

07-244-CD

Lorraine Hahn et al vs Jeffrey K. Hahn

Lorraine Hahn et al vs Jeffrey Hahn
2007-244-CD

Lorraine L. Hahn, et alvs. Jeffrey K. Hahn

CIVIL ACTION

| Date | | Judge |
|------------|---|-------------------------|
| 2/15/2007 | New Case Filed. | No Judge |
| | ✓ Filing: Complaint. Paid by: Hahn, Lorraine L. (plaintiff) Receipt number: 1917659 Dated: 02/15/2007 Amount: \$85.00 (Check) 2CC Atty. | No Judge |
| | Case Filed. | Fredric Joseph Ammerman |
| 5/21/2007 | ✓ Sheriff Return, May 19, 2007 After diligent search I returned the within Complaint "NOT FOUND" as to Jeffrey K. Hahn. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by L. Hahn \$100.00 | No Judge |
| 6/7/2007 | ✓ Filing: Reinstate Complaint Paid by: Hahn, Lorraine L. (plaintiff) Receipt number: 1919301 Dated: 06/07/2007 Amount: \$7.00 (Check) Filed by s/ Joseph Colavecchi, Esquire. 2 Complaints Reinstated to Sheriff. No CC | No Judge |
| 6/20/2007 | ✓ Praecipe For Entry of Appearance, filed. Please enter our appearance on behalf of the Defendant, Jeffrey K. Hahn, in the above-captioned matter, filed by s/ Katherine V. Oliver Esq. No CC. | No Judge |
| 7/2/2007 | ✓ Defendant's Answer with New Matter to Plaintiff's Complaint, filed by s/Katherine V. Oliver, Esq. No CC | No Judge |
| 7/3/2007 | ✓ Reply to New Matter, filed by s/ Joseph Colavecchi Esq. 2CC Atty Colavecchi. | No Judge |
| 7/6/2007 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant Jeffrey K. Hahn's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter this 5th day of July 2007 to Joseph Colavecchi Esq., filed by s/ Katherine V. Oliver Esq. No CC. | No Judge |
| 7/17/2007 | ✓ Certificate of Service, filed. That a true and correct copy of our Defendant's Interrogatories and Request for Production of Documents Directed to Plaintiff (set one) and Second Request for Production of Documents and Tangible Things Directed to Plaintiff, in the above-captioned matter on this 11th day of July 2007 to Joseph Colavecchi Esq., filed by s/ Katherine V. Oliver Esq. No CC. | No Judge |
| 8/1/2007 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Chena L. Glenn-Hart Esq. No CC. | No Judge |
| 8/10/2007 | ✓ Certificate of Service, copy of Defendant Jeffrey K. Hahn's Notice of Intent to Serve a Subpoena for Production of Documents and Things was mailed by First Class Mail on the 9th day of August, 2007, to Joseph Colavecchi, Esquire. Filed by s/ Katherine V. Oliver, Esquire. No CC | No Judge |
| 8/21/2007 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.221, filed by s/ Katherine V. Oliver, Esquire. No CC | No Judge |
| 9/13/2007 | ✓ Certificate of Service, filed. That a true and correct copy of our Defendant's Answers and Objections to Plaintiff's Interrogatories and Request for Production (set one) in the above-captioned matter on this 12th day of September 2007 to Joseph Colavecchi Esq., filed by s/ Katherine V. Oliver Esq. No CC. | No Judge |
| 10/19/2007 | ✓ Sheriff Return, June 7, 2007 at 2:45 pm Served the within Complaint on Jeffrey K. Hahn by handing to Jeffrey K. Hahn. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Hahn \$21.41 | No Judge |

PORTFOLIO RECOVERY ASSOCIATES, LLC

Litigation Department

140 Corporate Boulevard Norfolk, VA 23502

Telephone: (866) 428-8102 Fax: (757) 518-0860

Hours of Operation: Monday through Friday 8 AM to 9 PM (EST)

CLEARFIELD COUNTY COURT OF THE COMMON PLEAS
PROTHONOTARY OFFICE
230 EAST MARKET STREET
CLEARFIELD PA 16830

Re: Portfolio Recovery Associates, LLC

Dear Clerk:

I am enclosing an original Plaintiff's Response to and Brief in Opposition to Defendant's Preliminary Objections along with the required number of corresponding copies to be filed in your Court. Please return a time stamped copy of same in the envelope provided.

Thank you for your kind cooperation, and should you have any questions please do not hesitate to contact me.

Sincerely,

Litigation Department
Portfolio Recovery Associates, LLC
140 Corporate Blvd.
Norfolk, VA 23502
PH: 866-428-8102 ext. 10080

cc: John Lhota, Esq.

Enclosures

*May apply for this filing.

This letter is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose

Current Judge: Fredric Joseph Ammerman

Lorraine L. Hahn, et alvs. Jeffrey K. Hahn

CIVIL ACTION

| Date | | Judge |
|-----------|---|-------------------------|
| 1/9/2008 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant Jeffrey K. Hahn's Notice of Intent to Serve Subpoenas for Production of Documents and Things in the above-referenced matter by first class mail this 8th day of January 2008 to Joseph Colavecchi Esq., filed by s/ Katherine V. Oliver Esq. No CC. | No Judge |
| 1/15/2008 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver, Esquire. No CC | No Judge |
| 1/31/2008 | ✓ Praecipe to Withdraw and Enter Appearance of Record, filed by Atty. Noble Withdrawal Joseph Colavecchi and Enter Appearance of Theron G. Noble on behalf of Plaintiff. no cert. copies. | No Judge |
| 2/20/2008 | ✓ Certificate of Service, filed. That a true and correct copy of defendant Jeffrey K. Hahn's Notice of Intent to Serve a Subpoena for Production of Documents and Things in the above-referenced matter was mailed by first class mail on this 19th day of February 2008 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | No Judge |
| 3/3/2008 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver, Esquire. No CC | No Judge |
| 3/7/2008 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant Jeffrey K. Hahn's Notice of Intent to Serve a Subpoena for Production of Documents and Things in the above-referenced matter was mail by first class mail this 5th day of March 2008 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. NO CC. | No Judge |
| 3/10/2008 | ✓ Certificate of Service, copy of Defendant's Request for Production of documents and Tangible things Directed to Plaintiff (Set Three) was mailed by 1st Class mail on the 7th day of March, 2008 to Theron G. Noble, Esquire. Filed by s/ Katherine V. Oliver, Esquire. No CC | No Judge |
| 3/19/2008 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver, Esquire. No CC | No Judge |
| 8/20/2008 | ✓ Notice of Service, this 18th day of August, 2008, mailed via first class delivery a copy of Plaintiff's Notice of Deposition to Katherine V. Oliver, Esquire. Filed by s/ Theron G. Noble, Esquire. no CC | No Judge |
| 9/26/2008 | ✓ Motion to Compel Plaintiff's Responses to Request for Production of Documents (Set Three), filed by Atty. Oliver no cert. copies | No Judge |
| 9/29/2008 | ✓ Order, this 29th day of Sept., 2008, Defendant Jeffrey Hahn's Motion to Compel Plaintiffs' Responses to Defendant's Requests for Production of Documents (Set Three) is GRANTED. Plaintiffs shall serve full and complete responses to Defendant's Requests for Production of Documents (Set Three), including production of all responsive documents, within 30 days of the date of this Order, or suffer appropriate sanction. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Oliver | Fredric Joseph Ammerman |
| 10/1/2008 | ✓ Certificate of Service, a copy of the Court's Order dated Sept. 29, 2008, was mailed by regular mail on the 30th day of Sept., 2008 to Theron G. Noble, Esquire. Filed by s/ Katherine V. Oliver, Esquire. no cc | Fredric Joseph Ammerman |
| 11/3/2008 | ✓ Certificate of Service, a copy of Defendant's Notices of Deposition was mailed by U.S. First Class Mail, the 31st day of Oct., 2008, to Theron G. Noble, Esquire. Filed by s/ Katherine V. Oliver, Esquire. No CC | Fredric Joseph Ammerman |

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
CIVIL DIVISION

FILED RD

FEB 24 2010
12:15 PM
William A. Shaw
Prothonotary/Clerk of Courts
ISSUED 6 units
TO SHF

MICHAEL BREWER and
DEBORAH BREWER,
Plaintiffs

No. 09-971 C.D.

vs.

