. 06-84-CD
Plaintiffs,	)	
	)	
v.	)	
	)	
SUNG J. PARK, M.D. and RAJ	)	
CARDIOVASCULAR ASSOCIATION,	)	
	)	
Defendants.	)	

**PRAECIPE FOR ORAL ARGUMENT ON PRELIMINARY OBJECTIONS TO**  
**PLAINTIFFS' COMPLAINT**

To: Court Administrator

Kindly schedule the Preliminary Objections to Plaintiffs' Complaint filed on behalf of Sung J. Park, M.D. and RAJ Cardiovascular Association for oral argument.

DICKIE, McCAMEY & CHILCOTE, P.C.

By:



John C. Conti

Lisa D. Dauer

Richard J. Kabbert

Attorneys for Defendants,  
Sung J. Park, M.D. and RAJ  
Cardiovascular Association

**CERTIFICATE OF SERVICE**

I, Richard J. Kabbert, Esquire, hereby certify that a true and correct copy of the foregoing Praeclipe for Oral Argument on Preliminary Objections to Plaintiffs' Complaint has been served this 16<sup>TH</sup> day of May, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Matthew B. Taladay, Esquire  
HANAK, GUIDO and TALADAY  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801

(Counsel for Plaintiffs)

DICKIE, McCAMEY & CHILCOTE, P.C.

By: Richard J. Kabbert  
Richard J. Kabbert

Attorneys for Defendants,  
Sung J. Park, M.D. and RAJ  
Cardiovascular Association

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

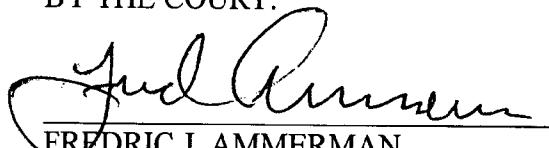
HARVEY MURRAY and GENEVIEVE:  
MURRAY, :  
: vs. : No. 06-84-CD  
: :  
SUNG J. PARK, M.D. and RAJ  
CARDIOVASCULAR ASSOCIATION :

**ORDER**

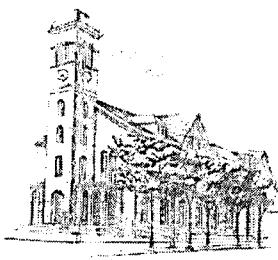
AND NOW, this 23 day of May, 2006, it is the ORDER of the Court that argument on Defendant's Preliminary Objections to Plaintiffs' Complaint in the above-captioned matter has been scheduled for Monday, June 19, 2006 at 10:00 A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA. One half (1/2 ) hour has been allotted for purpose of this hearing.

It is the responsibility of Defendants Counsel to serve certified copies of said Petition and scheduling Order on the Plaintiff.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

FILED 300  
03:47 PM  
MAY 24 2006  
Atty Klabber  
GJ  
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: 5/24/06

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

HARVEY MURRAY and :  
GENEVIEVE MURRAY, :  
Plaintiffs : No. 06-84-CD  
vs. : Type of Pleading:  
SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants : Filed on Behalf of:  
: PLAINTIFFS  
: Counsel of Record for  
: This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 498 Jeffers Street  
: P.O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

JURY TRIAL DEMANDED

Date: June 12, 2006

FILED  
MAY 10 2006  
JUN 13 2006  
NOCC  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and :  
GENEVIEVE MURRAY, his wife, :  
Plaintiffs :  
: No. 06-84-CD  
vs. :  
: SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
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

HARVEY MURRAY and	:	
GENEVIEVE MURRAY, his wife,	:	
Plaintiffs	:	
	:	No. 06-84-CD
vs.	:	
	:	
SUNG J. PARK, M.D., and	:	
RAJ CARDIOVASCULAR	:	
ASSOCIATION,	:	
Defendants	:	

**AMENDED COMPLAINT**

AND NOW, comes the Plaintiffs, HARVEY MURRAY and GENEVIEVE, 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**

**Harvey Murray, Plaintiff**  
**vs.**  
**Sung J. Park, M.D., and**  
**RAJ Cardiovascular Association, Defendants.**

1. The Plaintiffs, HARVEY MURRAY and GENEVIEVE MURRAY, his wife, are adult individuals, who reside at 685 Lincoln Drive, DuBois, Clearfield County, Pennsylvania.
2. Defendant, SUNG J. PARK, M.D., is an adult individual, and at all times material hereto was a duly licensed and practicing physician specializing in cardiovascular surgery with professional offices located at Cardiovascular Surgical Institute, Suite 301, 423 North 21st Street,

Camp Hill, Cumberland County, Pennsylvania, 17011. Plaintiffs are asserting a professional liability claim against this Defendant.

3. The Defendant, RAJ CARDIOVASCULAR ASSOCIATION, is a Pennsylvania professional corporation, with an office and place of business at Suite 216, Shadyside Medical Building, 5200 Center Avenue, Pittsburgh, Pennsylvania, 15232. Plaintiffs are asserting a professional liability claim against this Defendant by its agent, servant or employee, Defendant, SUNG J. PARK, M.D.

4. At all times material hereto, Defendant, SUNG J. PARK, M.D., was the agent, servant or employee of Defendant, RAJ CARDIOVASCULAR ASSOCIATION, and at all times material hereto, was acting within the scope of his employment.

