

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

RICHARD MARTIN and MARTIN,
husband and wife,
Plaintiffs

v.

SHERRY A. BOWMAN, an
individual,
Defendant

* No. 2006 - 2153 - CD

* Civil Action

* Type of Pleading:

* **PRAECIPE FOR WRIT OF
SUMMONS**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

Dated: December 28, 2006

FILED Atty pd. 85.00
0134461 1CC & Writ
DEC 28 2006 to Sheriff
JW

William A. Shaw
Prothonotary/Clerk of Courts
1 Writ to
Atty

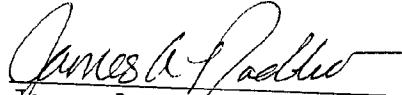
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 2006 - - CD
*
SHERRY A. BOWMAN, an *
individual, * Civil Action
Defendant *
*
*

PRAECIPE TO ISSUE WRIT OF SUMMONS

TO THE PROTHONOTARY OF CENTRE COUNTY:

Please issue a writ of summons against Sherry A. Bowman, 161 Company Road, West Decatur, Pennsylvania 16878.


James A. Naddeo, Esquire
Attorney for Plaintiffs

Dated: December 28, 2006

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

CC

SUMMONS

**Richard Martin and Kathy A. Martin,
husband and wife**

Vs.

NO.: 2006-02153-CD

Sherry A. Bowman, an individual

TO: **SHERRY A. BOWMAN**

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 12/28/2006



William A. Shaw
Prothonotary

Issuing Attorney:

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

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.

Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **PRAECIPE FOR ENTRY OF**
: **APPEARANCE**
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED
M 10:47 AM
MAR 08 2007
S

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter our appearance on behalf of the Defendant, SHERRY A. BOWMAN, in the
above-captioned matter.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: March 7, 2007

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praeclipe for Entry of Appearance on behalf of Defendant in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 7th day of March, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **PRAECIPE FOR RULE TO FILE**
: **COMPLAINT**
:
Defendant. : TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **DEFENDANT**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED No 00
M 15 2007 Rule to
MAR 12 2007 Atty
William A. Shaw
Prothonotary/Clerk of Courts CP

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
: Plaintiffs,
v. :
: SHERRY A. BOWMAN, :
: Defendant.

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE PROTHONOTARY:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: March 9, 2007

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

COPY

RULE

To: Richard Martin and Kathy Martin
% James A. Naddeo, Esquire

YOU ARE HEREBY RULED to file a Complaint in the above captioned matter within
twenty (20) days from service hereof, or a judgment of non pros may be entered against you.



William Shaw
Clerk of Courts/Prothonotary
[SEAL]

Dated: March 12, 2007

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
: Plaintiffs,
v. :
: SHERRY A. BOWMAN, :
: Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Praeclipe for Rule to File Complaint on behalf of Defendant in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 9th day of March, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. : TYPE OF CASE: CIVIL
:
FILED ON BEHALF OF:
DEFENDANT
:
COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. No. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624
:

FILED
M/10:50 AM
MAR 14 2007 no CC
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas Pursuant to Rule 4009.21 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 13th day of March, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:

Chena R. Horne, Esq.

James M. Horne, Esquire

I.D. No. 26908

Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

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

RICHARD MARTIN
and KATHY MARTIN,

Plaintiffs,

v.

SHERRY A. BOWMAN,

Defendant.

: No. 2006-2153-C.D.

: TYPE OF PLEADING:
Certificate of Service

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:
DEFENDANT

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

FILED
m 10:28 AM
MAR 14 2007
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William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court issued Rule directing Plaintiffs to file their Complaint in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 13th day of March, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. :
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:
:

FILED
M 10 28 2006
MAR 14 2006
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Interrogatories (Set One), Request for Production to Plaintiffs (Set One), and Defendant's Request for Production of Documents and Tangible Things (Set Two) directed to Plaintiffs, in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 13th day of March, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

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

Attorneys for Defendant

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN,
v.
Plaintiffs,
SHERRY A. BOWMAN, : TYPE OF PLEADING:
Defendant. : **Certificate Prerequisite to Service of
Subpoenas Pursuant to Rule 4009.22**
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED

MAR 21 2007

11:50 AM

William A. Shaw

Prothonotary/Clerk of Courts

No. C/C

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) by letter dated March 16, 2007, Plaintiffs' counsel has waived any objection to the subpoenas,
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: March 20, 2007

By: 
James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :

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

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

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: March 13, 2007

By: James M. Horne, Esquire
James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Philipsburg Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Jodi Grimminger, Chiropractor*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all chiropractic or medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *DuBois Regional Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *James Davidson, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *P. Joseph Valigorsky, II, M.D. (DuBois Regional Medical Center-Pain Clinic)*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN, :
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Clearfield Family Medicine*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Carroll P. Osgood, M.D./Allegheny Brain and Spine*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, :
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

No. 2006-2153-C.D.

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

TO: *Clearfield Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

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

TO: *State Workers' Compensation Insurance Fund*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

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

TO: *Crossgates Management, Inc.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all personnel/employment/human resources documents, including but not limited to, employment applications, personnel records, retirement benefits, attendance records, pay rate information, W-2's, workers' compensation records, change in duties/responsibilities, and any other information in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs,

v.

SHERRY A. BOWMAN, :
Defendant.

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

TO: *Crossgates Management, Inc.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all workers' compensation records and any other information in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954 and/or Date of Loss: 12-16-2002 and insured: Millers Mutual.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 20th day of March, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102300
NO: 06-2153-CD
SERVICE # 1 OF 1
SUMMONS

PLAINTIFF: RICHARD MARTIN and KATHY A. MARTIN husband & wife
vs.
DEFENDANT: SHERRY A. BOWMAN, an individual

SHERIFF RETURN

NOW, January 12, 2007 AT 11:34 AM SERVED THE WITHIN SUMMONS ON SHERRY A. BOWMAN DEFENDANT AT 161 COMPANY ROAD, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHERRY A. BOWMAN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL SUMMONS AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED

MAR 23 2007

6/11/00 (CS)
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	NADDEO	18863	10.00
SHERIFF HAWKINS	NADDEO	18863	29.06

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
by Marly Harr*

Chester A. Hawkins
Sheriff

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,
Defendant

No. 06-2153-CD

Type of Pleading:

COMPLAINT

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

James A. Naddeo, Esq.
P.O. Box 26826

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: April 2, 2007

FILED 1CC
APR 10 2007 Atty
APR 02 2007 Waddell

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

NOTICE

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

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

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

(814) 765-2641, ext. 5982

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

COMPLAINT

NOW COMES the Plaintiffs, Richard Martin and Kathy A. Martin and by their attorney, James A. Naddeo, Esquire, sets forth the following:

1. Plaintiffs are Richard Martin and Kathy A. Martin, husband and wife, who reside at 301 Ogden Avenue, Clearfield, Pennsylvania 16830.
2. That Defendant is Sherry A. Bowman is a sui juris, adult individual who resides at 161 Company Road, West Decatur, Pennsylvania 16878.

COUNT I - NEGLIGENCE

Plaintiff, Richard Martin v. Sherry A. Bowman

3. That on or about January 18, 2005, at approximately 8:00 a.m., E.D.S.T., the Plaintiff, Richard Martin, was the owner and operator of a 1990 Ford Tempo bearing Pennsylvania Registration No. EJD9141.

4. That on the said date and at or about the said time, the Defendant, Sherry A. Bowman, was the owner and operator of a 2004 Jeep Liberty bearing Pennsylvania Registration EJD9141.

5. On the aforesaid date, at approximately 8:00 a.m., Plaintiff, Richard Martin, was operating his vehicle on state route 322 traveling in a westerly direction approximately .3 miles from intersecting route 2024 and Decatur Hill Street.

6. On the aforesaid date at the aforesaid time, Plaintiff's vehicle was stopped in traffic as he waited for the vehicle in front of him to have opportunity to and negotiate a left-hand turn.

7. That while Plaintiff was stopped in traffic, Defendant, who was also traveling in a westerly direction on state route 322 at and near the same location as Plaintiff, approached Plaintiff's vehicle and struck Plaintiff's vehicle from behind.

8. That on or about the said day and at or about the said time, it was daylight, there were no adverse weather conditions and the status of the road surface was that it contained ice patches. Although ice patches existed, no existing environmental or potential roadway factor contributed to the cause of the accident herein described.

9. At the time of the accident herein described, Plaintiff was lawfully stopped on Route 322 in the appropriate lane of travel for westerly traffic.

10. That the defendant, traveling westerly on Route 322 was traveling too fast for the conditions of the road and failed to operate her vehicle providing for an assured clear distance from Plaintiff's vehicle.

11. That Defendant failed to keep a proper lookout and thus failed to see that Plaintiff was stopped as the vehicle in front of him made a left-hand turn and as a result struck Plaintiff's vehicle from behind.

12. The accident was directly and proximately caused by the negligence and carelessness of Defendant, which consisted, among other things, of the following:

- (a) driving too fast for conditions;
- (b) operating a vehicle without assuring a clear distance from the vehicle traveling in front of her;
- (c) driving too closely to the vehicle in front of her and failing to have due regard for the speed of the vehicles and the traffic upon and the condition of the highway;
- (d) operating a motor vehicle without due regard to the rights, safety, and position of the Plaintiff;
- (e) operating a motor vehicle in a careless manner;
- (f) proceeding in a lane of traffic without clearance;
- (g) failing to yield to a vehicle which was lawfully stopped in front of her;

(h) operating her vehicle at a speed that was not safe under the circumstances;

(i) operating her vehicle in a careless manner;

(j) failing to be alert and keep a proper look out as she operated her vehicle;

(k) failing to apply the brakes of the vehicle he operated in sufficient time to avoid striking Plaintiff's vehicle;

(l) operating a motor vehicle in disregard of the rules of the road, the ordinances of Decatur Township, and the laws of the Commonwealth of Pennsylvania, including but not limited to Motor Vehicle Code 75 Pa.C.S. § 3310, 3361, 3714.