MANUEL F. MEGOFNA and
KARI L. MEGOFNA,
Defendants

PRAECIPE FOR WRIT OF EXECUTION

To the Prothonotary:

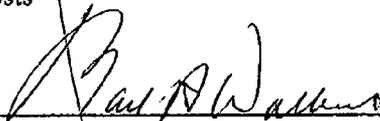
Issue writ of execution in the above matter,

- (1) directed to the Sheriff of Clearfield County;
- (2) against Manuel F. Megofna and Kari L. Megofna, Defendants; and
- (3) enter this writ in the judgment index
 - (a) against Manuel F. Megofna and Kari L. Megofna, Defendants; and
 - (b) against _____, as Garnishee, as a lis pendens against

real property of the Defendants in name of Garnishee as follows:

Execute against all personal property in possession of the Defendants located at 308 Sandy Street, DuBois, Pennsylvania, 15801, as well as any monies in Defendants' possession.

- (4) Amount due \$ 12,500.00
- Interest from 3/10/09 through 7/10/09 1,062.90
- Plus Interest from 7/10/09 and Costs



Mark A. Wallisch, Attorney for Plaintiffs

Current Judge: Fredric Joseph Ammerman

Lorraine L. Hahn, et alvs. Jeffrey K. Hahn

CIVIL ACTION

| Date | | Judge |
|------------|---|-------------------------|
| 11/4/2008 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Deposition was mailed by first class mail this 3rd day of November 2008 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 11/17/2008 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Deposition in the above-referenced matter was mail by first class mail this 13th day of November 2008 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 12/2/2008 | ✓ Motion to Compel Medical and Psychological Examinations, filed by s/Katherine V. Oliver, Esq. No CC | Fredric Joseph Ammerman |
| 12/4/2008 | ✓ Order this 4th day of Dec., 2008, upon consideration of Motion to Compel Medical and Psychological Examinations, it is Ordered: a rule is issued upon Plaintiffs. Argument shall be held on Jan. 16, 2009 in Courtroom 1 at 2:00 p.m. Notice of the entry of this Order shall be provided to all parties by moving party. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Oliver. | Fredric Joseph Ammerman |
| 12/15/2008 | ✓ Certificate of Service, filed. That a true and correct copy of the Court's order was mailed by U.S. First class mail this 8th day of December 2008 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 12/18/2008 | ✓ Reply to Motion to Compel, filed by s/ Theron G. Noble, Esquire. No CC | Fredric Joseph Ammerman |
| 1/20/2009 | ✓ Order, this 16th day of Jan., 2009, this being the date set for arguement on Defendant's Motion to Compel, it is Ordered that the matter is rescheduled for 9:30 a.m. on Monday, Feb. 2, 2009, Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC attys; Noble, Oliver | Fredric Joseph Ammerman |
| 2/10/2009 | ✓ Certificate of Service, a copy of Defendant's Notice of Intent to Serve Subpoenas for Production of Documents and Things Directed to Clfd. Hospital, Altoona Regional Health System and Philipsburg Area Hospital was mailed by First Class Mail on Feb. 9, 2009 to Theron G. Noble, Esquire. filed by s/ Katherine V. Oliver, Esquire. No CC | Fredric Joseph Ammerman |
| 2/12/2009 | ✓ Order, this 11th day of Feb., 2009, upon consideration of Def.'s Notion to Compel Medical and Psychological Examinations of Plaintiff Cheyanne M. Hahn, and Plaintiff's response thereof, it is Ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Attys: Noble, Oliver | Fredric Joseph Ammerman |
| 2/26/2009 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 3/2/2009 | ✓ Motion to Compel Plaintiff Cheyanne Hahn to Sign Consent Allowing Release of Complete Counseling Records, filed by s/ Katherine V. Oliver, Esquire. no CC | Fredric Joseph Ammerman |
| 3/3/2009 | ✓ Order, this 3rd day of March, 2009, Defendant's Motion to Compel Plaintiff Cheyanne M. Hayn to Sign Consent for Release of Complete Counseling Records is GRANTED. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Oliver | Fredric Joseph Ammerman |
| 3/5/2009 | ✓ Certificate of Service, filed. That a true and correct copy of the Court's Order dated March 3, 2009 was mailed by 1st class mail on this 4th day of March 2009 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 3/9/2009 | ✓ Motion to Reconsider, filed by s/ Theron G. Noble, Esquire. no CC | Fredric Joseph Ammerman |
| 3/11/2009 | ✓ Defendant's Response to Plaintiff's Motion to Reconsider, filed by s/ Dominick J. Muracco Esq. No CC. | Fredric Joseph Ammerman |

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
CIVIL DIVISION

FILED ^{EG}

FEB 24 2010

m/12:56
William A. Shaw
Prothonotary/Clerk of Courts
Issued 6:00 PM
TO SUPR
no C/L

MICHAEL BREWER and
DEBORAH BREWER,
Plaintiffs

vs.

MANUEL F. MEGOFNA and
KARI L. MEGOFNA,
Defendants

:
: No. 09-971 C.D.
:
: Type of Case: Breach of Contract/
: Quantum Meruit
:
: Document: Praeipe for Writ of Execution
:
: Filed on behalf of: Plaintiffs
:
: Counsel of Record for this Party:
: Mark A. Wallisch, Esquire
: Achille, Ellermeyer & Wallisch
: 379 Main Street
: Brookville, PA 15825
: (814) 849-3966
:
: Supreme Court No. 23658

Lorraine L. Hahn, et alvs. Jeffrey K. Hahn

CIVIL ACTION

| Date | | Judge |
|-----------------------------|--|-------------------------|
| 3/11/2009 | ✓ Motion for Permission to Reschedule Independent Medical Examination and Amend Court Order dated Febraury 11, 2009, filed by s/ Dominick J. Muracco Esq. No CC. | Fredric Joseph Ammerman |
| | ✓ Rule, this 11th day of March, 2009, upon consideration of the motion to Reconsider, a rule is issued upon the Defendant. Hearing will be held on the 17th day of April, 2009 at 2:00 p.m. Courtroom 1. Until said time, the Court's Order of March 3, 2009 is revoked. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Noble | Fredric Joseph Ammerman |
| 3/12/2009 | ✓ Order, this 12th day of March, 2009, Defendant's Motion for Permission to Reschedule Independent Medical Examinations and Amend the Court Order dated Feb. 11, 2009 is GRANTED. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Muracco | Fredric Joseph Ammerman |
| 3/16/2009 | ✓ Certificate of Service, filed. That a true and correct copy of the Court's Order dated March 12, 2009 was mailed by U.S. 1st class mail on this 13th day of March 2009 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| | ✓ Notice of Service, filed. Thia 13th day of March 2009, a true and correct copy of the Rule to Show Cause issued Plaintiff's Motion to Reconsider to Katherine V. Oliver Esq., filed by s/ Theron G. Noble Esq. No CC. | Fredric Joseph Ammerman |
| 4/17/2009 | ✓ Praecipe to Cancel Argument on Plaintiffs' Motion to Reconsider, filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| missing ^{3/9/12} → | Stipulation, filed by s/ Theron G. Noble Esq and s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 9/4/2009 | ✓ Certificate of Service, filed. That a true and correct copy of our Defendant, Jeffrey K. Hahn's Interrogatories Directed to Plaintiff (set two) was mailed by 1st class mail on this 3rd day of September 2009 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 5/18/2010 | ✓ Certificate of Service, filed. That a true and correct copy of the Notice of Intent to Serve Subpoenas for Production of Documents and Things directed to UPMC/Inna M. Vaisleib MD was served by first class mail on May 17, 2010 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 5/24/2010 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.21 filed by Atty. Oliver no cert. copies. | Fredric Joseph Ammerman |
| 11/1/2010 | ✓ Certificate of Service, filed by Atty. Oliver. no Cert. copies. ✓ Notice of Intent to Serve Subpoena served on Atty. Noble. | Fredric Joseph Ammerman |
| 11/17/2010 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver, Esq. no CC | Fredric Joseph Ammerman |
| 4/19/2011 | ✓ Certificate of Service, filed. A true and correct copy of the Notice of Intent to Serve Subpoena for Production of Documents and Things directed to UPMC/Inna M. Vaisleib MD was served on Theron G. Noble Esq on April 15, 2011, filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 4/25/2011 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |

24. The relationship of Defendant to the children is that of parent. The Defendant currently resides with the parties children.

25. Plaintiff has not participated as a party or witness, or in any capacity, in other litigation concerning the custody of the children in this or another court.

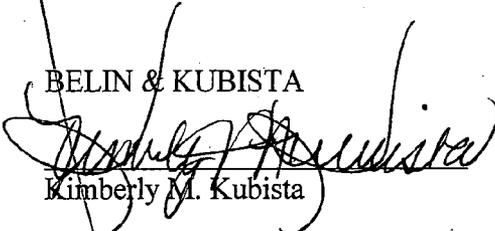
26. Plaintiff has no information of a custody proceeding concerning the children pending in a court of this Commonwealth.

27. Plaintiff does not know of a person not a party to the proceedings who has physical custody of the children or claims to have custody or visitation rights with respect to the children.

28. That Father believes that he is the better parent to serve as primary physical custodian as Father can provide a more stable environment conducive to the best interest of the children.

WHEREFORE, Plaintiff requests Your Honorable Court to grant physical custody of the children to Plaintiff subject to Defendant's periods of partial custody.

BELIN & KUBISTA


Kimberly M. Kubista

CIVIL ACTION

| Date | | Judge |
|------------|--|-------------------------|
| 9/12/2011 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21 to Blair Medical Associates, Cen-Clear Child Services Inc and Pennsylvania Department of Labor & Industry , Department of Vocational Rehabilitation was served on September 9, 2011 by fax and first class mail to Theron G. Noble Esq. filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 9/20/2011 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver, Esq. No CC | Fredric Joseph Ammerman |
| 12/28/2011 | ✓ Notice of service, filed. This 27th day of December 2010 via first class mail, mailed Plaintiff's Second Discovery Requests to Katherine V. Oliver Esq., filed by s/ Theron G. Noble Esq. No CC. | Fredric Joseph Ammerman |
| 1/26/2012 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant's Answers/Objections to Plaintiff's Second Set of Discovery Requestes was served via 1st class mail on this 25th day of January 2012 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| 2/6/2012 | ✓ Motion to Compel Expert Discovery, filed by s/ Katherine V. Oliver, Esq. No CC | Fredric Joseph Ammerman |
| 2/7/2012 | ✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery pursuant to Rule 4009.21 was served via 1st class mail on this 3rd day of February 2012 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. No CC. | Fredric Joseph Ammerman |
| | ✓ Rule to Show Cause, this 7th of Feb., 2012, rule issued on Plaintiff's re: Motion to Compel Expert Discovery. Rule Returnable the 7th of March, 2012, at 9:00 a.m. in Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Oliver | Fredric Joseph Ammerman |
| 2/10/2012 | ✓ Certificate of Service, filed. That a true and correct copy of the Court-issued Rule was served via facsimile and 1st class mail on this 9th day of February 2012 to Theron G. Noble Esq., filed by s/ Katherine V. Oliver Esq. NO CC. | Fredric Joseph Ammerman |
| 2/14/2012 | ✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ Katherine V. Oliver, Esq. No CC | Fredric Joseph Ammerman |
| 2/16/2012 | ✓ Motion to Compel, filed by s/ Theron G. Noble, esq. No CC | Fredric Joseph Ammerman |
| 2/21/2012 | ✓ Rule to Show Cause, this 21st of Feb., 2012, a rule is issued upon the Defendant. Argument will be held on the 7th of March, 2012 at 9:00 a.m. Courtroom 1. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Noble | Fredric Joseph Ammerman |
| 2/27/2012 | ✓ Response in Opposition to Plaintiffs' Motion to Compel, filed by s/ Katherine V. Oliver, Esq. no CC | Fredric Joseph Ammerman |
| 2/29/2012 | ✓ Certificate of Service, filed. This 28th day of February 2012 mailed via first class mail a true and correct copy of Rule to Katherine V. Oliver Esq., filed by s/ Theron G. Noble Esq. No CC. | Fredric Joseph Ammerman |
| 3/7/2012 | Reply to Motion to Compel Expert Discovery, filed by Atty. Noble no cert. copies. | Fredric Joseph Ammerman |

WHEREFORE, Plaintiff requests Your Honorable Court to equitably divide all marital property.

COUNT IV – CUSTODY

14. Paragraph one through thirteen of this Complaint are incorporated herein by reference and made a part hereof as though set forth in full.

15. Plaintiff seeks custody of the following children:

Brianna M. Beckwith, d.o.b. 8/7/93

Jesse A. Beckwith, d.o.b. 2/3/95

Tiffani L. Beckwith, d.o.b. 9/13/96

16. The children were born in wedlock.

17. The children are presently in the custody of Defendant.

18. During the past five years, the children have resided with the following:

Todd S. Beckwith and Shelly M. Beckwith, at 3697 Beckman Drive, Bartlett, Tennessee, from 1999 until November 2003.

Shelly M. Beckwith, at 9 E. Garfield Avenue, DuBois, Pennsylvania from November 2003 until present.

19. The mother of the children is Shelly M. Beckwith, who resides at 9 E. Garfield Avenue, DuBois, Pennsylvania.

20. She is married.

21. The father of the children is Todd S. Beckwith, who resides at 60 Barletta Road, Reynoldsville, Pennsylvania.

22. He is married.

23. The relationship of the Plaintiff to the children is that of parent. The Plaintiff currently resides with his father.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LORRAINE L. HAHN, Mother and
Natural Guardian, CHEYANNE M.
HAHN,

Plaintiff

vs.

JEFFERY K. HAHN,

Defendant

CIVIL DIVISION

No. ²⁰⁰⁷~~05~~-244 - CD

COMPLAINT

Filed on Behalf of:

Plaintiff, LORRAINE L. HAHN,
Mother and Natural Guardian of
CHEYANNE M. HAHN

Counsel of Record for This
Party:

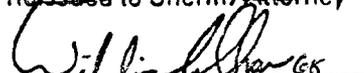
JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

June 7, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

FILED

O 1:32 P.M. GK

FEB 15 2007

2cc Atty.