5. As a result of a stress test and a subsequent cardiac catheterization performed on Plaintiff, HARVEY MURRAY, at the DuBois Regional Medical Center, the Plaintiff, HARVEY MURRAY, underwent open heart bypass surgery at the DuBois Regional Medical Center on May 16, 2003, which was performed by Defendant, SUNG J. PARK, M.D.

6. The catheterization findings that resulted in the open heart bypass surgery performed on Plaintiff, HARVEY MURRAY on May 16, 2003, revealed an 80% ostial blockage of the left main coronary artery; a small non-dominant right coronary artery; the left anterior descending had a single large diagonal branch and the circumflex coronary artery was a dominant vessel with only minor irregularities.

7. The operative report of the open heart surgery performed by Defendant, SUNG J. PARK, M.D., states that Plaintiff, HARVEY MURRAY,

underwent a two vessel bypass with the left internal mammary artery placed to the left anterior descending artery vessel and a saphenous vein graph placed to the obtuse marginal (a/k/a circumflex) artery.

8. On May 20, 2004, Plaintiff, HARVEY MURRAY, underwent an exercise treadmill stress test at the DuBois Regional Medical Center which revealed clinically positive with PVC's and EKG changes. As a result on or about May 26, 2004, Plaintiff, HARVEY MURRAY, underwent a second cardiac catherization at the DuBois Regional Medical Center the results of which revealed that the circumflex coronary system had not been bypassed in the original operation. Instead, the vein graph had been placed on the diagonal branch of the left anterior descending coronary artery and the left internal mammary artery had been placed on the left on the anterior descending vessel itself; the obtuse marginal branch of the circumflex artery was not bypassed.

9. The original post operative report prepared by Defendant, SUNG J. PARK, M.D., on the open heart bypass surgery which was performed on May 16, 2003, at the DuBois Regional Medical Center notes that the circumflex vessel was grafted which was not the case.

10. As a result of the results of said catherization on June 4, 2004, Plaintiff, HARVEY MURRAY, underwent an angioplasty procedure on June 4, 2004, at the UPMC Presbyterian Hospital, Pittsburgh, Pennsylvania, to unblock the blockages of the coronary arteries of Plaintiff, HARVEY MURRAY, as above described which had not been bypassed in the original surgery of May 16, 2003, which was performed

by the Defendant, SUNG J. PARK, M.D., at the DuBois Regional Medical Center.

11. The carelessness, negligence and recklessness of the Defendant, SUNG J. PARK, M.D., as a servant, agent and employee of the Defendant, RAJ CARDIOVASCULAR ASSOCIATION, in rendering the aforesaid medical care to the Plaintiff, HARVEY J. MURRAY, includes but is not limited to the following:

- (a) In failing to properly locate, identify and bypass the blocked circumflex artery;
- (b) In failing to perform proper surgical procedures and to utilize appropriate surgical methods and techniques and performing the open heart bypass surgery on the Plaintiff, HARVEY J. MURRAY;
- (c) In failing to bypass the blocked circumflex coronary system in the original operation of May 16, 2003;
- (d) In placing the vein graft on the diagonal branch of the left anterior descending coronary artery;
- (e) In failing to bypass the blocked obtuse marginal branch of the circumflex artery while noting in the post operative report that the circumflex vessel was grafted;
- (f) In failing to indicate in his operative notes that the circumflex artery had not been grafted or bypassed;

(g) In failing to exercise the exercise prerequisite level of care and attention to locating, identifying and bypassing the blocked circumflex vessel.

12. As a direct and proximate result of the Defendant's negligence as aforesaid, Plaintiff, HARVEY MURRAY, suffered severe physical and emotional pain, discomfort and significant and serious mental anguish which will probably continue in the future.

13. Plaintiff's injuries and pain and suffering, as well as the second catheterization and the angioplasty procedures were a direct and proximate result of the negligence, carelessness and recklessness of the Defendants and were not due to any act or inaction on the part of the Plaintiff, HARVEY MURRAY.

14. Prior to the cardiac catheterization which was performed on June 4, 2004, Plaintiff, HARVEY MURRAY, through the exercise of reasonable diligence could not have discovered the injuries and the negligence of the Defendants as above set forth.

15. As a direct and proximate cause of the negligence of the Defendants as aforesaid, the prognosis for an angioplasty procedure is not as good as the prognosis of an artery which has been bypassed due to the fact that an artery which has been subject to angioplasty is much more likely to clog or become obstructed than an artery that has been bypassed.

16. As a direct and proximate result of the Defendants' carelessness and negligence, has been required to undergo medical procedures and treatment as aforesaid for which he has incurred and

probably will continue to incur medical expenses for an indefinite time into the future.

17. As a direct and proximate result of the Defendants' negligence and carelessness, the Plaintiff, HARVEY MURRAY, will continue to suffer in the future from a compromised artery which was subject to angioplasty but should have been bypassed in the surgery which was performed on May 16, 2003.

18. As a direct and proximate result of the carelessness and negligence of the Defendants, the Plaintiff, HARVEY MURRAY, has been forced to spend large sums of money for medical care and treatment in the past and will be forced to continue to expend large sums of money for medical expenses and probably will continue to be forced to expend large sums of money for medical expenses and hospitalization expenses in the future.

19. As a direct and proximate result of the carelessness and negligence of the Defendants, the Plaintiff, HARVEY MURRAY, has in the past and will continue in the future to suffer severe mental anguish, humiliation and loss of life pleasures and has in the past and probably will continue in the future to suffer mental pain and anguish as well as physical pain and suffering, and which also will result in an inability to live a normal social life.