13. At all times material hereto, Plaintiff acted with due care and was not contributory negligent.

14. As a result of Defendant's negligence, Plaintiff sustained the following injuries; some or all of which may be permanent: multiple abrasions and contusions including injury to his head, lower back and neck.

15. As a result of Defendant's negligence, Plaintiff has suffered great bodily pain and suffering, as well as mental anxiety and nervousness, to his great detriment and loss.

16. That Plaintiff continues to experience severe pain in his lower back as a result of this accident and in particular the result of a minimal midline disc protusion at L5-S1 and that his back pain is recurrent and biomechanical, maximal in the

upper lumbar region with prolonged walking, bending, or lifting movements.

17. As a result of Defendant's negligence, Plaintiff has sustained serious and permanent injury, for the treatment of which he has incurred medical bills and expenses.

18. As a result of Defendant's negligence, Plaintiff has suffered a loss of earnings and/or earning capacity.

19. As a result of Defendant's negligence, Plaintiff's vehicle and personal items sustained damage.

20. As a result of Defendant's negligence, plaintiff has suffered an interruption of his daily habits and pursuits to his great and permanent detriment and loss.

21. Plaintiff has made a demand for compensation of the aforesaid injuries and losses, which Defendant has failed and refused and still refuses to pay.

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

- A. Pain and suffering: past, present and future;
- B. Privation and inconvenience: past, present and future;
- C. Medical expenses: past, present and future;
- D. Lost wages;
- E. Impairment of earning power;
- F. All other damages allowable by law.

WHEREFORE, Plaintiff, Richard Martin, demands judgment against Defendant in an amount in excess of Twenty Five Thousand (\$25,000.00) Dollars exclusive of interest and costs. Jury Trial Demanded.

COUNT II - LOSS OF CONSORTIUM

Plaintiff, Kathy A. Martin v. Sherry A. Bowman

23. Plaintiff, Kathy A. Martin, incorporates by reference Paragraphs 1 through 22 of this Complaint with the same force and effect as if set forth at length.

24. As a result of the injuries to her husband, Richard Martin, Plaintiff, Kathy A. Martin has been and/or may be compelled to expend monies for medical aid, medicines and the like in an effort to cure him.

25. As a result of the injuries to her husband, Plaintiff, Kathy A. Martin has been compelled to expend monies for hiring help to perform the duties of the household previously performed by her husband.

26. As a result of the injuries to her husband, Plaintiff, Kathy A. Martin has been and will be deprived of her husband's aid, comfort, society, companionship and affection.

27. As a direct and proximate result of the injuries to her husband, Plaintiff, Kathy A. Martin, has suffered and/or continues to suffer from her husband's loss of earnings and/or

earning capacity and/or may in the future suffer from his loss of earnings and/or earning capacity.

WHEREFOR, Plaintiff, Kathy A. Martin, claims of Defendant, Sherry A. Bowman, damages in an amount in excess of \$25,000, exclusive of interests and costs.

Respectfully submitted,

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

V E R I F I C A T I O N

I, James A. Naddeo, attorney for plaintiffs, have read the foregoing 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. Section 4904, relating to unsworn falsification to authorities.

I am authorized to make this verification on behalf of Defendant because of my position as counsel of record.

By:

James A. Naddeo
James A. Naddeo, Esquire
Attorney for Plaintiffs

Dated: 3-30-87

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

RICHARD MARTIN and KATHY A.	*	
MARTIN,	*	
husband and wife,	*	
Plaintiffs	*	
	*	
v.	*	No. 06-2153-CD
	*	
SHERRY A. BOWMAN, an	*	
individual,	*	
Defendant	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy Complaint was served on the following and in the following manner on the 2nd day of April, 2007:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
- McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

Dated: April 19, 2007

FILED
01/30/2001
APR 1 2007
NOCC
JLM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A.	*	
MARTIN,	*	
husband and wife,	*	
Plaintiffs	*	
	*	
v.	*	No. 06-2153-CD
	*	
SHERRY A. BOWMAN, an	*	
individual,	*	
Defendant	*	

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy Plaintiffs' Answers to Interrogatories Propounded by Defendant (Set One) was served on the following and in the following manner on the 19th day of April, 2007:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *
Plaintiffs *

v.

* No. 06-2153-CD

SHERRY A. BOWMAN, an *
individual, *

Defendant *

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:
* Plaintiffs *

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820 *

* Trudy G. Lumadue, Esq.
* Pa I.D. 202049 *

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601 *

Dated: April 19, 2007 *

FILED
04/19/2007
APR 19 2007
CM
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy Plaintiffs' Response to Request for Production of Documents (Set One and Two) was served on the following and in the following manner on the 19th day of April, 2007:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN, :
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED No CC.
m/11:55 cm
APR 26 2007 USM

William A. Shaw
Prothonotary/Clerk of Courts

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

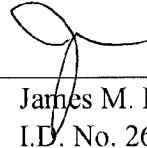
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoena Pursuant to Rule 4009.21 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 25th day of April, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY A. MARTIN,
husband and wife, :
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Answer with New Matter**
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED NO
APR 27 2007
Clerk
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William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY A. MARTIN, : No. 2006-2153-C.D.
husband and wife, :
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

NOTICE TO PLEAD

TO: Richard Martin and Kathy A. Martin, husband and wife
% James A. Naddeo, Esquire

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: April 26, 2007

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY A. MARTIN, : No. 2006-2153-C.D.
husband and wife, :
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

ANSWER WITH NEW MATTER OF DEFENDANT

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

1. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1. The same are therefore denied and strict proof thereof demanded.

2. Admitted.

COUNT I – NEGLIGENCE
Plaintiff, Richard Martin v. Sherry A. Bowman

3. Upon information and belief, the allegations of paragraph 3 are admitted with the exception that it is believed and therefore averred that the incident at issue took place at approximately 8:30 a.m. and not 8:00 a.m. as alleged.

4. Admitted, with the following exceptions. First, as set forth in response to paragraph 3, the incident at issue took place at approximately 8:30 a.m. and not 8:00 a.m. as alleged. With regard to the registration number of Defendant's vehicle, the registration number

was EXM1549 and not EJD9141 as alleged.

5. Admitted in part and denied in part. It is admitted that Plaintiff Richard Martin was operating his vehicle on State Route 322 at the place alleged. It is denied that said operation occurred at approximately 8:30 a.m.

6. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6. The same are therefore denied and strict proof thereof demanded.

7. Denied as stated. To the contrary, Defendant avers that as she attempted to safely and properly operate her vehicle on State Route 322, she observed Plaintiff's vehicle in front of her. Despite her best efforts, Defendant was unable to bring her vehicle to a stop prior to having her vehicle contact the rear of Plaintiff's vehicle.

8. Admitted in part and denied in part. It is admitted that at or about 8:30 a.m. on the day in question, and at the time of the incident at issue, it was daylight and there no adverse weather conditions. As to the balance of the allegations of paragraph 8, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8. The same are therefore denied and strict proof thereof demanded.

9. Upon information and belief, it is admitted that Plaintiff had brought his vehicle to a stop on State Route 322 in or about the area of the incident at issue. The allegation that Plaintiff was lawfully stopped is a legal conclusion to which no response is required.

10. Denied, pursuant to Pa. Rule of Civil Procedure 1029(e).

11. Denied, pursuant to Pa. Rule of Civil Procedure 1029(e).

12. (a) – (l). Denied, pursuant to Pa. Rule of Civil Procedure 1029(e).

13. Defendant is advised and therefore believes that paragraph 13 pleads a conclusion of law to which no response is required.

14. The allegations of negligence are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 14, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

15. The allegations of negligence are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 15, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

16. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16. The same are therefore denied and strict proof thereof demanded.

17. The allegations of negligence are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 17, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

18. The allegations of negligence are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 18, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

19. The allegations of negligence are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 19, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

20. The allegations of negligence are denied pursuant to Pa. Rule of Civil Procedure 1029(e). As to the balance of the allegations of paragraph 20, after reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of those allegations. The same are therefore denied and strict proof thereof demanded.

21. Defendant is advised and therefore believes that paragraph 21 is a statement of Plaintiffs' legal position to which no response is required. Defendant is further advised that said allegations are impertinent and irrelevant.

22. (a) – (f). Defendant is advised and therefore believes that paragraphs 22(a) through (f) set for a statement of Plaintiffs' legal position and/or claims to which no response is required. To the extent any response is required, it is denied that Plaintiff is entitled to recover as alleged in paragraphs 22(a) through (f).

WHEREFORE, Defendant Sherry A. Bowman requests that the Complaint filed against her by Plaintiff Richard Martin be dismissed, with prejudice and costs of suit.

COUNT II – LOSS OF CONSORTIUM
Plaintiff, Kathy A. Martin v. Sherry A. Bowman

23. Defendant Sherry A. Bowman incorporates herein by reference, the same as though set forth at length, her responses to paragraphs 1 through 22, inclusive.

24. After reasonable investigation, Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations of paragraph 24. The same are therefore denied and strict proof thereof demanded.

25. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 25. The same are therefore denied and strict proof thereof demanded.

26. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 26. The same are therefore denied and strict proof thereof demanded.

27. After reasonable investigation, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 27. The same are therefore denied and strict proof thereof demanded.

WHEREFORE, Defendant Sherry A. Bowman requests that the Complaint filed against her by Plaintiff Kathy A. Martin be dismissed, with prejudice and costs of suit.

NEW MATTER

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

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

30. To the extent Plaintiff's wage loss, if any, has been paid or is payable under a policy of insurance, the same may not be pled, proven or recovered in the instant action.

31. To the extent Plaintiffs were insured under a policy of insurance bearing the

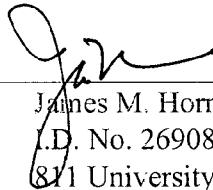
limited tort option, Plaintiffs' claims are barred or reduced accordingly.