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. : No. 06 - - CD
HAHN, :
Plaintiff : JURY TRIAL DEMANDED
vs. :
JEFFERY K. HAHN, :
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
Second and Market Streets
Clearfield, PA 16830
Phone 814/765-2641 Ex. 5982

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. : No. 06 - - CD
HAHN, :
Plaintiff : JURY TRIAL DEMANDED
vs. :
JEFFERY K. HAHN, :
Defendant :

COMPLAINT

1. Plaintiff is Lorraine L. Hahn, mother and natural guardian of Cheyanne M. Hahn, a minor, who was born on July 25, 1992, and who resides at 73 Ames Road, Kylertown, Pennsylvania 16847.

2. Jeffery K. Hahn is an individual residing at 388 Grassflat Avenue, Morrisdale, Pennsylvania, 16858.

3. On December 26, 2005, at approximately 5:35 p.m., Defendant was operating a 2001 Ford Ranger traveling westbound on S.R. 322 in Rush Township, Centre County, Pennsylvania. Present in the motor vehicle with Defendant was his daughter, Cheyanne M. Hahn.

4. The Defendant was operating the motor vehicle westbound on S.R. 322 in Rush Township, Centre County, Pennsylvania in an area known as Reese Hollow Road at which time he lost control of the

vehicle which slid sideways in clockwise motion and traveled off the roadway onto the north berm.

5. After the vehicle traveled off the roadway, it then turned to roll onto the driver's side and impacted a rock cut wall with its left and right front. After impact, the vehicle came to rest on its driver's side facing in a southeasterly direction. It was necessary for fire rescue personnel to extricate Cheyanne M. Hahn and Defendant from the motor vehicle.

6. Cheyanne M. Hahn suffered severe and serious injuries and damages as are hereinafter set forth.

7. The injuries and damages hereinafter set forth were caused solely by and were the direct and proximate result of the negligence of the Defendant in any or all of the following respects:

a. In operating the vehicle at a high, dangerous and reckless speed under the circumstances;

b. In failing to have the vehicle under proper control;

c. In continuing to operate the vehicle in the same high and dangerous speed when its operator saw or in the exercise of reasonable diligence should have seen that further operation in that manner would result in losing control of the vehicle;

d. In that the driver was inattentive and failed to maintain a sharp lookout of the road and the surrounding traffic conditions; and,

8. Solely as a result of the negligence of the Defendant as aforesaid, Cheyanne M. Hahn sustained the following injuries, all of which are or may be of a serious or permanent nature; injuries to her bones, muscles, tissues and ligaments, internal injuries, shock and injury to the nerves and nervous system.

9. As a result of the injuries as aforesaid, Cheyanne M. Hahn has sustained the following damages:

a. Said Plaintiff suffered a serious concussion with loss of consciousness.

b. Said Plaintiff suffered face, neck and scalp abrasions, lacerations, and friction burns, leaving a permanent scar on the bridge of her nose. The injury to her nose resulted in sinus disease.

c. Said Plaintiff suffered trunk abrasions and friction burns.

d. Said Plaintiff suffered two small subcentimeter hemorrhagic contusions in the right temporal lobe, all of which amounted to a traumatic brain injury with loss of memory and continuing symptoms of memory loss, headaches and dizziness.

e. Said Plaintiff has suffered and is suffering physical and mental impairments which have continued to the present.

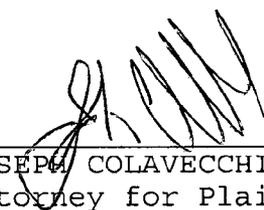
f. Said Plaintiff has suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental anguish.

g. Said Plaintiff has been and will be required to expend sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services.

h. Said Plaintiff has been disfigured.

i. Said Plaintiff's general health, strength and vitality have been impaired.

WHEREFORE, Plaintiff brings this action against Defendant to recover damages in excess of the jurisdiction of the Board of Arbitrators of this Court and in excess of Twenty-five Thousand Dollars (\$25,000).



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Lorraine L. Hahn

LORRAINE L. HAHN

FILED

FEB 15 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # 102452

LORRAINE L. HAHN, Mother & Natural Guardian, CHEYANNE M. HAHN

Case # 07-244-CD

vs.

JEFFREY K. HAHN

TYPE OF SERVICE COMPLAINT

SHERIFF RETURNS

NOW May 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT "NOT FOUND" AS TO JEFFREY K. HAHN, DEFENDANT. SEVERAL ATTEMPTS, LEFT NOTES..

SERVED BY: /

FILED
019:18:51
MAY 21 2007
SH

William A. Shaw
Prothonotary/Clerk of Courts

Return Costs

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | L. HAHN | 1549 | 10.00 |
| SHERIFF HAWKINS | L. HAHN | 1549 | 90.00 |

Sworn to Before me This

_____ Day of _____ 2007

So Answers,

Chester A. Hawkins
by Mandy Hahn
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LORRAINE L. HAHN, Mother and
Natural Guardian, CHEYANNE M.
HAHN,

Plaintiff

vs.

JEFFERY K. HAHN,

Defendant

CIVIL DIVISION

No. ²⁰⁰⁷~~06~~-244 - CD

COMPLAINT

Filed on Behalf of:

Plaintiff, LORRAINE L. HAHN,
Mother and Natural Guardian of
CHEYANNE M. HAHN

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

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

FEB 15 2007

Attest.


Prothonotary/
Clerk of Courts

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. : No. 06 - - CD
HAHN, :
Plaintiff : JURY TRIAL DEMANDED
: vs. :
JEFFERY K. HAHN, :
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
Second and Market Streets
Clearfield, PA 16830
Phone 814/765-2641 Ex. 5982

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. : No. 06 - - CD
HAHN, :
Plaintiff : JURY TRIAL DEMANDED
: vs. :
JEFFERY K. HAHN, :
Defendant :

COMPLAINT

1. Plaintiff is Lorraine L. Hahn, mother and natural guardian of Cheyanne M. Hahn, a minor, who was born on July 25, 1992, and who resides at 73 Ames Road, Kylertown, Pennsylvania 16847.

2. Jeffery K. Hahn is an individual residing at 388 Grassflat Avenue, Morrisdale, Pennsylvania, 16858.

3. On December 26, 2005, at approximately 5:35 p.m., Defendant was operating a 2001 Ford Ranger traveling westbound on S.R. 322 in Rush Township, Centre County, Pennsylvania. Present in the motor vehicle with Defendant was his daughter, Cheyanne M. Hahn.

4. The Defendant was operating the motor vehicle westbound on S.R. 322 in Rush Township, Centre County, Pennsylvania in an area known as Reese Hollow Road at which time he lost control of the

vehicle which slid sideways in clockwise motion and traveled off the roadway onto the north berm.

5. After the vehicle traveled off the roadway, it then turned to roll onto the driver's side and impacted a rock cut wall with its left and right front. After impact, the vehicle came to rest on its driver's side facing in a southeasterly direction. It was necessary for fire rescue personnel to extricate Cheyanne M. Hahn and Defendant from the motor vehicle.

6. Cheyanne M. Hahn suffered severe and serious injuries and damages as are hereinafter set forth.

7. The injuries and damages hereinafter set forth were caused solely by and were the direct and proximate result of the negligence of the Defendant in any or all of the following respects:

a. In operating the vehicle at a high, dangerous and reckless speed under the circumstances;

b. In failing to have the vehicle under proper control;

c. In continuing to operate the vehicle in the same high and dangerous speed when its operator saw or in the exercise of reasonable diligence should have seen that further operation in that manner would result in losing control of the vehicle;

d. In that the driver was inattentive and failed to maintain a sharp lookout of the road and the surrounding traffic conditions; and,

8. Solely as a result of the negligence of the Defendant as aforesaid, Cheyanne M. Hahn sustained the following injuries, all of which are or may be of a serious or permanent nature; injuries to her bones, muscles, tissues and ligaments, internal injuries, shock and injury to the nerves and nervous system.