20. The amount in controversy is in excess of Twenty-five Thousand and 00/100 (\$25,000.00) Dollars.

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.

JURY TRIAL DEMANDED.

**COUNT II**

**Genevieve Murray, Plaintiff**  
**vs.**  
**Sung J. Park, M.D., and**  
**RAJ Cardiovascular Association, Defendants.**

21. Paragraphs 1 through 20 are incorporated herein by reference as though set forth more fully set forth at length.

22. As a result of the injuries to her husband, Plaintiff, GENEVIEVE MURRAY, has been deprived and probably will be deprived of her husband's aid, comfort, services and companionship all to her great detriment and loss.

WHEREFORE, Plaintiff, GENEVIEVE MURRAY demands judgment against the Defendants, SUNG J. PARK, M.D., and RAJ CARDIOVASCULAR ASSOCIATION, in an amount in excess of Twenty-five Thousand and 00/100 (\$25,000.00) Dollars.

JURY TRIAL DEMANDED.

HANAK, GUIDO and TALADAY

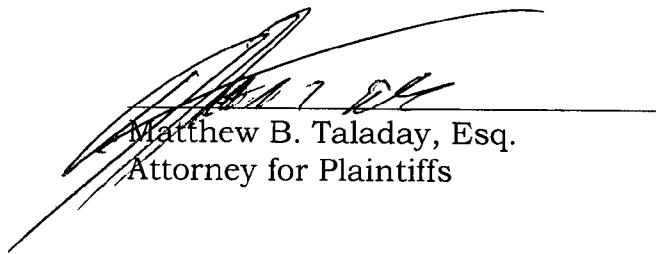
By

Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

**VERIFICATION**

I, Matthew B. Taladay, hereby verify that the statements contained in the foregoing AMENDED COMPLAINT are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of Plaintiffs because of my position as counsel of record.

June 12, 2006



Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

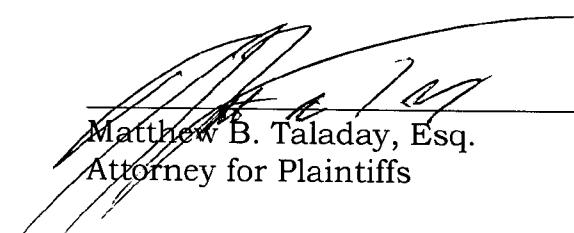
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and :  
GENEVIEVE MURRAY, his wife, :  
Plaintiffs :  
: No. 06-84-CD  
vs. :  
:   
SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants :  
:

CERTIFICATE OF SERVICE

I certify that on the 12<sup>th</sup> day of June, 2006, a copy of the foregoing AMENDED COMPLAINT was sent via first class mail, postage prepaid, to the following:

Richard J. Kabbert, Esq.  
Attorney for Defendants  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

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

HARVEY MURRAY and GENEVIEVE  
MURRAY,

Plaintiffs,

v.

SUNG J. PARK, M.D., and RAJ  
CARDIOVASCULAR ASSOCIATION,

Defendants.

CIVIL DIVISION

No. 06-84-CD

**MOTION TO DISCONTINUE ARGUMENT  
ON PRELIMINARY OBJECTIONS**

Code:

Filed on behalf of Defendants,  
Sung J. Park, M.D., and RAJ  
Cardiovascular Association

Counsel of record for these parties:

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

**FILED**

JUN 19 2006

mf 12:05 (w)

William A. Shaw

Prothonotary/Clerk of Courts

m. 9/

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE	)	CIVIL DIVISION
MURRAY,	)	
	)	No. 06-84-CD
Plaintiffs,	)	
	)	
V.	)	
	)	
SUNG J. PARK, M.D., and RAJ	)	
CARDIOVASCULAR ASSOCIATION,	)	
	)	
Defendants.	)	

**MOTION TO DISCONTINUE ARGUMENT ON PRELIMINARY OBJECTIONS**

AND NOW come the defendants, Sung J. Park, M.D., and RAJ Cardiovascular Association, by and through their attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and hereby file the within Motion to Discontinue Argument on Preliminary Objections:

1. A Complaint was filed in the within action on January 18, 2006.
2. These defendants filed Preliminary Objections to Plaintiffs' Complaint on May 16, 2006. Argument was scheduled on the Preliminary Objections before this Honorable Court on Monday, June 19, 2006, at 10:00 a.m.
3. On June 12, 2006, plaintiffs filed an Amended Complaint satisfactorily addressing the Preliminary Objections filed by these defendants.

WHEREFORE, the defendants respectfully request that this Honorable Court enter an Order discontinuing the Preliminary Objections scheduled on June 19, 2006, in the within matter.

DICKIE, MCCAMEY & CHILCOTE, P.C.

By   
John C. Conti  
Lisa D. Dauer

Attorneys for Defendants,  
Sung J. Park, M.D., and RAJ  
Cardiovascular Association

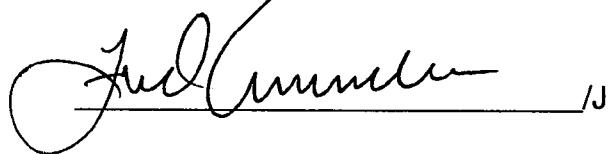
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE ) CIVIL DIVISION  
MURRAY, )  
 ) No. 06-84-CD  
Plaintiffs, )  
 )  
V. )  
 )  
SUNG J. PARK, M.D., and RAJ )  
CARDIOVASCULAR ASSOCIATION, )  
 )  
Defendants. )

**ORDER OF COURT**

AND NOW, this 19 day of June, 2006, upon consideration of the within Motion to Discontinue Argument on Preliminary Objections, it is hereby ORDERED, ADJUDGED and DECREED that the Motion is GRANTED and that the argument on the Preliminary Objections scheduled for Monday, June 19, 2006, at 10:00 a.m. is hereby discontinued.