WHEREFORE, Defendant Sherry A. Bowman requests that the Complaint filed against her by Plaintiff Kathy A. Martin be dismissed, with prejudice and costs of suit.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: April 26, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
871 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

VERIFICATION

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



SHERRY A. BOWMAN

Dated: April 20, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

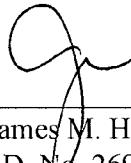
RICHARD MARTIN :
and KATHY A. MARTIN, : No. 2006-2153-C.D.
husband and wife, :
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Answer with New Matter of Defendant in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 26th day of April, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*

SHERRY A. BOWMAN, an
individual,
Defendant

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* Trudy G. Lumadue, Esq.
* Pa I.D. 202049

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

Dated: April 30, 2007

FILED NOCC
APR 30 2007
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy Interrogatories Addressed to Defendant was served on the following and in the following manner on the 30th day of April, 2007:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
MCQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,
Defendant

No. 06-2153-CD

Type of Pleading:

ANSWER TO NEW MATTER

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

Trudy G. Lumadue, Esq.
Pa I.D. 202049

NADDEO & LEWIS, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: May 8, 2007

FILED
03/26/01 cc
MAY 08 2001 Atty. Nattie

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A.	*
MARTIN,	*
husband and wife,	*
Plaintiffs	*
	*
v.	*
	*
	No. 06-2153-CD
SHERRY A. BOWMAN, an	*
individual,	*
Defendant	*

ANSWER TO NEW MATTER

NOW COMES the Plaintiffs, Richard Martin and Kathy A. Martin and by their attorney, James A. Naddeo, Esquire, set forth the following as answer to defendant's new matter:

28. States several conclusions of law as to the assertion of defenses under the Pennsylvania Motor Vehicle Financial Responsibility Law to which no answer is required. To the extent an answer may be required the averment is denied in its entirety.

29. States a conclusion of law to which no answer is required. To the extent an answer may be required the averment is denied.

30. States a conclusion of law to which no answer is required. To the extent an answer may be required the averment is denied.

31. States a conclusion of law to which no answer is required. In further answer thereto, plaintiffs were insured under a policy of insurance bearing the full tort option.

WHEREFORE, plaintiffs request that judgment be entered in their favor and against defendant.

Respectfully submitted,

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

V E R I F I C A T I O N

I, Richard Martin, plaintiff, verify that the statements made in the foregoing Answer to New Matter Directed to Plaintiff are true and correct upon my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

By:

Richard Martin

Richard Martin
Plaintiff

Dated: 5/2/07

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy Answer to New Matter was served on the following and in the following manner on the 8th day of May, 2007:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
MCQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN,
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate Prerequisite to Service**
Defendant. : **of Subpoena**
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. No. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED
MAY 18 2006
10:30 AM
NO CC
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William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENA
PURSUANT TO RULE 4009.22

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

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: May 17, 2007

By: _____

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorney for Defendant

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

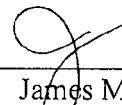
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

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

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

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: April 25, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Mid-State Medical Services, Inc.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

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

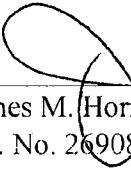
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 17th day of May, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. : TYPE OF CASE: CIVIL
:
FILED ON BEHALF OF:
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:
:

FILED NO CC
MAY 31 2007
WAS

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Answers/Objections to Plaintiffs' Interrogatories directed to Defendant in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 30th day of May, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN
and KATHY MARTIN,

Plaintiffs,

v.

SHERRY A. BOWMAN,

Defendant.

: No. 2006-2153-C.D.

: TYPE OF PLEADING:
Certificate of Service

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:
DEFENDANT

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

FILED No CC.
7/11/04 cm
JUL 10 2004 WSA

William A. Shaw
Prothonotary/Clerk of Courts

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

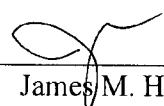
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Interrogatories (Set Two) directed to Plaintiffs, in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 9th day of July, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *

Plaintiffs *

v. *

No. 06-2153-CD

SHERRY A. BOWMAN, an
individual, *

Defendant *

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:

* Plaintiffs *

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820 *

* Thudy G. Lumadue, Esq.
* Pa I.D. 202049 *

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601 *

Dated: August 9, 2007 *

FILED NOCC

013:4631
AUG 09 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *

v. *

No. 06-2153-CD

SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy Answers to Interrogatories Propounded by Defendant (Set Twc) was served on the following and in the following manner on the 9th day of August, 2007:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN, :
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. :
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED NO CC
MHA:2006-2153-C.D.
AUG 17 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

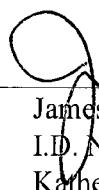
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
: Plaintiffs,
v. :
: SHERRY A. BOWMAN, :
: Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas Pursuant to Rule 4009.21 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 16th day of August, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

FILED

AUG 27 2007
M 12:50 PM
William A. Shaw
Prothonotary/Clerk of Courts
no c/c

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

RICHARD MARTIN
and KATHY MARTIN,

: No. 2006-2153-C.D.

Plaintiffs,

v.

SHERRY A. BOWMAN,

Defendant.

: TYPE OF PLEADING:
Certificate of Service

: TYPE OF CASE: CIVIL

: FILED ON BEHALF OF:
DEFENDANT

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

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs,
v.
SHERRY A. BOWMAN,
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Notices of Depositions of Plaintiffs, Richard Martin and Kathy Martin in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 24th day of August, 2007, to the attorneys/parties of record:

James A. Naddeo, Esquire
Naddeo and Lewis
207 East Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

James M. Horne, Esquire
ID. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *

Plaintiffs *

v.

* No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,

Defendant *

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:
* Plaintiffs *

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820 *

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

FILED
01/31/2007
AUG 28 2007
2CC
M
Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06- 2153 -CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a true and correct copy Notice of Taking Deposition was served on the following and in the following manner on the 28th day of August, 2007:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

MLP Court Reporting, Inc.
413 North Vesper Street
Lock Haven, PA 17745

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN, :
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate Prerequisite to Service of
Subpoenas**
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED NO CC
MJD: S/BS SEP 07 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

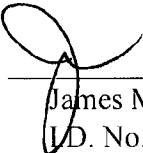
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: September 6, 2007

By: 

James M. Horne, Esquire
ID. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorneys for Defendant

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

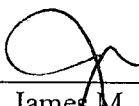
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :

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

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: August 16, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *CVS Pharmacy*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all pharmaceutical/medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Clearfield Pharmacy*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all pharmaceutical/medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Free Clinic of DuBois*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all pharmaceutical/medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

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

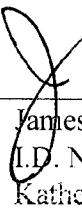
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 6th day of September, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN, :
Plaintiffs, : TYPE OF PLEADING:
v. : **Certificate of Service**
SHERRY A. BOWMAN, : TYPE OF CASE: CIVIL
Defendant. : FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED No cc,
m 10:50 am
OCT 23 2007
W.A.S.

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas Pursuant to Rule 4009.21 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 22 day of October, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate Prerequisite to Service of
Subpoenas**
:
Defendant. : TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **DEFENDANT**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED NOCC
M 11/23/01
OCT 3 1 2007 (G)

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

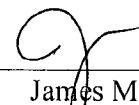
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: October 30, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorney for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.

Plaintiffs,

v.

SHERRY A. BOWMAN,

Defendant.

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

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: October 22, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

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

TO: *Ralph A. Cardamone, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

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

TO: *Mountain Laurel Nursing & Rehabilitation Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all rehabilitation/medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

RICHARD MARTIN
and KATHY MARTIN,
Plaintiffs,

No. 2006-2153-C.D.

v.

SHERRY A. BOWMAN,
Defendant.

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

TO: *Gregory M. Bailey, D.O./University Orthopedics & Sports Medicine Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN
and KATHY MARTIN,
Plaintiffs,

: No. 2006-2153-C.D.

v.

SHERRY A. BOWMAN,
Defendant.

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

TO: *Heilig-Meyers*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all employment/personnel records including but not limited to employment applications, personnel records, retirement benefits, attendance records, pay rate information, W-2's, workers' compensation records, change in duties/responsibilities in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Clearfield Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all employment/personnel records including but not limited to employment applications, personnel records, retirement benefits, attendance records, pay rate information, W-2's, workers' compensation records, change in duties/responsibilities in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Manpower Temporary Services*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all employment/personnel records including but not limited to employment applications, personnel records, retirement benefits, attendance records, pay rate information, W-2's, workers' compensation records, change in duties/responsibilities in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN, :
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Riverside Market*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all employment/personnel records including but not limited to employment applications, personnel records, retirement benefits, attendance records, pay rate information, W-2's, workers' compensation records, change in duties/responsibilities in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Commonwealth of PA/Dept. of Labor & Industry/Bureau of Workers' Compensation*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all workers' compensation records in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

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

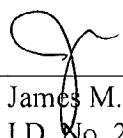
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
:
v.
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 30th day of October, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. :
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED No CC.
m/2/15 LM
NOV 15 2007
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena Pursuant to Rule 4009.21 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 14th day of November, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN : No. 2006-2153-C.D.
and KATHY MARTIN,
v.
Plaintiffs, : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate Prerequisite to Service of
Subpoena**
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **Defendant**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: James M. Horne, Esquire
: I.D. NO. 26908
: Katherine V. Oliver, Esquire
: I.D. No. 77069
: McQuaide, Blasko,
: Fleming & Faulkner, Inc.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED *no cc*
M 110-2780
NOV 29 2006
LS

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: November 27, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorney for Defendant

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

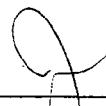
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

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

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: November 14, 2007

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

COPY

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
: :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Marden Therapy Group*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all rehabilitation/medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

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

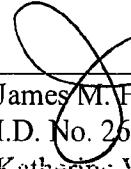
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 27th day of November, 2007, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. :
: TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

FILED No CC
M/10:45 AM
SEP 19 2006
WM
William A. Shaw
Prothonotary/Clerk of Courts

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

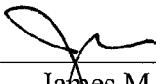
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas Pursuant to Rule 4009.21 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 18 day of September, 2008, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate Prerequisite to Service of
Subpoenas**
:
Defendant. : TYPE OF CASE: CIVIL
:
: FILED ON BEHALF OF:
: **DEFENDANT**
:
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624

FILED
M 10/40/08
SEP 26 2008
NO CC
60

William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoenas are sought to be served,
- 2) a copy of the notice of intent, including the proposed subpoenas, is attached to this certificate,
- 3) by correspondence dated September 23, 2008, Plaintiffs' counsel has waived the objection period;
- 4) the subpoenas which will be served are identical to the subpoenas which are attached to the notice of intent to serve the subpoenas.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: September 25, 2008

By: 

James M. Horne, Esquire
I.D. No. 26908
811 University Drive
State College, PA 16801-6699
(814) 238-4926
Attorney for Defendant

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

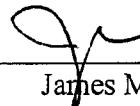
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

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

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

MCQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Date: September 18, 2008

By: 

James M. Horne, Esquire
I.D. No. 26908
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6699
(814) 238-4926

Attorneys for Defendant

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *University Orthopedics*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of any and all medical records and billings in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, :
Plaintiffs, :
v. :
No. 2006-2153-C.D.

SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *DuBois Regional Medical Center*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of medical records and billings for March 20, 2007 to the present only in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *James Davidson, M.D./Clearfield Family Medicine*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of medical records and billings for March 20, 2007 to the present only in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Clearfield Hospital*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of medical records and billings for April 10, 2007 to the present only in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *State Workers' Compensation Insurance Fund*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of records and billings for March 20, 2007 to the present only in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN
and KATHY MARTIN,
Plaintiffs,

: No. 2006-2153-C.D.

v.

SHERRY A. BOWMAN,
Defendant.

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

TO: *Free Clinic of DuBois*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of medical records and billings for September 6, 2007 to the present only in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COPY

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

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

TO: *Ralph A. Cardamone, M.D.*

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: *a true and correct copy of medical records and billings for November 20, 2007 to the present only in your possession pertaining to Richard A. Martin, SS#203-42-1743, Date of Birth: 11/05/1954.*

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

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

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

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

NAME: *James M. Horne, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *26908*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate Prerequisite to Service of Subpoenas Pursuant to Rule 4009.22 in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 25th day of September, 2008, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*

SHERRY A. BOWMAN, an *
individual, *
Defendant *

* Type of Pleading:

* **PRAECIPE TO LIST
FOR TRIAL**

* Filed on behalf of:

* Plaintiffs *

* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820 *

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

s
FILED, cc
03:45 PM SEP 29 2008 Atty Naddeo
SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts
60

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

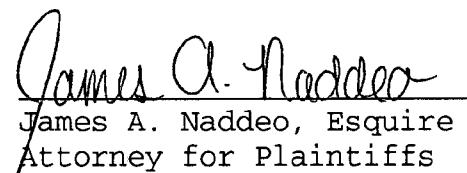
RICHARD MARTIN and KATHY A.	*	
MARTIN,	*	
husband and wife,	*	
Plaintiffs	*	
	*	
v.	*	No. 06-2153-CD
	*	
SHERRY A. BOWMAN, an	*	
individual,	*	
Defendant	*	

PRAECIPE TO LIST FOR TRIAL

TO THE PROTHONOTARY:

Please place the above-captioned matter on the next list for trial. In support thereof I certify the following:

1. There are no Motions outstanding.
2. Discovery has been completed and the case is ready for trial.
3. The case is to be heard by jury.
4. Notice of the Praecipe has been given to opposing counsel.
5. The time for trial is estimated at two (2) days.


James A. Naddeo
James A. Naddeo, Esquire
Attorney for Plaintiffs

Date: September 29, 2008

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06- 2153 -CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praeclipe to List for Trial was served on the following and in the following manner on the 29th day of September, 2008:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. MARTIN,
husband and wife,
Plaintiffs
vs.
SHERRY A. BOWMAN, an individual,
Defendant

5
FILED

OCT 10 2008
0 3:00pm (w)
William A. Shaw
Prothonotary/Clerk of Courts

cc: to Att

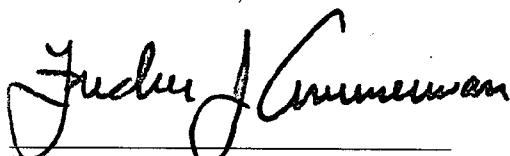
MANNAG &
HORN
w/ memo

(G)

ORDER

AND NOW, this 10th day of October, 2008, it is the ORDER of this Court that Pre-trial conference in the above matter shall be held on the **12th day of November, 2008** in Chambers at 2:45 p.m.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge



DATE: 10-10-01

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

OCT 14 2008

11:00 AM

William A. Shaw
Prothonotary/Clerk of Courts

WU C/C G/R

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. : TYPE OF CASE: CIVIL
: FILED ON BEHALF OF:
: **DEFENDANT**
: COUNSEL OF RECORD FOR
: FOR THIS PARTY:
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: KATHERINE V. OLIVER, ESQ.
: I.D. No. 77069
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: PH# (814) 238-4926
: FAX#(814) 238-9624
:

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

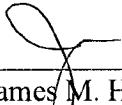
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
Plaintiffs, :
v. :
SHERRY A. BOWMAN, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Request for Production of Documents and Tangible Things (Set Three) directed to Plaintiffs, in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 10th day of October, 2008, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN and KATHY A MARTIN,
husband and wife,
Plaintiffs

vs.

SHERRY A. BOWMAN, an individual,
Defendant

*
*
*
*
*

NO. 06-2153-CD

ORDER

FILED *ICC Atty Nodde*
01/21/08 *ICC Atty Horne*
NOV 14 2008 *GW*

William A. Shaw
Prothonotary/Clerk of Courts

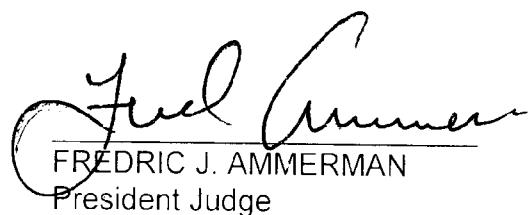
NOW, this 12th day of November, 2008, following pre-trial conference with
counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury selection will be held on January 6, 2009 commencing at 9:00 a.m. in
Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for March 2 and 3, 2009 commencing at 9:00 a.m. in
Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be
completed by absolutely no later than sixty (60) days prior to the commencement of
trial or the same will not be available for use at trial. A copy of the transcript of any
such deposition(s) shall be provided to opposing counsel within no more than ten
(10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial which has not previously
been provided to opposing counsel shall be delivered within no more than sixty
(60) days from this date. Failure to comply will result in the witness not being
available for use at trial.
5. Any party making objections relative the testimony to be provided by any witness in
the form of a deposition at the time of trial shall submit said objections to the Court,

in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.

6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.
7. The parties hereby agree to the authenticity of any and all medical records and bills which were previously provided through the discovery process. No party shall be required to produce a Medical Records witness for purposes of authentication.
8. The Defendant has stipulated to negligence, but not causation.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

NOV 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/14/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED *EC*

NOV 21 2008

6/10/08
William A. Shaw *WS*
Prothonotary/Clerk of Courts
No 5/2

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

RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. : TYPE OF PLEADING:
SHERRY A. BOWMAN, : **Certificate of Service**
Defendant. : TYPE OF CASE: CIVIL
:
FILED ON BEHALF OF:
DEFENDANT
:
COUNSEL OF RECORD FOR
FOR THIS PARTY:
JAMES M. HORNE, ESQ.
I.D. NO. 26908
KATHERINE V. OLIVER, ESQ.
I.D. No. 77069
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
PH# (814) 238-4926
FAX#(814) 238-9624
:

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

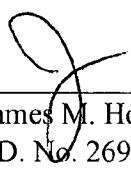
RICHARD MARTIN :
and KATHY MARTIN, : No. 2006-2153-C.D.
:
Plaintiffs, :
v. :
:
SHERRY A. BOWMAN, :
:
Defendant. :
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Certificate of Service in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 20th day of November, 2008, to the attorneys/parties of record:

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife,
Plaintiffs

v.

No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,
Defendant

FILED ICC A4
03:45pm Naddeo
JAN 06 2009 CTO

William A. Shaw
Prothonotary/Clerk of Courts

Type of Pleading:

**PLAINTIFFS' FIRST MOTION
IN LIMINE**

Filed on behalf of:
Plaintiffs

Counsel of Record for
this party:

James A. Naddeo, Esq.
Pa I.D. 06820

NADDEO & LEWIS, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

Dated: January 6, 2009

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

PLAINTIFFS' FIRST MOTION IN LIMINE

NOW COME the Plaintiffs, Richard Martin and Kathy A. Martin and by their attorney, James A. Naddeo, Esquire, move this Court to enter an Order in Limine to prevent testimony by the expert witness, Gregory G. Billy, M.D., concerning the following matters:

1. Any and all medical diagnostic opinions and statements regarding degenerative process being the cause of plaintiff's diagnoses and resulting back pain, the prognosis of the same and vascular claudication.

2. Any and all references to medical diagnostic opinions and statements that are not made within a reasonable degree of medical certainty.

In support thereof Plaintiff further avers as follows:

1. On or about December 26, 2006, Plaintiffs filed this civil action against defendant in the Court of Common Pleas of Clearfield County, Pennsylvania.

2. This suit arose out of a motor vehicle accident that occurred on or about January 18, 2005.

3. On or about May 12, 2008, Plaintiffs received the medical report of Dr. Billy from Defendant. A true and correct copy of said report is attached hereto as Exhibit "A."

4. That the report of Dr. Billy is deficient in that opinions and statements regarding degenerative process being the cause of Plaintiffs diagnoses and resulting back pain, the prognosis of the same and the potential diagnosis of vascular claudication fail to be rendered within the medical standard required (reasonable degree of medical certainty).

5. That on or about November 11, 2008 Defendant's vocational expert, Lawrence S. Ostrowski, Ph.D., rendered an assessment regarding plaintiff's vocational abilities and earning capacity. A true and correct copy of said report is attached hereto as Exhibit "B."