9. As a result of the injuries as aforesaid, Cheyanne M. Hahn has sustained the following damages:

a. Said Plaintiff suffered a serious concussion with loss of consciousness.

b. Said Plaintiff suffered face, neck and scalp abrasions, lacerations, and friction burns, leaving a permanent scar on the bridge of her nose. The injury to her nose resulted in sinus disease.

c. Said Plaintiff suffered trunk abrasions and friction burns.

d. Said Plaintiff suffered two small subcentimeter hemorrhagic contusions in the right temporal lobe, all of which amounted to a traumatic brain injury with loss of memory and continuing symptoms of memory loss, headaches and dizziness.

e. Said Plaintiff has suffered and is suffering physical and mental impairments which have continued to the present.

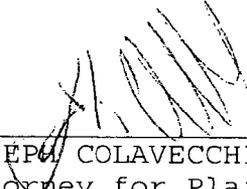
f. Said Plaintiff has suffered and will suffer great pain, suffering, inconvenience, embarrassment and mental anguish.

g. Said Plaintiff has been and will be required to expend sums of money for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services.

h. Said Plaintiff has been disfigured.

i. Said Plaintiff's general health, strength and vitality have been impaired.

WHEREFORE, Plaintiff brings this action against Defendant to recover damages in excess of the jurisdiction of the Board of Arbitrators of this Court and in excess of Twenty-five Thousand Dollars (\$25,000).



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in this Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Lorraine L. Hahn

LORRAINE L. HAHN

FILED

MAY 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LORRAINE L. HAHN, Mother and
Natural Guardian, CHEYANNE M.
HAHN,

Plaintiff

vs.

JEFFERY K. HAHN,

Defendant

CIVIL DIVISION

No. 07 - 244 - CD

**PRAECIPE TO REINSTATE
COMPLAINT**

Filed on Behalf of:

Plaintiff, LORRAINE L. HAHN,
Mother and Natural Guardian of
CHEYANNE M. HAHN

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED ^{6K}
2 Complaints
of 2:2364 reinstated to
JUN 07 2007 Sheriff

William A. Shaw No CC
Prothonotary/Clerk of Courts
Piff pd. 7.00

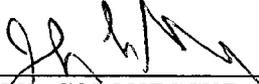
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. : No. 07 - 244 - CD
HAHN, :
Plaintiff :
vs. :
JEFFERY K. HAHN, :
Defendant :

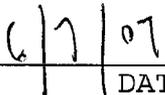
PRAECIPE TO REINSTATE COMPLAINT

TO: WILLIAM SHAW, PROTHONOTARY

Please reinstate the Complaint filed to the above-captioned
term and number.



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiff



DATE

FILED

JUN 07 2007

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
**PRAECIPE FOR ENTRY OF
APPEARANCE**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED No CC.
m/10:50am
JUN 20 2007


William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUN 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
**DEFENDANT'S ANSWER WITH
NEW MATTER TO PLAINTIFF'S
COMPLAINT**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED ^{no cc}
M112:26001
JUL 02 2007
William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|---------------------------------|---|--------------|
| LORRAINE L. HAHN, Mother and | : | No. 2006-158 |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

**DEFENDANT'S ANSWER WITH NEW MATTER TO
PLAINTIFF'S COMPLAINT**

AND NOW, comes Defendant, Jeffrey K. Hahn, by and through his attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., and files the following Answer with New Matter to Plaintiff's Complaint.

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied as stated. More accurately stated, Defendant was lawfully operating his motor vehicle westbound on SR 322 in Rush Township, Centre County, Pennsylvania at or near Reese Hollow Road when he suddenly and without warning encountered black ice, causing his vehicle to fishtail and swerve out of control. It is admitted that the vehicle slid on the ice-covered roadway and traveled onto the north berm.
5. Admitted in part and denied in part. Defendant admits that the vehicle traveled off the roadway, impacted a rock cut wall on the passenger side, and rolled onto the driver's side and came to rest facing south easterly. It is admitted that both Defendant and Cheyanne M. Hahn

were extricated from the truck by rescue personnel. The balance of the allegations of paragraph 5 are denied.

6. Denied as stated. It is admitted that Cheyanne Hahn sustained some degree of injury in the accident, for which she received emergency medical treatment. After reasonable investigation, however, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the averments within Plaintiff's Complaint regarding all of the injuries and damages allegedly resulting from the accident and the extent of the same. Plaintiff's allegations as to injuries and damages are therefore denied.

7. Denied. All allegations of negligence are denied pursuant to Pa.R.C.P. 1029(e) and for the reasons further set forth herein. As to Plaintiff's allegations of injuries and damages, please refer to paragraphs 8 and 9, below.

8. Admitted in part and denied in part. All allegations of negligence are denied pursuant to Pa.R.C.P. 1029(e). It is admitted only that Cheyanne Hahn sustained some degree of injury in the accident, for which she received emergency medical treatment. After reasonable investigation, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the averments within Plaintiff's Complaint regarding all of the injuries and damages allegedly resulting from the accident and the extent of the same. Plaintiff's allegations as to injuries and damages are therefore denied.

9. (a-i) Admitted in part and denied in part. It is admitted that Cheyanne Hahn sustained some degree of injury in the accident, for which she received emergency medical treatment. After reasonable investigation, however, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the averments within Plaintiff's Complaint regarding all of the

injuries and damages allegedly resulting from the accident and the extent of the same. Plaintiff's allegations as to injuries and damages are therefore denied.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint against him be dismissed, with prejudice and costs of suit.

NEW MATTER

10. The averments at paragraphs 1 through 9 of this Answer with New Matter are incorporated herein by reference as though set forth in full.

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

12. 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 plead, proven or recovered in the instant action.

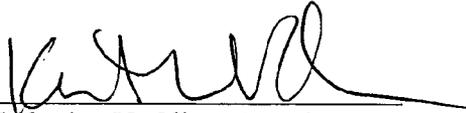
13. To the extent Plaintiff was insured under a policy of insurance carrying the limited tort option, Plaintiff's claims may be barred or reduced accordingly.

14. Plaintiff's alleged ongoing injuries and damages are unrelated to the motor vehicle accident at issue.

15. The accident at issue was the result of a sudden emergency confronted by Defendant, and not of any negligence on the part of Defendant.

WHEREFORE, Defendant respectfully requests that Plaintiff's Complaint against him be dismissed, with prejudice and costs of suit.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

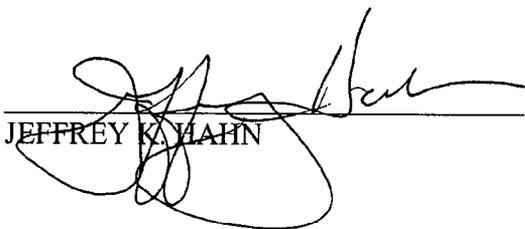
Dated: June 28, 2007

VERIFICATION

The undersigned verifies that he is authorized to make this Verification on his own behalf, and that the statements made in the foregoing Answer with New Matter to Plaintiff's Complaint are true and correct to the best of his 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.

Dated:

6/25/07


JEFFREY K. LAHN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LORRAINE L. HAHN, Mother and
Natural Guardian, CHEYANNE M.
HAHN.

Plaintiff

vs.