BY THE COURT:



J. Murray /J

FILED  
06-22-06  
JUN 20 2006  
Sauer

William A. Shaw  
Prothonotary/Clerk of Courts

**CERTIFICATE OF SERVICE**

I, Lisa D. Dauer, Esquire, hereby certify that true and correct copies of the foregoing Motion to Discontinue Argument on Preliminary Objections have been served this 16<sup>th</sup> day of June, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Matthew B. Taladay, Esquire  
HANAK, GUIDO and TALADAY  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(Counsel for Plaintiffs)

DICKIE, MCCAMEY & CHILCOTE, P.C.

By   
Lisa D. Dauer

Attorneys for Defendants,  
Sung J. Park, M.D., and RAJ  
Cardiovascular Association

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE  
MURRAY,

Plaintiffs,

v.

SUNG J. PARK, M.D., and RAJ  
CARDIOVASCULAR ASSOCIATION,

Defendants.

CIVIL DIVISION

No. 06-84-CD

**ANSWER AND NEW MATTER TO  
PLAINTIFFS' AMENDED COMPLAINT**

Code:

Filed on behalf of Defendant,  
RAJ Cardiovascular Association

Counsel of record for this party:

**NOTICE TO PLEAD**

TO: Plaintiffs

You are hereby notified to file a  
written response to the enclosed New  
Matter within twenty (20) days from the date  
of service hereof or a judgment may be  
entered against you.

By

  
Lisa D. Dauer

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED  
MAY 30 2006  
JUN 29 2006  
NO CC  
2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

HARVEY MURRAY and GENEVIEVE	)	CIVIL DIVISION
MURRAY,	)	
	)	No. 06-84-CD
Plaintiffs,	)	
	)	
v.	)	
	)	
SUNG J. PARK, M.D., and RAJ	)	
CARDIOVASCULAR ASSOCIATION,	)	
	)	
Defendants.	)	

**ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

AND NOW comes one of the defendants, RAJ Cardiovascular Association, by and through its attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and files the within Answer to Plaintiffs' Amended Complaint, and in support thereof avers as follows:

**COUNT I**  
**HARVEY MURRAY, PLAINTIFF v. SUNG J. PARK, M.D.**  
**AND RAJ CARDIOVASCULAR ASSOCIATION, DEFENDANTS**

1. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.
2. The allegations set forth in Paragraph 2 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.
3. The allegations set forth in Paragraph 3 of the Amended Complaint are admitted.

4. The allegations set forth in Paragraph 4 of the Amended Complaint are denied as stated. It is averred that, at all times relevant hereto, Dr. Park was an employee of RAJ Cardiovascular Association. It is denied that, at any time relevant hereto, Dr. Park was the alleged agent of RAJ Cardiovascular Association. On the contrary, it is averred that, with regard to patient care and treatment, Dr. Park was an independent medical practitioner.

5. The allegations set forth in Paragraph 5 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

6. The allegations set forth in Paragraph 6 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

7. The allegations set forth in Paragraph 7 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

8. The allegations set forth in Paragraph 8 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

9. The allegations set forth in Paragraph 9 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

10. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 10 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

11. The allegations set forth in Paragraph 11 and the subparagraphs thereunder of the Amended Complaint directed to this defendant are denied. Insofar as this paragraph alleges that Dr. Park was the alleged agent, servant and employee of this defendant, these allegations are denied. On the contrary, it is averred that, at all times relevant hereto, Dr. Park was an employee of RAJ Cardiovascular Association. It is denied that, at any time relevant hereto, Dr. Park was the alleged agent of this defendant. On the contrary, it is averred that, with regard to patient care and treatment, Dr. Park was an independent medical practitioner.

12. The allegations of negligence directed to this defendant in Paragraph 12 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

13. The allegations of negligence, carelessness and recklessness directed to this defendant in Paragraph 13 of the Amended Complaint are denied. With regard to

the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

14. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

15. The allegations of negligence, carelessness and recklessness directed to this defendant in Paragraph 15 of the Amended Complaint are denied. The remaining allegations in this paragraph constitute medical opinions which are more appropriately the subject of medical expert testimony at the time of trial.

16. The allegations of negligence and carelessness directed to this defendant in Paragraph 16 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

17. The allegations of negligence and carelessness directed to this defendant in Paragraph 17 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

18. The allegations of negligence and carelessness directed to this defendant in Paragraph 18 of the Amended Complaint are denied. With regard to the damage

contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

19. The allegations of negligence and carelessness directed to this defendant in Paragraph 19 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

20. The allegations set forth in Paragraph 20 of the Amended Complaint consist of conclusions of law to which no response is required by this defendant.

WHEREFORE, the defendant, RAJ Cardiovascular Association, denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED**

**COUNT II**  
**GENEVIEVE MURRAY, PLAINTIFF v. SUNG J. PARK, M.D.**  
**AND RAJ CARDIOVASCULAR ASSOCIATION, DEFENDANTS**

21. Paragraph 21 of the Amended Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 20 of that pleading. In response thereto, this defendant incorporates by reference its responses to Paragraphs 1 through 20 of the Amended Complaint as if the same were more fully set forth at length herein.