6. The Ostrowski report references and relies upon conclusions of Dr. Billy. See Page 5, paragraph 2; page 7, paragraph 4 and page 8, paragraph 1 of said report.

7. WHEREFORE, Plaintiffs respectfully request this Honorable Court grant plaintiffs' Motion in Limine and exclude testimony by expert witness, Gregory G. Billy, M.D., regarding degenerative process being the cause of plaintiff's diagnoses and resulting back pain, the prognosis of the same and the

potential diagnosis of vascular claudication. Further that expert witness, Lawrence S. Ostrowski's, Ph.D., references to the same deficient medical conclusions and opinions be excluded.

Respectfully submitted,

NADDEO & LEWIS, LLC

By:



James A. Naddeo
Attorney for Plaintiffs

PENNSTATE



The Milton S. Hershey Medical Center
The College of Medicine

MAY 12 2008

Wayne J. Sebastianelli, M.D.
Director, Athletic Medicine
General Orthopaedics/Sports Medicine
Joint Replacement
Team Physician

Douglas F. Aukerman, M.D.
Primary Care Sports Medicine
Team Physician

John R. Deitch, M.D.
General Orthopaedics/Sports Medicine
Team Physician

Paul S. Sherbondy, M.D.
General Orthopaedics/Sports Medicine
Team Physician

James W. Serene, M.D.
General Orthopaedics/Sports Medicine
Team Physician

Bobbi L. Millard, M.D.
Primary Care Sports Medicine
Team Physician

Philip Bosh, M.D.
Primary Care Sports Medicine
Team Physician

Gregory G. Billy, M.D.
Physical Medicine & Rehabilitation
Team Physician

Mark Kramer, PA-C, A.T.C.
Physician Assistant

Maria G. Leahy, PA-C
Physician Assistant

Mark Maney, PA-C
Physician Assistant

Dean Plafcan, A.T.C., P.T.
Lead Therapist
Physical Therapy & Rehabilitation

Jennifer Frazier, M.P.T.
Physical Therapy & Rehabilitation

S. John Miller, III Ph.D., A.T.C., P.T.
Physical Therapy & Rehabilitation

Jennifer L. Reed, A.T.C., D.P.T.
Physical Therapy & Rehabilitation

Susan Fix, M.P.T., C.H.T., CSCS
Physical Therapy and Rehabilitation

Tom Whipple, P.T., M.S.
Physical Therapy and Rehabilitation

Christine Hurd, D.P.T.
Physical Therapy and Rehabilitation

Brian Schulz, P.T.
Physical Therapy and Rehabilitation

Tanya Confer, P.T.A.
Physical Therapy and Rehabilitation

Sally Bondurant, P.T.A.
Physical Therapy and Rehabilitation

Kevin Black, M.D.
Sports Medicine

Penn State Orthopaedics

1850 East Park Avenue, Suite 112, M.C. UP-02
University Park, PA 16803-6705
Tel: (814) 865-3566
Fax: (814) 863-7803

INDEPENDENT MEDICAL EXAMINATION

May 2, 2008

McQuaide Blasko
811 University Drive
State College, PA 16801

RE: Richard Martin

Dear Mr. Horne:

HISTORY OF PRESENT ILLNESS:

Patient is a 53 year-old white male who presents here today with a complaint of low back and bilateral hip pain. He reports that he had had pain in the low back 5 years prior to his accident, which was diagnosed as a strain, treated with physical therapy, and resolved.

He was involved in a motor vehicle accident on January 18, 2005, in which he was the belted driver of a car that was rear-ended. He reports a sudden onset of low back and bilateral hip pain at the time of the accident. He was then taken to Philipsburg Area Hospital following the accident where he had cervical spine x-rays and lumbar spine x-rays. The cervical spine x-ray were unremarkable; the lumbar spine x-rays showed degenerative osteoarthritis and minimal posterior intravertebral disk space narrowing at L5/S1 and facet arthropathy at L5/S1.

Following the accident, he sought chiropractic treatments and was also seen in Dr. Larry Adams office. He was started on physical therapy at Clearfield Therapy Works and he reports that the work hardening exercises significantly exacerbated his pain. The therapies were subsequently stopped. He underwent imaging of the thoracic spine, including an MRI and an x-ray which showed some degenerative disk disease. He was then treated with medications, including narcotics, for his pain and eventually underwent another MRI of his lumbar spine at Clearfield Hospital in May 2005. This showed a focal midline disk bulge

at L5/S1 and no other new findings. He then underwent a series of two epidural injections which were reportedly not effective for his pain, and actually led to problems with diabetes mellitus.

He then was followed up by his family physician and evaluated by Dr. Carroll Osgood, neurosurgeon, who felt he was not a surgical candidate. He has continued to be maintained on medications for pain and has not returned to work; he feels that he is unable to work as his pain is significantly increased with any activity.

He currently reports that he recently completed a physical therapy stint at Drayer Physical Therapy over the last four weeks in which his level has plateaued. He is able to ride an exercise bike for three minutes before he develops pain. He gets significant pain after walking 2-3 blocks and he needs to sit down as he develops pain in the low back and down the hips. He recently had his Vicodin medication adjusted and he was also started on Neurontin which he feels helps him somewhat. He reports he is functionally limited to only lifting no more than 25 pounds. Anything in the 30-35 pound range he can lift briefly, but has significant pain and discomfort thereafter. He does report that he can occasionally get discomfort down the left leg that radiates all the way into the calf and foot, but the majority of the pain is in the low back. It is very sensitive to touch and is worse with walking and ambulating.

PAST MEDICAL HISTORY:

Status-post pacemaker, type-2 diabetes mellitus (insulin requiring), GERD, hypertension, hypercholesterolemia

ALLERGIES:

No known drug allergies

MEDICATIONS:

Vicodin, Neurontin, aspirin, Plavix, Zocor, Lisinopril, Cymbalta, Prevacid, metoprolol, trazodone, Januvia insulin

SOCIAL HISTORY:

Patient was employed as a maintenance worker at the time of work injury

RECORDS REVIEWED:

I reviewed the following records from:

1. Philipsburg Hospital
2. Dubois Regional Medical Center
3. Clearfield Hospital
4. Clearfield Family Medicine
5. Free Medical Clinic of Dubois
6. Ralph Cardamone, M.D.

7. Carroll Osgood, M.D.
8. Joseph Valigorsky, M.D.
9. Jody Grimminger, D.C.
10. Midstate Medical Services
11. Luisto Dingcong, M.D.

PHYSICAL EXAMINATION:

GENERAL: Pleasant male moving about with considerable discomfort, exhibiting pain behavior and difficulty with sit-to-stand transfers.

MUSCULOSKELETAL EXAMINATION: Lumbar paraspinal muscles were palpated. He was very sensitive to very minimal touch in his lower lumbar region. There was reproduction or an increase in tenderness with palpation of his lower lumbar facet joints bilaterally at L5/S1. His sacroiliac joints were non-tender to palpation. There was very limited range of motion but there was an increase in axial pain with extension and a mild improvement with flexion.

MOTOR EXAMINATION: Patient was unable to ambulate on his heels and toes. He said that he didn't feel that he had enough strength to do that. He demonstrated some pain inhibition with proximal lower extremity testing. No focal weakness.

REFLEXES: Deep tendon reflexes were 2+ at the patellas, 2+ at the ankles; plantar reflexes were down-going.

SENSORY: Intact sensation in the L3 through S1 dermatomes bilaterally. Negative seated straight leg raises.

DIAGNOSIS:

1. Chronic low back pain
2. Lumbar degenerative disk disease
3. Lumbar facet syndrome

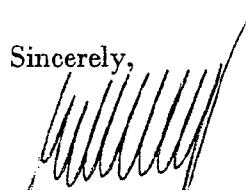
In response to specific questions:

1. **The relationship between the MVA of January 5th and his ongoing complaints of back pain:** The patient was known to have degenerative changes as well as a mild central protrusion of the L5/S1 intravertebral disk as evidenced by a 1997 study of the low back and MRI at Clearfield Hospital. All subsequent studies after this fail to show a significant change and are similar to the scan done in 1997. It is unlikely given the significant complaints that the patient is describing that there would be no change or no new finding on follow up imaging studies done since 1997.
2. **The current status and prognosis of his injuries:** I feel that the patient's examination and history are most consistent with a lumbar facet syndrome which is supported objectively by the findings of degenerative changes and lumbar facet arthropathy noted on prior examinations. The pain is worsened with standing with pressure on the facets and I feel that this is likely a degenerative process, not necessarily caused by the accident, but was in process prior to the accident. The prognosis of such

diagnosis will be best served to have the patient undergo medial branch blocks, which is a diagnostic test, to see if this stops the pain cycle. If effective, he would be considered a candidate for radio frequency denervation to improve the axial back pain that the patient is complaining of and demonstrating on examination today. Additionally, he describes functional limitations with ambulation and leg pain which may be secondary to vascular claudication and may benefit from further evaluation. The vascular claudication if present would not be related to the accident.

The impression I have provided is within a reasonable degree of medical certainty and in my professional opinion.

Sincerely,



Gregory G. Billy, M.D.

VOCATIONAL REHABILITATION ASSESSMENT REPORT

CONCERNING:

Richard A. Martin

SUBMITTED TO:

James M. Horne, Esquire

SUBMITTED:

11/11/08

BY:

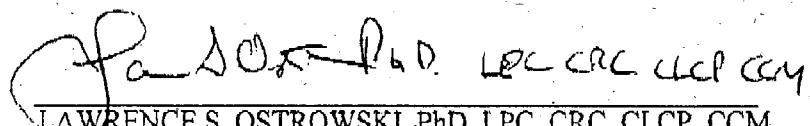

LAWRENCE S. OSTROWSKI, PhD, LPC, CRC, CLCP, CCM
REHABILITATION CONSULTANT
OSTROWSKI & ASSOCIATES

Exhibit "B"

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INTRODUCTION: The case of Richard Allan Martin is referred to me and I have been requested to provide an opinion regarding the impact the accident of 1/18/05 has had on past earnings and will have on future potential earnings and employment. In order to develop my opinion I have reviewed the following pertinent information as provided.