JEFFERY K. HAHN,

Defendant

CIVIL DIVISION

No. 07 - 244 - CD

REPLY TO NEW MATTER

Filed on Behalf of:

Plaintiff, LORRAINE L. HAHN,
Mother and Natural Guardian of
CHEYANNE M. HAHN

Counsel of Record for This
Party:

JOSEPH COLAVECCHI, ESQUIRE
Pa. I.D. #06810

COLAVECCHI & COLAVECCHI
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

814/765-1566

LAW OFFICES OF
COLAVECCHI
& COLAVECCHI
221 E. MARKET ST.
(ACROSS FROM
COURTHOUSE)
P. O. BOX 131
CLEARFIELD, PA

FILED
10/3:35
JUL 03 2007

William A. Shaw
Prothonotary/Clerk of Courts

WAS
JCC Atty Colavecchi

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. : No. 07 - 244 - CD
HAHN, :
Plaintiff :
vs. :
JEFFERY K. HAHN, :
Defendant :

REPLY TO NEW MATTER

NOW COMES, Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn, who, through her attorney, Joseph Colavecchi, Esquire, files her Reply to the New Matter of the Defendant and respectfully avers as follows:

10. This does not require a reply.

11. This does not require a reply.

12. This does not require a reply.

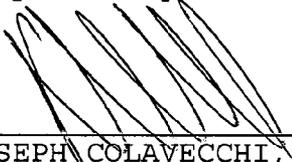
13. This does not require a reply.

14. Denied. On the contrary, Plaintiff's injuries and damages are directly related to the accident and caused by Defendant's negligence.

15. Denied. On the contrary, the injuries and damages suffered by Plaintiff were the direct result of the negligence of the Defendant which includes, his driving too fast for conditions.

WHEREFORE, Plaintiff asks that the Answer and New Matter of the Defendant be dismissed and that judgment be entered in favor of Plaintiff, together with interest and costs.

Respectfully submitted,



JOSEPH COLAVECCHI, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in this Reply to New Matter are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



LORRAINE L. HAHN, Mother and
Natural Guardian of Cheyanne M.
Hahn

FILED

JUL 03 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *no cc*
0111:2540
JUL 06 2007
LM
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *NO CC*
M 12:53 PM
JUL 17 2007 *(SF)*

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 17 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *NO CC*
m/10:42/81
AUG 01 2007
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2006-158

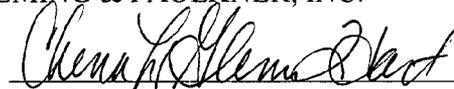
CERTIFICATE
PREREQUISITE TO SERVICE OF SUBPOENAS
PURSUANT TO RULE 4009.22

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

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the 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, are attached to this certificate,
- 3) no objection to the subpoenas have been received; and
- 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.

By:



Chena L. Glenn-Hart, Esquire

I.D. No. 82750

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: July 31, 2007

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc.

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc.

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc.

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

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Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc.

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc.

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

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Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc.

FILED

AUG 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

113

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED

AUG 10 2007

m (10:50 am)
William A. Shaw
Prothonotary/Clerk of Courts
NO CERT COPY 

FILED

AUG 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *no*
MTG: 5861
AUG 21 2007 *CC* *(GK)*

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

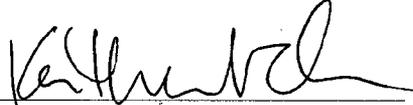
Defendant.

No. 2006-158

**NOTICE OF INTENT TO SERVE A 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 to Capital BlueCross. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Dated: August 9, 2007

Attorneys for Defendant

*Lorraine L. Hahn, Mother and Natural Guardian of
Cheyanne M. Hahn v. Jeffrey K. Hahn*

DOCUMENTS TO BE PRODUCED

A true and correct copy of any and all records in your possession pertaining to Cheyanne Hahn, Date of Birth 7/25/92, included, but not limited to, any and all contracts, plans, or policies providing coverage to Cheyanne Hahn, and all payout logs and medical records pertaining to Cheyanne Hahn.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2006-158

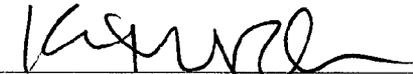
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to Capital BlueCross, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 20th day of August, 2007, to the attorney of record:

Joseph Colavecchi, Esquire
Colavecchi & Colavecchi
221 East Market Street
P.O. Box 131
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



Katherine V. Oliver, Esquire

I.D. No. 77069

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *no cc*
m/10:42007
SEP 13 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

FILED
SEP 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102875
NO: 07-244-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: LORRAINE L. HAHN, Mother and Natural Guardian, CHEYANNE M. HAHN
vs.
DEFENDANT: JEFFREY K. HAHN

FILED
07:03:01
OCT 19 2007
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

NOW, June 07, 2007 AT 2:45 PM SERVED THE WITHIN COMPLAINT ON JEFFREY K. HAHN DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JEFFREY K. HAHN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|--------|---------|--------|
| SURCHARGE | HAHN | 1644 | 10.00 |
| SHERIFF HAWKINS | HAHN | 1644 | 11.41 |

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,

Chester A. Hawkins
by *Marilyn Hamer*
Chester A. Hawkins
Sheriff

FILED

OCT 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED NOCC
m/10:55/01
JAN 09 2008
LS

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 09 2008

William A. Shaw,
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *no cc*
3/11/08
JAN 15 2008 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2006-158

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, Defendants certify that:

- 1) a notice of intent to serve the subpoenas with a copy of the subpoenas attached thereto were mailed or delivered to the 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, are attached to this certificate,
- 3) Plaintiff's attorney has waived the 20-day objection period; and
- 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.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: January 14, 2008

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc. **We reserve the right to obtain copies of radiology films using this subpoena after we have had an opportunity to review any records or radiology reports that are received in response to this request.**

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records for as long as you retain same and regardless of treating physician on Cheyanne M. Hahn, (DOB: 7/25/92), including but not limited to, treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Cheyanne M. Hahn's health status (regardless of source), etc. **We reserve the right to obtain copies of radiology films using this subpoena after we have had an opportunity to review any records or radiology reports that are received in response to this request.**

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

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FILED

JAN 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

218

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

**PRAECIPE TO WITHDRAW AND
ENTER APPEARANCE OF RECORD**

To: William A. Shaw, Prothonotary

Date: January 16, 2008

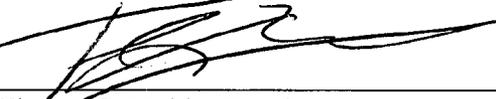
Please withdraw the appearance of Joseph Colavecchi, Esquire and Colavecchi & Colavecchi in the above captioned matter and in place enter the appearance on behalf of the Plaintiff for Theron G. Noble, Esquire of Ferraraccio & Noble.

By,

By,



Joseph Colavecchi, Esquire
Colavecchi & Colavecchi
221 E. Market Street
Clearfield, PA 16830
(814)-765-1566
PA I.D.#: 06810



Theron G. Noble, Esquire
Ferraraccio & Noble
301 E. Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

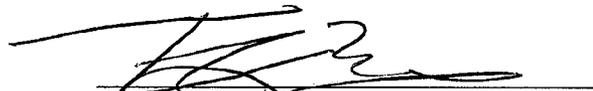
No. 07- 244 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for the Plaintiff, does hereby certify this 302
day of January, 2008, that I did mail via United States Mail, postage pre-paid, first class
delivery, a true and correct copy of the PRAECIPE TO WITHDRAW AND ENTER
APPEARANCE OF RECORD to the below indicated person, being counsel of record for
the Defendant, addressed as follows:

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

11
4:15

William A. Shaw
Prothonotary/Clerk of Courts

JAN 31 2008

FILED

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *no cc*
m h 20/08
FEB 20 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

FILED

FEB 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN.

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED

MAR 03 2008

William A. Shaw
Prothonotary/Clerk of Courts
No. 910

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2006-158

**NOTICE OF INTENT TO SERVE A 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 to Clearfield Pharmacy. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: February 19, 2008

Attorneys for Defendant

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all records pertaining to Cheyanne M. Hahn, DOB: 7/25/1992.