22. After reasonable investigation, this defendant can neither admit nor deny the damage contentions set forth in Paragraph 22 of the Amended Complaint. Hence, strict proof thereof will be demanded at the time of trial.

WHEREFORE, the defendant, RAJ Cardiovascular Association, denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED**

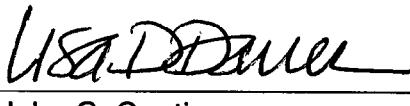
**NEW MATTER**

23. Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations.

WHEREFORE, the defendant, RAJ Cardiovascular Association, denies any and all liability to plaintiffs and demands that judgment be entered in its favor and against plaintiffs.

**JURY TRIAL DEMANDED**

DICKIE, MCCAMEY & CHILCOTE, P.C.

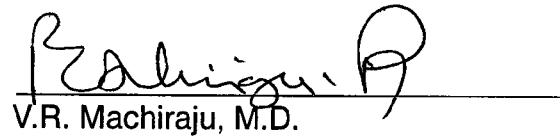
By   
John C. Conti  
Lisa D. Dauer

Attorneys for Defendant,  
RAJ Cardiovascular Association

**VERIFICATION**

I, V.R. Machiraju, M.D., of RAJ Cardiovascular Association, have read the foregoing Answer and New Matter to Plaintiffs' Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

  
\_\_\_\_\_  
V.R. Machiraju, M.D.

DATED 6/22/06

[MURRAY]

**CERTIFICATE OF SERVICE**

I, Lisa D. Dauer, Esquire, hereby certify that true and correct copies of the foregoing Answer and New Matter to Plaintiffs' Amended Complaint have been served this 20 day of June, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Matthew B. Taladay, Esquire  
HANAK, GUIDO and TALADAY  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(Counsel for Plaintiffs)

DICKIE, MCCAMEY & CHILCOTE, P.C.

By Lisa D. Dauer  
Lisa D. Dauer

Attorneys for Defendant,  
RAJ Cardiovascular Association

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

HARVEY MURRAY and :  
GENEVIEVE MURRAY, :  
Plaintiffs : No. 06-84-CD  
vs. : Type of Pleading:  
SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants : Filed on Behalf of:  
: PLAINTIFFS  
: Counsel of Record for  
: This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 498 Jeffers Street  
: P.O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

JURY TRIAL DEMANDED

Date: July 3, 2006

FILED NO  
JUL 10 2006  
JUL 05 2006  
2006

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and :  
GENEVIEVE MURRAY, his wife, :  
Plaintiffs :  
: No. 06-84-CD  
vs. :  
: SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants :  
:

**REPLY TO NEW MATTER**

AND NOW, comes the Plaintiffs, HARVEY MURRAY and  
GENEVIEVE, husband and wife, by and through their attorneys, HANAK,  
GUIDO AND TALADAY, and hereby respond to Defendants' New Matter  
as follows:

23. The allegations set forth in paragraph 23 of Defendants' New  
Matter constitute a conclusion of law to which no response is required.  
To the extent that a response may be required, Defendants' deny that  
their claims are in any way barred or limited by the applicable statute of  
limitations.

WHEREFORE, Plaintiffs demand judgment in their favor.

HANAK, GUIDO and TALADAY

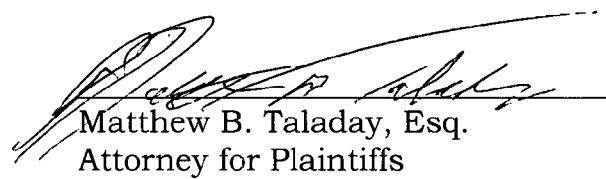
By

Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

**VERIFICATION**

I, Matthew B. Taladay, hereby verify that the statements contained in the foregoing REPLY TO NEW MATTER are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of Plaintiffs because of my position as counsel of record.

July 3, 2006



Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

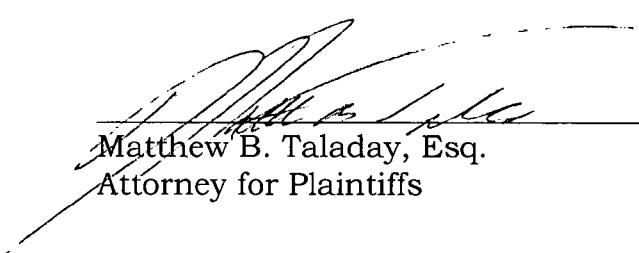
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and :  
GENEVIEVE MURRAY, his wife, :  
Plaintiffs :  
: No. 06-84-CD  
vs. :  
:   
SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants :  
:

CERTIFICATE OF SERVICE

I certify that on the 2nd day of July, 2006, a copy of the  
foregoing REPLY TO NEW MATTER was sent via first class mail, postage  
prepaid, to the following:

Richard J. Kabbert, Esq.  
Attorney for Defendants  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE  
MURRAY,

Plaintiffs,

v.

SUNG J. PARK, M.D., and RAJ  
CARDIOVASCULAR ASSOCIATION,

Defendants.

CIVIL DIVISION

No. 06-84-CD

**ANSWER AND NEW MATTER TO  
PLAINTIFFS' AMENDED COMPLAINT**

Code:

Filed on behalf of Defendant,  
Sung J. Park, M.D.

Counsel of record for this party:

**NOTICE TO PLEAD**

TO: Plaintiffs

You are hereby notified to file a  
written response to the enclosed New  
Matter within twenty (20) days from the date  
of service hereof or a judgment may be  
entered against you.