Your Social Security Statement for Richard A. Martin dated 7/29/08.

Office Records from Clearfield Family Medicine dated 2/11/98 – 5/24/08.

Medical Report from Gregory G. Billy, MD dated 5/2/08.

Form 1040A U.S. Individual Income Tax Return(s) dated 2001, 2002, 2003, 2004, 2005, 2006, and 2007.

Records from Manpower, Inc. dated 11/16/07.

Office Records from Ralph A. Cardamone, MD dated 2/2/98 – 8/22/07.

Copy of Transcript of Deposition of Richard Allan Martin dated 10/16/07.

Office Records from Free Medical Clinic, Inc. dated 3/7/06 – 9/11/07.

Medical Records from DuBois Medical Center dated 5/22/06 – 10/20/06.

Medical Records from Clearfield Hospital dated 10/4/89 – 5/22/06.

Medical Report from Carroll P. Osgood, MD dated 11/22/05.

Office Records from Luisito S. Dingcong, MD dated 12/10/02 – 9/6/05.

Office Notes from P. Joshua Valigorsky II, MD dated 7/18/05 and 8/11/05.

Records from Mid-State Medical Services dated 3/1/05 – 7/13/05.

Records from Crossgates Management, Inc. dated 10/31/01 – 4/3/05.

Records from The Bureau of Workers' Compensation dated 7/2/00 – 2/25/05.

Office Records from Judy Grimminger, DC dated 2/10/05 – 2/22/05.

Medical Records from Philipsburg Area Hospital dated 2/16/02 – 1/18/05.

Employment Records from Clearfield Hospital dated 9/13/00 – 2/2/02.

Mr. Martin is presently 54 years of age. His birth date is 11/5/54. He is married to Kathy. She is a Desk Clerk at a local motel. They have two children, ages 25 and 19. They reside in Clearfield, Pennsylvania. Mr. Martin has three brothers and two sisters.

VOCATIONAL / ACADEMIC HISTORY: Mr. Martin graduated from Clearfield High School in 1973 from the general curriculum. He obtained a certificate of training in electricity from the Clearfield County Vocational-Technical School in 1974. There, however, is no report of him ever working as an Electrician.

Following completion of the electrical training program, Mr. Martin worked for the Clearfield Borough and a church as a Janitor and Security Guard. He worked in these capacities until obtaining employment in 7/78 at a brick manufacturer working as a Kiln Cleaner. He worked for this employer until 7/82 when this employer closed. He next worked at Berg Electronics as an Electronic Accessories Assembler. He worked for this employer approximately nine months until 12/84. There is no report of Mr. Martin being employed from 12/84 through 4/87.

In 4/87, Mr. Martin obtained employment at a grocery store, Riverside Markets, working as a Stock Person. He worked in this capacity for this employer until 11/97 when the store closed. He next worked in 1998 at a furniture store, Heilig and Meyers, as a Furniture Assembler and Stores Laborer. Mr. Martin testified that he accepted Unemployment Compensation for approximately one year following his employment at Heilig and Meyers. A notation in the Manpower, Inc. records indicated that he received \$162 per week in 9/01 and 10/01 although this information appears to be in conflict with his reported work history contained on employment applications and a resume.

Mr. Martin next worked through a Manpower program for a company called Aquimeter. It appears that he worked in maintenance there and only worked there for a few months.

Mr. Martin next worked at Invensys, initially working in grounds maintenance. He apparently injured his back in 10/99 and subsequently worked for this employer as a Watchman (Security Guard), perhaps on light-duty. He worked for this employer until sometime in 2000.

In 9/00, Mr. Martin became employed at the Clearfield Hospital as a Janitor. He worked for this employer until 2/02.

In 2/02, Mr. Martin changed jobs to work for Crossgates / Sunny Slopes as a Maintenance Person (Janitor). He was working for this employer on 1/18/05 when involved in the motor vehicle accident. He returned to work for a brief period following the accident but had not worked there since 2/9/05. He has not worked since that time. Mr. Martin was placed on Worker's Compensation benefits from this employer.

Mr. Martin reportedly is a Minister in the Apostolic Church, licensed in Ohio for approximately nine years. There is no report of him having earnings from this position. He has had interests in the past in fishing and hunting. He reportedly has a current and valid driver's license.

MEDICAL HISTORY / PHYSICAL LIMITATIONS / PHYSICAL CAPABILITIES:

There was no report of Mr. Martin experiencing any occupationally, or vocationally, significant injuries, or chronic illnesses, as a child and young adult. He had a T&A performed in 1968. There is no report of any potentially vocationally significant medical issues until 10/89 when he dropped some wood on his right big toe. He recovered from this injury with no reported limitations to activity. He experienced an injury to his left ankle in 10/95 when a piece of wood struck his ankle.

An MRI dated 9/5/97 indicated a mild central (lumbar) protrusion related to a reported lumbar radiculitis.

In 2/98, Mr. Martin sought medical treatment for what he described as experiencing "spells". This was suspected to be related to a cerebrovascular accident that occurred in 1/98. Following this time, Mr. Martin received treatment for complaints of chest pains. Also his left hand and finger reportedly went numb. He apparently was working for the department store, moving furniture, and was placed on restrictions with no moving of more than 30 pounds. Mr. Martin, at that time, inquired with his physician, Dr. Davidson, whether he should make application for Social Security (disability benefits). Dr. Davidson's records also indicate reports of left heel pain and chronic low back pain. In 1/00, Mr. Martin had complaints of left and right knee pain. Manpower employment records indicate the report of a back injury on 10/26/99 that he elected to not report. Records from Clearfield Hospital revealed evaluations performed for a back condition. The back condition was such that he received physical therapy as part of his treatment and he was placed on light-duty. The records from the Free Clinic indicate a detox in 1998 but there is no further information in this regard contained in the records. The records also indicate an enlarged heart.

Mr. Martin's medical records indicate a history of a number of other chronic conditions. These conditions were hypertension, mitral valve prolapse, diabetes type II, and psoriasis. The diabetes

supposedly occurred following his receiving lumbar epidural steroid injections in July and August of 2005. The other conditions were of long-standing nature.

Mr. Martin experienced a fall while at work on 12/16/02, injuring his left knee. Two days later he fell at home and injured his left ankle. Subsequent diagnostics indicated a torn ACL of the left knee. He was treated with two injections of cortisone and a knee brace.

On 11/4/02, Mr. Martin visited the emergency room of Clearfield Hospital indicating that he had ingested a quantity of Darvocet after having an argument with his wife. Subsequently, Mr. Martin began treatment with a psychiatrist, Dr. Dingcong. His diagnosis was Major Depressive Disorder. He was prescribed Zoloft. He indicated difficulty with sleep associated with this event. He was referred for group therapy but did not comply. He was sufficiently compliant with individual therapy and had reportedly improved in functioning in this regard by 9/6/05. It is noted that there was no discussion regarding the motor vehicle accident reported by Dr. Dingcong following the motor vehicle accident of 1/18/05.

Mr. Martin was in his normal state of health when involved in the motor vehicle accident of 1/18/05. He was on his way to a hardware store when he was struck from behind. He was taken by ambulance to the Philipsburg Area Hospital where he reported complaints of neck and back pain. Mr. Martin was treated and released to home. Mr. Martin was treated for a brief period of time by Dr. Grimminger, a chiropractor.

Shortly thereafter, Mr. Martin began treatment with Dr. Adams, as required by his employer. Dr. Adams noted that the physical therapy that Mr. Martin was engaging in was increasing his back pain complaints. Nonetheless, he was gradually moved to work hardening at the physical therapy facility. Mr. Martin reported occasional improvement but never improved sufficiently for Dr. Adams to return him to work. He had continued complaints of back pain while engaging in the physical therapy and work hardening. There is a report in 6/05 of increased pain subsequent to his digging post holes and mowing his lawn.

Mr. Martin, after approximately 90 days of required treatment with Dr. Adams, began treating with his family physician, Dr. Davidson. He was referred to a pain specialist, Dr. Zaligorsky. He performed two lumbar epidural steroid injections in July and August of 2005 with no reported improvement in Mr. Martin's back condition. Mr. Martin was next referred to a neurosurgeon, Dr. Osgood, and seen on 11/22/05. Dr. Osgood described his condition as lumbar spondylosis, arthritis, exogenous obesity, and Type II Diabetes. He did not recommend surgery but recommended a loss of 50 pounds and indicated this would improve his back pain and diabetes.

Mr. Martin continued treatment with Dr. Davidson who did not return him to work. He also was treated at the Free Clinic beginning in 3/07. He was hospitalized on 5/22/06 for a heart attack which

was later described as a "small MI" by Dr. Hannah at the Free Clinic. He had a pacemaker implanted on 10/19/06. He engaged in follow-up care with Dr. Cardamone. Mr. Martin was involved in an uneventful cardiolite stress test performed on 4/26/07. By 5/1/07 Mr. Martin reported that he "feels good". By 8/29/07, Dr. Cardamone described his medic status as a stable cardiac condition.

Mr. Martin was evaluated by Dr. Gregory Billy, a physiatrist, on 5/2/08. Dr. Billy provided a diagnosis of chronic low back pain, lumbar degenerative disease, and lumbar facet syndrome. Dr. Billy referred to diagnostics performed and treatment rendered in 1997 addressing Mr. Martin's back condition. Dr. Billy opined that there were no changes on findings that would support a claim for a new injury. He opined that Mr. Martin's current complaints are related to the degenerative process. He indicated that the leg pain complaints are likely due to vascular claudication which is an ongoing vascular problem and is not related to the motor vehicle accident of 1/18/05. *May need
Motion in Limine*

Dr. Billy reported that Mr. Martin was utilizing medications of Vicodin, Neurontin, aspirin, Plavix, Zocor, Lisinopril, Cymbalta, Prevacid, Metoprolol, Trazadone, and Januvia insulin. These medications were prescribed for pain, diabetes, high cholesterol, hypertension, and sleep difficulties.