Prothonotary/Clerk of Courts
William A. Shaw

MAR 03 2008

FILED

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED NoCC.

m/11: 382m

MAR 07 2008

WAS

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 07 2008

William A. Shaw
Prothonotary/Clerk of Courts

4

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED

MAR 10 2008

m/12:30/C

William A. Shaw

Prothonotary/Clerk of Courts

NC C/C

(GW)

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

LORRAINE L. HAHN, Mother and
Natural Mother of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K. HAHN,

Defendant.

No. 2006-158

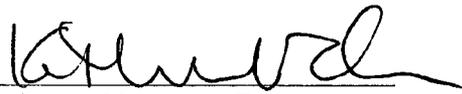
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Request for Production of Documents and Tangible Things Directed to Plaintiff (Set Three), in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 7th day of March, 2008, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

William A. Shaw
Prothonotary/Clerk of Courts

MAR 10 2003

FILED

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Faint, illegible text at the bottom right of the page.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED *no cc*
m 10 5730
MAR 19 2008 *(GL)*

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

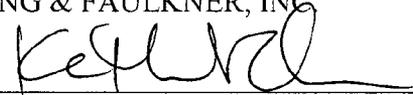
No. 2006-158

CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22

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

- 1) a notice of intent to serve the subpoena with a copy of the subpoena attached thereto were mailed or delivered to the 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) Plaintiff's attorney has waived the 20-day objection period; and
- 4) the subpoena which will be served is identical to the subpoena which is attached to the notice of intent to serve the subpoena.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC

By: 

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

Dated: March 18, 2008

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

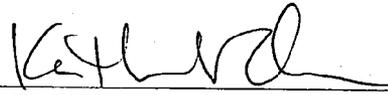
Defendant.

No. 2006-158

**NOTICE OF INTENT TO SERVE A 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 to West Branch Area School District. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Dated: March 5, 2008

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lorraine L. Hahn
Cheyanne M. Hahn
Plaintiff(s)

*

Vs.

*

No. 2007-00244-CD

Jeffrey K. Hahn
Defendant(s)

*

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

TO: West Branch Area School District
(Name of Person or Entity)

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

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

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

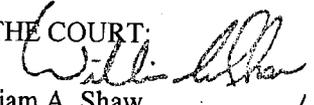
ADDRESS: 811 University Drive, State College, PA 16801-6699

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw *WA*
Prothonotary/Clerk, Civil Division

DATE: Friday, March 07, 2008

Seal of the Court

Deputy

*Lorraine L. Hahn, Mother and Natural Guardian of
Cheyanne M. Hahn vs. Jeffrey K. Hahn*

DOCUMENTS TO BE PRODUCED

A true and correct copy of any and all special education records, academic records and/or counseling records, including but not limited to transcripts and disciplinary records, in your possession pertaining to claimant Cheyanne M. Hahn, Birthdate: 7/25/92.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2006-158

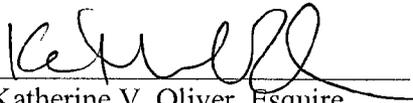
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of a Subpoena Directed to West Branch Area School District, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 18th day of March, 2008, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

FILED

MAR 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED

AUG 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

FILED (RW)

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

SEP 26 2008

m/11:35/w
William A. Shaw
Prothonotary/Clerk of Courts

TYPE OF PLEADING: **MOTION TO COMPEL**

**PLAINTIFF'S RESPONSES TO
REQUEST FOR PRODUCTION
OF DOCUMENTS (SET THREE)**

TYPE OF CASE: **CIVIL**

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
State College, PA 16801
Phone: (814) 238-4926

13

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

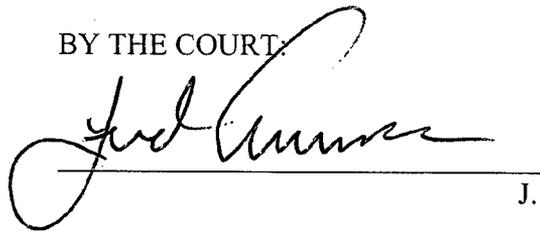
Defendant.

No. 2007-244-CD

ORDER

AND NOW, this 29 day of September, 2008, upon consideration of Defendant Jeffrey Hahn's Motion to Compel Plaintiffs' Responses to Defendant's Requests for Production of Documents (Set Three), said Motion is GRANTED. Plaintiffs shall serve full and complete responses to Defendant's Requests for Production of Documents (Set Three), including production of all responsive documents, within ^{30 FJA} ~~20~~ days of the date of this Order, or suffer appropriate sanction.

BY THE COURT


J.

FILED *acc*
01:10:50 BY Atty Oliver
SEP 29 2008 *ETD*

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 09/29/08

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:

Nature of Claims

3. Plaintiffs seek damages for alleged injuries to minor Plaintiff Cheyanne Hahn from a motor vehicle accident that occurred on December 26, 2005 on S.R. 322 in Rush Township, Centre County, Pennsylvania. Cheyanne Hahn was a passenger in a vehicle driven by her father, Defendant Jeffrey Hahn, at the time of the accident.

4. During the course of discovery, it has become apparent that the main thrust of Plaintiffs' injury claim is a claim that minor Plaintiff Cheyanne Hahn ("Minor Plaintiff") suffered a traumatic brain injury in the accident that has resulted in significant cognitive and emotional impairments and associated self-destructive behaviors, including self-mutilation.

5. Plaintiffs have, at this point, produced two reports from Wayne R. D'Agaro, Psy.D., in support of their claims and purportedly substantiating the cognitive, emotional, and serious behavioral problems that Plaintiffs claim are related to the accident.¹

6. Information available to date also reflects that any cognitive, emotional, and behavioral problems Minor Plaintiff is experiencing might well be the result of various documented factors and circumstances completely unrelated to the vehicle accident giving rise to this lawsuit.

7. In that regard, records of psychiatric/psychological counseling sessions from Clear Child Services document numerous social issues, unrelated to the vehicle accident, which may be critically important in ascertaining the cause of the Minor Plaintiff's alleged cognitive, emotional, and behavioral problems. These records also reflect that the Minor Plaintiff has

¹ Defendant is not at this time attaching the D'Agaro reports to the within Motion so as to respect the privacy of Cheyanne Hahn. These reports will be produced to the Court should it be deemed necessary and/or appropriate for purposes of deciding this Motion.

maintained a computer journal, and possibly other journals, pertaining to her emotional and behavioral problems.

Discovery Dispute

8. On or about March 7, 2008, Defendant served a request for production of documents on Plaintiffs requesting production of all documents created within the past 10 years pertaining to the Minor Plaintiff's mental or emotional state. The request specifically included copies of journals, diaries, and electronic postings. (A true and correct copy of Defendant's Request for Production of Documents (Set Three) is attached hereto as Exhibit "A").

9. By letter dated March 18, 2008, Plaintiffs' attorney stated that Plaintiffs objected to Defendant's request for production of documents pertaining to the Minor Plaintiff's mental/emotional state, and further indicated that the Minor Plaintiff did not have any such information. (See Exhibit "B" hereto). Plaintiffs did not provide a signed, verified response to Defendant's request for production as required by Pa.R.C.P. 4009.12(c).

10. In light of the aforementioned correspondence, defense counsel wrote to Plaintiffs' attorney on April 29, 2008, seeking a stipulation that Plaintiffs were not making a claim for emotional/psychological damage based on the vehicle accident, or, alternatively, requesting a verified response to Defendant's Third Request for Production of Documents. (See Exhibit "C" hereto).

11. A stipulation in this regard was never reached, and Plaintiffs' attorney has remained insistent that Plaintiffs would "stand by" their objections as stated in the March 18, 2008 letter.