By



Lisa D. Dauer

John C. Conti, Esquire  
PA I.D. # 28071

Lisa D. Dauer, Esquire  
PA I.D. # 63274

DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

FILED  
01:54 AM  
JUL 12 2006  
NO CC  
LAW

William A. Shaw  
Prothonotary/Clerk of Courts

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

HARVEY MURRAY and GENEVIEVE	)	CIVIL DIVISION
MURRAY,	)	
	)	No. 06-84-CD
Plaintiffs,	)	
	)	
v.	)	
	)	
SUNG J. PARK, M.D., and RAJ	)	
CARDIOVASCULAR ASSOCIATION,	)	
	)	
Defendants.	)	

**ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

AND NOW comes one of the defendants, Sung J. Park, M.D., by and through his attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and files the within Answer to Plaintiffs' Amended Complaint, and in support thereof avers as follows:

**COUNT I**  
**HARVEY MURRAY, PLAINTIFF v. SUNG J. PARK, M.D.**  
**AND RAJ CARDIOVASCULAR ASSOCIATION, DEFENDANTS**

1. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.
2. The allegations set forth in Paragraph 2 of the Amended Complaint are admitted.
3. The allegations set forth in Paragraph 3 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

4. The allegations set forth in Paragraph 4 of the Amended Complaint are directed to another defendant and thus require no response from this defendant.

5. The allegations set forth in Paragraph 5 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

6. The allegations set forth in Paragraph 6 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

7. The allegations set forth in Paragraph 7 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

8. The allegations set forth in Paragraph 8 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

9. The allegations set forth in Paragraph 9 of the Amended Complaint are denied as stated. The particulars of the care and treatment provided to the husband-plaintiff are set forth in the medical records. Pursuant to Pa.R.Civ.P. 1029(e), all other allegations of fact set forth in this paragraph are generally denied.

10. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 10 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

11. The allegations set forth in Paragraph 11 and the subparagraphs thereunder of the Amended Complaint directed to this defendant are denied.

12. The allegations of negligence directed to this defendant in Paragraph 12 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

13. The allegations of negligence, carelessness and recklessness directed to this defendant in Paragraph 13 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

14. After reasonable investigation, this defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 of the Amended Complaint, the same being denied and strict proof thereof will be demanded at the time of trial.

15. The allegations of negligence, carelessness and recklessness directed to this defendant in Paragraph 15 of the Amended Complaint are denied. The remaining

allegations in this paragraph constitute medical opinions which are more appropriately the subject of medical expert testimony at the time of trial.

16. The allegations of negligence and carelessness directed to this defendant in Paragraph 16 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

17. The allegations of negligence and carelessness directed to this defendant in Paragraph 17 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

18. The allegations of negligence and carelessness directed to this defendant in Paragraph 18 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

19. The allegations of negligence and carelessness directed to this defendant in Paragraph 19 of the Amended Complaint are denied. With regard to the damage contentions set forth in this paragraph, after reasonable investigation, this defendant can neither admit nor deny these damage contentions. Hence, strict proof thereof will be demanded at the time of trial.

20. The allegations set forth in Paragraph 20 of the Amended Complaint consist of conclusions of law to which no response is required by this defendant.

WHEREFORE, the defendant, Sung J. Park, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

**JURY TRIAL DEMANDED**

**COUNT II**  
**GENEVIEVE MURRAY, PLAINTIFF v. SUNG J. PARK, M.D.**  
**AND RAJ CARDIOVASCULAR ASSOCIATION, DEFENDANTS**

21. Paragraph 21 of the Amended Complaint incorporates by reference the allegations set forth in Paragraphs 1 through 20 of that pleading. In response thereto, this defendant incorporates by reference his responses to Paragraphs 1 through 20 of the Amended Complaint as if the same were more fully set forth at length herein.

22. After reasonable investigation, this defendant can neither admit nor deny the damage contentions set forth in Paragraph 22 of the Amended Complaint. Hence, strict proof thereof will be demanded at the time of trial.

WHEREFORE, the defendant, Sung J. Park, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

**JURY TRIAL DEMANDED**

**NEW MATTER**

23. Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations.

WHEREFORE, the defendant, Sung J. Park, M.D., denies any and all liability to plaintiffs and demands that judgment be entered in his favor and against plaintiffs.

**JURY TRIAL DEMANDED**

DICKIE, MCCAMEY & CHILCOTE, P.C.

By Lisa Dauer  
John C. Conti  
Lisa D. Dauer

Attorneys for Defendant,  
Sung J. Park, M.D.

**VERIFICATION**

I, Sung J. Park, M.D., have read the foregoing Answer and New Matter to Plaintiffs' Amended Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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

*SJP*

---

Sung J. Park, M.D.

DATED 6/27/06

[MURRAY]

**CERTIFICATE OF SERVICE**

I, Lisa D. Dauer, Esquire, hereby certify that true and correct copies of the foregoing Answer and New Matter to Plaintiffs' Amended Complaint have been served this 18<sup>th</sup> day of July, 2006, by U.S. first-class mail, postage pre-paid, to counsel of record listed below:

Matthew B. Taladay, Esquire  
HANAK, GUIDO and TALADAY  
498 Jeffers Street  
P.O. Box 487  
DuBois, PA 15801  
(Counsel for Plaintiffs)

DICKIE, MCCAMEY & CHILCOTE, P.C.

By   
Lisa D. Dauer

Attorneys for Defendant,  
Sung J. Park, M.D.