CASE ANALYSIS: In assessing the impact an injury has on earnings, the previous work and academic skills, the limitations resulting from an injury, and the availability of work are taken into consideration. The earning capacity prior to an injury is compared to the earning capacity following an injury, the residual earning capacity, and this comparison is used as a basis for providing an opinion regarding loss of past and future potential earnings.

Earning Capacity is defined as the amount of money an individual is capable of earning at any given point in time. A person's ability to earn a certain amount of money is based on his or her vocational profile, accounting for such factors as age, education, work history, previous or current pay on jobs, physical and mental capacities, abilities, and available jobs. The simplest and often most accurate way to determine earning capacity is to identify rate of pay at a current job, or recent jobs. Pay level at the time of injury could accurately reflect what the person was able to earn but it is important to determine if there is some variability regarding earnings due to differences relating to overtime, reduced workload, variability in scheduling, and other factors. If these factors are in existence, an average over a period of time may be more appropriate.

At the time of the accident of 1/18/05, Mr. Martin was employed as a maintenance person at an apartment complex. He began working in this capacity for this employer on 2/8/02. His rate of pay at the time of the accident was \$9.40 per hour and he worked 40 hours per week. His average weekly wage for the last year was determined to be \$386.25 which projects to annual earnings of approximately \$20,201. Mr. Martin was 50 years and 2 months of age at the time of the accident.

Mr. Martin's job, according to the Dictionary of Occupational Titles, was that of a Janitor (381.687-010). The job of Janitor is classified as Medium according to the DOT (*See Appendix A for DOT work definitions*). Mr. Martin had worked on two other occasions as a Janitor. He had also worked as a Stores Laborer / Stock Clerk (922.687-050), Furniture Assembler (763.684-038), and Kiln Cleaner (573.687-018). All of these jobs are also classified as Medium, according to the DOT. He also worked as a Security Guard (372.667-018) and Electrical Accessories Assembler (729.687-010). These two jobs are classified as Light.

Mr. Martin's past jobs are classified according to the DOT as semi-skilled and unskilled. The jobs of Janitor (3), Furniture Assembler (4), Security Guard (3) are semi-skilled and have a Specific Vocational Preparation as indicated in the parentheses (*See Appendix B for explanation of SVP*). The jobs of Kiln Cleaner (2), Electronic Accessories Assembler (2), and Storage Laborer (2) are classified as unskilled. Jobs with an SVP of 3 or 4 are considered semi-skilled. Jobs with an SVP of 1 or 2 are classified as unskilled. The SVP is considered in determining if an individual possesses skills that have transferability to lighter jobs, meaning the individual could qualify to obtain the jobs and possibly command a higher wage. In Mr. Martin's case, he possesses no skills that would transfer directly to lighter jobs.

The classification of the time-of-accident work and past work is an important issue in determining earnings losses. Following the accident, Mr. Martin's treating doctors, and specifically Dr. Davidson, never released him to return to work at his time of accident job and, prior to 5/22/06, presumably due to his back complaints. The issue becomes less clear following his heart attack of 5/22/06. If Mr. Martin were not to return to work in the Janitor job, a Medium work classification, one assumes he cannot return to work in his other past work that was classified as Medium.

There is no opinion provided whether or not Mr. Martin could return to work in a lighter job, or jobs classified as Light, or Sedentary. All of the office notes and treatment focused on his ability to return, or not return, to his time of accident job. The medical treatment focused on his potential recovery to return to work as a Janitor. Once Mr. Martin had the heart attack, his return to work as a Janitor was similarly not addressed.

Based on Dr. Cardamone's records and the records from the Free Clinic, it appears that Mr. Martin's medical conditions had stabilized to where he could work in a Light capacity, at least by 8/29/07. This would indicate that he had an earning capacity as of that date. His earning capacity would be based on his working as a Security Guard or Electronic Accessories Assembler, or other Light or Sedentary unskilled jobs. According to wage surveys performed by the Centers for Workforce Information and Analysis covering the Clearfield County area, these jobs pay hourly wages as indicated in the list contained in *Appendix B*. According to the same survey, these jobs are in existence in sufficient numbers. There are other unskilled jobs, that pay minimum wage and slightly

above, that Mr. Martin could obtain and would restore his earning capacity. This analysis would apply if one is of the opinion that Mr. Martin was injured in the 1/18/05 motor vehicle accident. Examples of such jobs are Fast Food Worker, Surveillance Systems Monitor, Cashier, and Telemarketer. Mr. Martin has had a good relationship with Manpower, Inc. who could assist him in these efforts.

If one were to accept that the accident of 1/18/05 resulted in Mr. Martin losing his Janitor job, a careful analysis is required. Mr. Martin's claim is that he hurt his back in the accident which resulted in his not being able to return to his Janitor job. Mr. Martin had a history of back problems and heart problems. He eventually had a heart attack on 5/22/06. There is no medical opinion expressed that indicated the motor vehicle accident caused him to have a heart attack. This event would have likely resulted in his losing his job as a Janitor effective 5/21/06. He would have then had to change jobs and work in jobs in a lighter classification, Light, or Sedentary, or not be able to work at all. Mr. Martin's earning capacity in the future, irrespective of the motor vehicle accident, would have been limited considering the heart attack of 5/06, the diabetes, and the past history of low back pain. The heart condition and back pain resulted in his changing jobs in the past. The combination of back condition, heart condition, and diabetes will have resulted in a reduced worklife expectancy. His earning capacity would have been equivalent to what he can earn presently in these jobs of Security Guard and Electronics Accessories Assembler, and / or other jobs such as that of a Telephone Solicitor, Surveillance Systems Monitor, or Fast Food Worker, as examples.

As a consequence, Mr. Martin's losses as a result of the motor vehicle accident of 1/18/05 maximally occurred from 2/10/05 through 5/21/06, a period of 67 weeks. In this regard, Mr. Martin's loss as a result of the 1/18/05 accident would be approximately \$25,878.75 (\$386.25 X 67 weeks).

If one were to accept Dr. Billy's opinion that Mr. Martin's back problems were of a long-standing nature and were not caused by the accident of 1/18/05. Mr. Martin will have not experienced any loss as a result of the motor vehicle accident of 1/18/05, since his basis for remaining off work was due to long-standing back problems which were not related to the motor vehicle accident.

SUMMARY / CONCLUSION: Mr. Martin was involved in the motor vehicle accident on 1/18/05 while working for Crossgates / Sunny Slopes. Subsequent to the accident he had complaints of low back pain. He engaged in a variety of treatments, made periodic improvements, but was never released to return to work as a Janitor. While off work, Mr. Martin experienced a heart attack in 5/06. Also while off work, he was diagnosed as having a diabetic condition. Mr. Martin has a history of low back problems dating back to 9/97. He also reportedly experienced a cerebrovascular accident in 1/98.

Dr. Gregory Billy evaluated Mr. Martin on 5/2/08. He is of the opinion that Mr. Martin is now limited by long-standing medical problems not related to the motor vehicle accident of 1/18/05. As a consequence, one would then suggest that Mr. Martin may have experienced a loss in past earnings for a period of time while he evaluated his medical condition. As a consequence he may have experienced a brief period of a loss in terms of past earnings. At some point, it became evident that his medical problems that prevented him from returning to work were not related to the motor vehicle accident and he had not experienced any further income losses as a result of the motor vehicle accident.

Mr. Martin is not unemployable. He has the residual capacity, and employability, to perform jobs classified as Light or Sedentary. As per the wage surveys, jobs appropriate for Mr. Martin exist in sufficient numbers in the Clearfield County area and are available to him.

This opinion is expressed within a reasonable degree of professional certainty as a Licensed Professional Counselor.

APPENDIX A

Sedentary Work – Exerting up to 10 pounds of force occasionally (Occasionally: activity or condition exists up to 1/3 of the time) and / or a negligible amount of force frequently (Frequently: activity or condition exists from 1/3 to 2/3 of the time) to lift, carry, push, pull, or otherwise move objects, including the human body. Sedentary work involves sitting most of the time, but may involve walking or standing for brief periods of time. Jobs are sedentary if walking and standing are required only occasionally and all other sedentary criteria are met.

Light Work -- Exerting up to 20 pounds of force occasionally, and / or up to 10 pounds of force frequently, and / or a negligible amount of force constantly (Constantly: activity or condition exists 2/3 or more of the time) to move objects. Physical demands requirements are in excess of those for Sedentary Work. Even though the weight lifted may be only a negligible amount, a job should be rated Light Work: (1) when it requires walking or standing to a significant degree; or (2) when it requires sitting most of the time but entails pushing and / or pulling or arm or leg controls; and / or (3) when the job requires working at a production rate pace entailing the constant pushing and / or pulling of materials even though the weight of those materials is negligible. NOTE: The constant stress and strain of maintaining a production rate pace, especially in an industrial setting, can be and is physically demanding of a worker even though the amount of force exerted is negligible.

Medium Work - Exerting 20 to 50 pounds of force occasionally, and / or 10 to 25 pounds of force frequently, and / or greater than negligible up to 10 pounds of force constantly to move objects. Physical Demand requirements are in excess of those for Light Work.

Heavy Work – Exerting 50 to 100 pounds of force occasionally, and / or 25 to 50 pounds of force frequently, and / or 10 to 20 pounds of force constantly to move objects. Physical Demands requirements are in excess of those for Medium Work.

Very Heavy Work – Exerting in excess of 100 pounds of force occasionally, and / or in excess of 50 pounds of force frequently, and / or in excess of 20 pounds of force constantly to move objects. Physical Demand requirements are in excess of those for Heavy Work.