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

HARVEY MURRAY and : No. 06-84-CD  
GENEVIEVE MURRAY, :  
Plaintiffs : Type of Pleading:  
vs. : Reply to New Matter  
SUNG J. PARK, M.D., and : Filed on Behalf of:  
RAJ CARDIOVASCULAR :  
ASSOCIATION, : Plaintiffs  
Defendants : Counsel of Record for  
This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 498 Jeffers Street  
: P.O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

JURY TRIAL DEMANDED

Date: July 20, 2006

**FILED**

JUL 21 2006  
m 10:50 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
n. c/c

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and	:	
GENEVIEVE MURRAY, his wife,	:	
Plaintiffs	:	
	:	No. 06-84-CD
vs.	:	
	:	
SUNG J. PARK, M.D., and	:	
RAJ CARDIOVASCULAR	:	
ASSOCIATION,	:	
Defendants	:	

**REPLY TO NEW MATTER**

AND NOW, come the Plaintiffs, HARVEY MURRAY and GENEVIEVE, husband and wife, by and through their attorneys, HANAK, GUIDO AND TALADAY, and hereby reply to New Matter of Defendants as follows:

23. The averments set forth in paragraph 23 of Defendants' New Matter constitute a conclusion of law to which no response is required. To the extent that a response may be required, Plaintiffs deny that their claims are barred or limited by the applicable Statute of Limitations.

HANAK, GUIDO and TALADAY

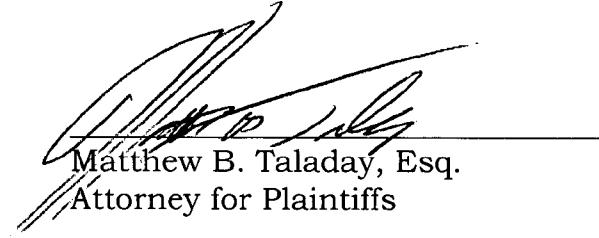
By

Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

**VERIFICATION**

I, Matthew B. Taladay, hereby verify that the statements contained in the foregoing REPLY TO NEW MATTER are correct to the best of my personal knowledge or information and belief based on information provided to me and I am authorized to make this verification on behalf of Plaintiffs because of my position as counsel of record.

July 20, 2006



Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

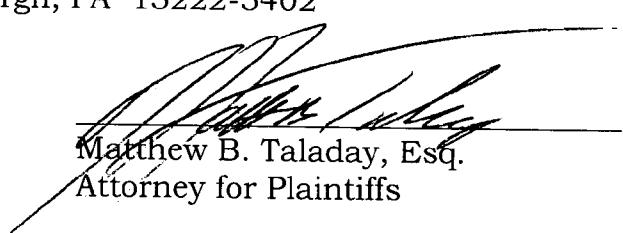
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and :  
GENEVIEVE MURRAY, his wife, :  
Plaintiffs :  
: No. 06-84-CD  
vs. :  
: SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants :  
:

CERTIFICATE OF SERVICE

I certify that on the 20<sup>th</sup> day of July, 2006, a copy of the foregoing REPLY TO NEW MATTER was sent via first class mail, postage prepaid, to the following:

Richard J. Kabbert, Esq.  
Attorney for Defendants  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

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

HARVEY MURRAY and : No. 06-84-CD  
GENEVIEVE MURRAY, :  
Plaintiffs : Type of Pleading:  
vs. : Notice of Service  
SUNG J. PARK, M.D., and : Filed on Behalf of:  
RAJ CARDIOVASCULAR :  
ASSOCIATION, : Plaintiffs  
Defendants : Counsel of Record for  
: This Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: P.O. Box 487  
: DuBois, PA 15801  
: 814-371-7768

JURY TRIAL DEMANDED

Date: September 1, 2006

F I L E D NO  
M T O S I G N CC  
SEP 05 2006  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

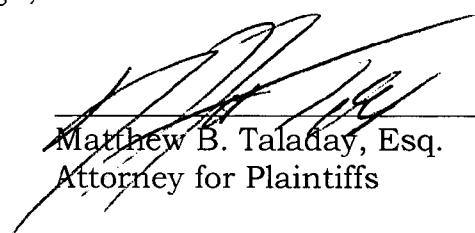
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and :  
GENEVIEVE MURRAY, his wife, :  
Plaintiffs :  
: No. 06-84-CD  
vs. :  
: SUNG J. PARK, M.D., and :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendants :  
:

**NOTICE OF SERVICE**

I, Matthew B. Taladay, of Hanak, Guido and Taladay, being  
counsel of record for Plaintiffs, do hereby certify that I propounded on  
Defendants, via United States mail, first class, postage pre-paid, this 1st  
day of September, 2006 Plaintiffs' RESPONSES TO DEFENDANTS' FIRST  
SET OF DISCOVERY MATERIALS to the below indicated person, at said  
address, being counsel of record for the Defendants:

John C. Conti, Esq.  
Lisa D. Dauer, Esq.  
Attorneys for Defendants  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

  
Matthew B. Taladay, Esq.  
Attorney for Plaintiffs

7/11/08  
JUN 02 2008  
m 12:15 PM  
William A. Shaw  
Prothonotary/Clerk of Courts  
No. 4/C

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

HARVEY MURRAY and GENEVIEVE  
MURRAY,

Plaintiffs,

v.

SUNG J. PARK, M.D., and RAJ  
CARDIOVASCULAR ASSOCIATION,

Defendants.

CIVIL DIVISION

No. 06-84-CD

**STIPULATION TO DISCONTINUE  
ACTION WITH PREJUDICE AS TO  
SUNG J. PARK, M.D., AND  
STIPULATION TO AMEND CAPTION**

Code:

Filed on behalf of Defendants,  
Sung J. Park, M.D., and RAJ  
Cardiovascular Association

Counsel of record for these parties:

John C. Conti, Esquire  
PA I.D. # 28071Lisa D. Dauer, Esquire  
PA I.D. # 63274DICKIE, MCCAMEY & CHILCOTE, P.C.  
Firm #067  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222-5402

(412) 281-7272

**JURY TRIAL DEMANDED**

PROTIT -  
NOTE  
CAPTION  
CHANGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE	)	CIVIL DIVISION
MURRAY,	)	
	)	No. 06-84-CD
Plaintiffs,	)	
	)	
V.	)	
	)	
SUNG J. PARK, M.D., and RAJ	)	
CARDIOVASCULAR ASSOCIATION,	)	
	)	
Defendants.	)	

**STIPULATION TO DISCONTINUE ACTION WITH PREJUDICE AS TO SUNG J. PARK, M.D., AND STIPULATION TO AMEND CAPTION**

AND NOW come the defendants, Sung J. Park, M.D., and RAJ Cardiovascular Association, by and through their attorneys, Dickie, McCamey & Chilcote, P.C., John C. Conti, Esquire, and Lisa D. Dauer, Esquire, and file the within Stipulation to Discontinue Action With Prejudice as to Sung J. Park, M.D., and Stipulation to Amend Caption:

It is hereby stipulated and agreed by and among counsel for all parties, each having the authority of their respective clients and consequently the capacity to bind each, that the defendant, **SUNG J. PARK, M.D.**, is dismissed as a party-defendant from this action with prejudice and that the action as to **SUNG J. PARK, M.D.**, is discontinued with prejudice.

The parties fully acknowledge that the applicable statute of limitations has expired and that this dismissal includes any potential crossclaims or claims for indemnity and/or contribution.

Although this Stipulation has been executed in counterparts, it is to be construed as a whole.

It is further stipulated and agreed to that the caption of the case shall be amended accordingly to reflect the dismissal of **SUNG J. PARK, M.D.**

DICKIE, MCCAMEY & CHILCOTE, P.C.

Dated: 5/30/08

By Lisa Dauer

John C. Conti  
Lisa D. Dauer

Attorneys for Defendants,  
Sung J. Park, M.D., and RAJ  
Cardiovascular Association

STIPULATED AND AGREED TO:

HANAK, GUIDO and TALADAY

Dated: 5-27-08

By *Anthony S. Guido*  
Anthony S. Guido

Attorneys for Plaintiffs,  
Harvey Murray and Genevieve Murray

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE  
MURRAY, ) CIVIL DIVISION  
Plaintiffs, )  
 ) No. 06-84-CD  
V. )  
 )  
SUNG J. PARK, M.D., and RAJ  
CARDIOVASCULAR ASSOCIATION, )  
Defendants. )

FILED  
12:10 AM  
JUN 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
ICC Atty Dauer

**ORDER OF COURT**

AND NOW, to wit, this 4<sup>th</sup> day of JUNE, 2008, upon

presentation of the within **STIPULATION TO DISCONTINUE ACTION WITH PREJUDICE AS TO JUNG J. PARK, M.D., AND STIPULATION TO AMEND CAPTION**, it is hereby ORDERED, ADJUDGED and DECREED that **SUNG J. PARK, M.D.**, is hereby dismissed with prejudice as a party-defendant from this action and that the caption shall be amended to read as follows:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

HARVEY MURRAY and GENEVIEVE  
MURRAY, ) CIVIL DIVISION  
Plaintiffs, )  
v. ) No. 06-84-CD  
RAJ CARDIOVASCULAR )  
ASSOCIATION, )  
Defendant. )

BY THE COURT:

BY THE COURT:

Frederick Kummerow (J)

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

HARVEY MURRAY and GENEVIEVE  
MURRAY, : No. 06-00084-CD  
Plaintiffs :  
vs. : Type of Case: Civil Action  
RAJ CARDIOVASCULAR :  
ASSOCIATION, : Type of Pleading: Praecep  
Defendant : for Discontinuance  
: Filed on Behalf of:  
: Plaintiff  
: Counsel of Record for This  
: Party:  
: Matthew B. Taladay, Esq.  
: Supreme Court No. 49663  
: Hanak, Guido and Taladay  
: 528 Liberty Boulevard  
: P.O. Box 487  
: DuBois, PA 15801  
: (814) 371-7768

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APR 04 2013  
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William A. Shaw  
Prothonotary Clerk of Courts

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

HARVEY MURRAY and GENEVIEVE :

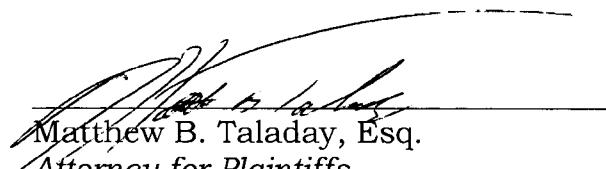
MURRAY, :  
Plaintiffs :  
: :  
-vs- :  
: :  
RAJ CARDIOVASCULAR :  
ASSOCIATION, :  
Defendant :  
:

No. 06-00084-CD

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Kindly mark the above referenced matter settled, discontinued and  
terminated.



Matthew B. Taladay, Esq.  
Attorney for Plaintiffs