APPENDIX B

May 2007

Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates West Central Pennsylvania nonmetropolitan area

Occupation Code	Occupation Title	Employment (1)	Median Hourly	Mean Hourly	Mean Annual (2)	Mean RSE (3)
41-2011	Cashiers	5,170	\$7.38	\$7.82	\$16,270	0.90%
41-2021	Counter and Rental Clerks	410	\$8.68	\$9.74	\$20,270	5.40%
41-9041	Telemarketers	500	\$7.00	\$7.79	\$16,200	4.50%
43-4081	Hotel, Motel, and Resort Desk Clerks	260	\$7.61	\$8.62	\$17,920	5.70%
43-5021	Couriers and Messengers	80	\$7.79	\$8.67	\$18,030	3.10%
	Mail Clerks and Mail Machine Operators, Except Postal Service					
43-9051		60	\$9.91	\$10.67	\$22,190	7.90%
51-6031	Sewing Machine Operators	260	\$9.56	\$10.67	\$22,190	5.10%
53-6031	Service Station Attendants	70	\$7.62	\$7.91	\$16,460	4.50%
33-9032	Security Guards	440	\$9.01	\$10.62	\$22,090	6.90%
	Counter Attendants, Cafeteria, Food Concession, and Coffee Shop					
35-3022		230	\$7.15	\$7.50	\$15,600	3.00%
	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop					
35-9031		270	\$7.17	\$7.88	\$16,380	4.20%
37-2012	Maids and Housekeeping Cleaners	930	\$7.76	\$8.34	\$17,350	1.90%

MAY 2007

Metropolitan Statistical Area – State College, Pennsylvania

OCC_CD DE	OCC_TITLE	TOT_FMP	EMP_PR SE	H_ME AN	A_ME AN	MEAN_PRS E	H_PC T10	H_PC T25	H_MEDI AN	H_PC T75	H_PCT90
33-9032	Security guards	140	11.8	12.78	26540	5.1	7.29	9.25	11.30	14.77	20.98
41-2011	Cashiers	2020	12.4	7.89	16410	2.1	6.67	6.93	7.39	8.55	9.83
41-2021	Counter and rental clerks	260	20.7	9.66	20100	6.6	6.78	7.19	8.73	11.16	14.91
41-2031	Retail salespersons	3050	11.4	10.93	22730	3.6	6.88	7.52	9.50	12.59	17.51
41-9041	Telemarketers	**	**	10.36	21560	4.7	7.27	8.05	9.19	11.32	15.48
43-4051	Customer service representatives	840	24.2	13.05	27130	3.2	7.79	9.10	11.85	16.04	20.02
	Hotel, motel, and resort desk clerks										
43-4081		220	24.2	8.22	17100	5.2	6.70	7.00	7.53	8.82	10.31
43-4151	Order clerks	60	10.0	12.97	26980	3.7	7.92	11.68	13.31	14.78	16.85
	Mail clerks and mail machine operators, except postal service										
43-9051		50	15.3	14.05	29220	8.5	8.34	9.47	14.46	17.68	19.32
51-2022	Electrical and electronic equipment assemblers	80	44.3	15.54	32320	3.3	10.82	12.60	14.80	18.51	21.75
51-9061	Inspectors, testers, sorters, samplers, and weighers	380	32.1	10.14	21090	9.9	6.63	6.83	10.00	12.13	14.98
51-9111	Packaging and filling machine operators and tenders	40	31.2	11.58	24090	4.9	8.15	9.28	10.81	13.44	16.87

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06- 2153 -CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Plaintiffs' First Motion In Limine was served on the following and in the following manner on the 6th day of January, 2009:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By: James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*

SHERRY A. BOWMAN, an
individual, *
Defendant *

* Type of Pleading:

* **ORDER**

* Filed on behalf of:
* Plaintiffs
*
* Counsel of Record for
* this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

Dated: January 6, 2009 *

FILED acc
01/06/09 Atty Naddeo
JAN 08 2009 (61)

5 William A. Shaw
Prothonotary/Clerk of Courts

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

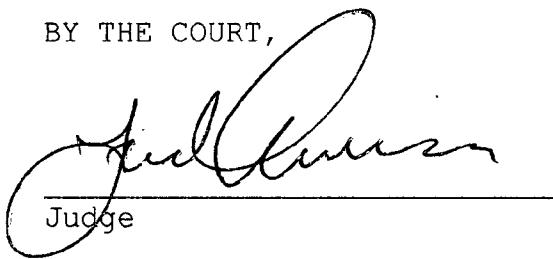
RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06-2153-CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant. *

ORDER

AND NOW this 8 day of Jan, 2009, upon
consideration of Plaintiffs' First Motion In Limine filed by
James A. Naddeo, attorney of record for Plaintiffs, it is the
Order of this Court that this case will be heard before the
Court on the 6th day of February, 2009, at 2:30 P.M.,
at the Clearfield County Courthouse, Clearfield, Pennsylvania,
Courtroom No. 1.

$\frac{1}{2}$ hour has been allotted for this hearing.

BY THE COURT,



Ted L. Johnson
Judge

FILED

JAN 08 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/8/09

X You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife,
Plaintiffs *

v. *

No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,

Defendant *

* Type of Pleading:

* **CERTIFICATE OF SERVICE**

* Filed on behalf of:

* Plaintiffs *

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820 *

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601 *

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William A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *

v. *

No. 06- 2153 -CD

SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Order dated January 8, 2009 was served on the following and in the following manner on the 12th day of January, 2009:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By:

James A. Naddeo
James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife,
Plaintiffs

v.

* No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,
Defendant

* Type of Pleading:

* **PRAECIPE TO WITHDRAW
MOTION IN LIMINE**

* Filed on behalf of:
* Plaintiffs

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
* Pa I.D. 06820

* NADDEO & LEWIS, LLC
* 207 E. Market Street
* P.O. Box 552
* Clearfield, PA 16830
* (814) 765-1601

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FILED 03:39 PM JAN 16 2009
cc Atty Naddeo

④
William A. Shaw
Prothonotary/Clerk of Courts

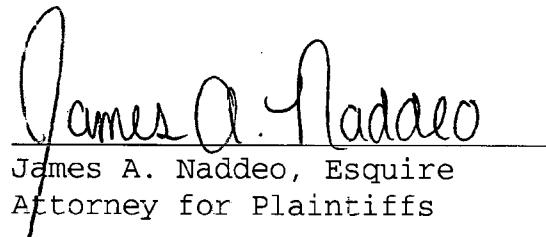
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06- 2153 -CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

PRAECIPE TO WITHDRAW MOTION IN LIMINE

TO THE PROTHONOTARY:

Please withdraw the Motion in Limine filed on behalf
of Richard Martin and Kathy A. Martin.



James A. Naddeo, Esquire
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. * No. 06- 2153 -CD
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

CERTIFICATE OF SERVICE

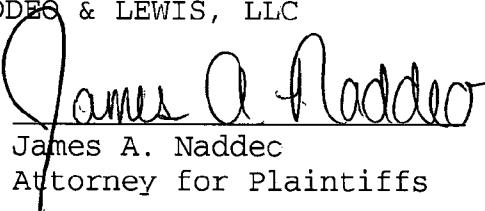
I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Praceipe to Withdraw Motion in Limine was served on the following and in the following manner on the 16th day of January, 2009:

First-Class Mail, Postage Prepaid

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

NADDEO & LEWIS, LLC

By:


James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife,

Plaintiffs

*

*

*

v.

No. 06-2153-CD

*

SHERRY A. BOWMAN, an
individual,

Defendant

*

*

*

*

*

*

Type of Pleading:

*

CERTIFICATE OF SERVICE

*

* Filed on behalf of:

*

Plaintiffs

*

* Counsel of Record for

*

this party:

*

*

* James A. Naddeo, Esq.

*

Pa I.D. 06820

*

*

* NADDEO & LEWIS, LLC

*

207 E. Market Street

*

P.O. Box 552

*

Clearfield, PA 16830

*

(814) 765-1601

*

*

FILED 3CC
01/31/2009 Atty Naddeo
FEB 11 2009
W.A. Shaw
Prothonotary/Clerk of Courts

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

RICHARD MARTIN and KATHY A. *
MARTIN, *
husband and wife, *
Plaintiffs *
*
v. *
*
SHERRY A. BOWMAN, an *
individual, *
Defendant *

No. 06- 2153 -CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a certified copy of Notice of Taking Deposition was served on the following and in the following manner on the 11th day of February, 2009:

First-Class Mail, Postage Prepaid

James Davidson, DO
502 Park Avenue
Clearfield, PA 16830

James M. Horne, Esquire
McQUAIDE, BLASKO, FLEMING & FAULKNER
811 University Drive
State College, PA 16801

Maryann Cornelius, Court Reporter
339 Southmont Boulevard
Johnstown, PA 15905

NADDEO & LEWIS, LLC

By:

James A. Naddeo
Attorney for Plaintiffs

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

RICHARD MARTIN and KATHY A. MARTIN, *
husband and wife,
Plaintiffs

v.

* No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,
Defendant

* Type of Pleading:

* **PRAECIPE TO SETTLE
AND DISCONTINUE**

* Filed on behalf of:
Plaintiffs

* Counsel of Record for
this party:

* James A. Naddeo, Esq.
Pa I.D. 06820

* NADDEO & LEWIS, LLC
207 E. Market Street
P.O. Box 552
Clearfield, PA 16830
(814) 765-1601

FILED
03-35841
MAR 17 2009 Disc. to Atty Naddeo

William A. Shaw
Prothonotary/Clerk of Court

(60)

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

RICHARD MARTIN and KATHY A.
MARTIN,
husband and wife,
Plaintiffs

v.

No. 06-2153-CD

SHERRY A. BOWMAN, an
individual,
Defendant

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Dear Sir:

Please mark the above-captioned case settled and discontinued.

James A. Naddeo, Esquire
Attorney for Plaintiffs

James A. Naddeo, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Copy

Richard Martin
Kathy A. Martin

Vs.
Sherry A. Bowman

No. 2006-02153-CD

CERTIFICATE OF DISCONTINUATION

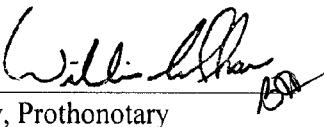
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 17, 2009, marked:

Settled and Discontinued

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of March A.D. 2009.



William A. Shaw, Prothonotary