12. The documents requested by Defendant are highly relevant in light of the Minor Plaintiff's claim that she suffered a brain injury with resulting serious cognitive, emotional, and

behavioral problems, and this discovery is essential for proper investigation of Plaintiffs' claims, including an investigation into the cause of any emotional and behavioral problems, as well as for ultimate trial preparation.

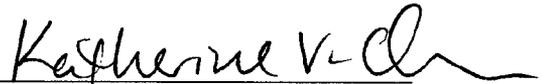
13. Defendant is clearly entitled to the information sought, and the information is critical to permit Defendant a meaningful opportunity to investigate and prepare a defense in this case.

14. Plaintiffs' refusal to completely and fully respond to Defendant's Third Request for Production of Documents has been to the extreme prejudice of Defendant, and has virtually forestalled Defendant's discovery efforts in that Defendant has been unable to secure pertinent documents needed in advance of depositions of Plaintiffs and for defense expert review, including an independent neuropsychological examination.

WHEREFORE, Defendant, Jeffrey K. Hahn, respectfully requests that an Order be issued compelling Plaintiffs to fully and completely answer Defendant's Request for Production of Documents (Set Three), and to produce all documents responsive thereto, within 20 days or suffer appropriate sanctions.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: September 25, 2008

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

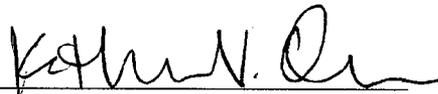
No. 2007-244-CD

CERTIFICATE RE: DISCOVERY MOTIONS
PER LOCAL RULE 208.2(e)

I, Katherine V. Oliver, hereby certify that as counsel for Defendant I have attempted to communicate with counsel for Plaintiffs in a good faith effort to resolve by agreement the issues raised in Defendant's Motion to Compel Plaintiffs' Answers to Defendant's Request for Production of Documents and Tangible Things (See: Three) without intervention of the Court. I further certify that these attempts were unsuccessful.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: September 25, 2008

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

EXHIBIT “A”

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

LORRAINE L. HAHN, Mother and : No. 2006-158
Natural Guardian of CHEYANNE M. :
HAHN, :
 :
Plaintiff, :
 :
v. :
 :
JEFFREY K. HAHN, :
 :
Defendant. :

**REQUEST FOR PRODUCTION OF DOCUMENTS
AND TANGIBLE THINGS BY DEFENDANT
DIRECTED TO PLAINTIFF (SET THREE)**

To: Lorraine L. Hahn, Mother and Natural
Guardian of Cheyanne M. Hahn
Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

AND NOW, comes Defendant, by and through his counsel, McQuaide, Blasko, Fleming & Faulkner, Inc., and hereby requests Plaintiff to produce the documents and tangible things described below, pursuant to Rule 4009 of the Pennsylvania Rules of Civil Procedure for inspection and/or photocopying by Defendant, his attorneys and agents. The documents and tangible things shall be produced at the offices of McQuaide, Blasko, Fleming & Faulkner, Inc., 811 University Drive, State College, Pennsylvania, on or before April 7, 2008, at 5:00 p.m., or at such other time and place that the parties may mutually agree. In responding to this request, you (as hereinafter defined) shall utilize the definitions and follow the instructions hereinafter set forth, each of which shall be deemed to be a material part of each request.

INSTRUCTIONS

1. With respect to each of the following requests, you shall identify and/or produce all documents which are known to you or which can be located or discovered by you through diligent effort on the part of you, your employees, representatives, attorneys or accountants, including but not limited to, all documents which are in the business or personal files of your employees, in the possession of your representatives, attorneys or accountants, or accessible to you, your employees, or your representatives, attorneys or accountants.

2. The following requests shall be deemed to be continuing so as to require further and supplemental production of documents by you in accordance with Rule 4007.4 of the Pennsylvania Rules of Civil Procedure.

3. If any documents requested herein or fairly comprised within the scope of the following requests have been lost or destroyed, you shall provide in lieu of a true and correct copy thereof a list of each document so lost or destroyed together with the following information: (1) the date of origin; (2) a brief description of such document; (3) the author of such document; (4) the date upon which the document was lost or destroyed; and (5) a brief statement of the manner in which the document was lost or destroyed.

4. In the event you refuse to produce any document requested on grounds of any claimed privilege from discovery, state each ground for such claimed privilege, describe the document withheld by date, author, recipients (including all persons who were shown or received a copy), and give a general description of the subject matter of the document.

5. In the event that more than one copy of a document exists, the original shall be produced, as well as every copy on which appears any notation or marking of any sort not appearing on the original.

6. For any documents which are stored or maintained in files in the normal course of business, such documents shall be produced in such files, or in such a manner as to preserve and indicate the file from which such documents were taken.

DEFINITIONS

1. "You" and "Your" shall mean Plaintiff as well as her agents, attorneys, employees, accountants, consultants, independent contractors, and any other individual or entity associated or affiliated with her or purporting to act on her behalf with respect to the matter in question.

2. "Document" shall mean all written or printed matter of any kind in your possession, custody or control, which is either known to you or can be located or discovered by diligent effort, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, speeches, press releases, diaries, calendars, agenda, statistics, letters, telegrams, minutes, contracts, purchase orders, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, offers, bulletins, printed matter, computer printouts, teletypes, telefax, invoices, work sheets, work papers, records of telephone calls or other communications or conversations, and all drafts, alterations, modifications, changes or amendments of any of the foregoing graphic or aural records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, recordings and motion pictures) and electric or mechanical records of representations of any kind (including without limitation, tapes, cassettes, discs, and recordings).

3. "Relating to" shall include pertaining to, recording, evidencing, containing, setting forth, reflecting, showing, disclosing, describing, explaining, summarizing, concerning or referring to, whether directly or indirectly.

4. The conjunctions "and" and "or" shall be interpreted to mean "and/or", and shall not be interpreted to exclude any information otherwise within the scope of any request.

5. "Person" shall mean any individual, firm, partnership, corporation, association, business or governmental entity or subdivision, agency, department, and any "person" acting by or through, directly or indirectly, any other "person" as well as any "person" by whom such "person" was controlled with respect to the matter in question.

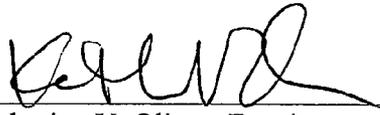
REQUEST

I. Please produce copies of any and all documents created within the last 10 years relating or pertaining in any manner to Cheyanne Hahn's mental and/or emotional state, including, but not limited to, diaries, journals, letters, and electronic mail communications and/or postings.

ANSWER:

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


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

Dated: March 7, 2008

Attorneys for Defendant

EXHIBIT “B”

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

March 18, 2008

Re: Hahn v. Hahn;
07-244-CD
Objection to Request for Production of Documents

Dear Ms. Oliver:

This will acknowledge receipt of the Defendant's Third Request for Production of Documents under cover of your March 7th letter. In such request everything relating to Cheyanne's "mental or emotional state" for the last 10 years, including but not limited to "diaries, journals, letters and electronic mail communications and/or postings".

Please be advised that we object to the same on the grounds that this request is (i) overly broad; (ii) vague; and (iii) unduly personal to the point the request in and of itself is designed to embarrass and/or humiliate.

However, without waiving the same objections as above stated, please be advised that upon inquiry with Cheyanne, Ms. Lorraine Hahn reports that Cheyanne does not have any such information.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN

cc: Mrs. Lorraine L. Hahn

EXHIBIT “C”

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

April 29, 2008

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Re: Lorraine L. Hahn, Mother and Natural Guardian of
Cheyenne M. Hahn v. Jeffrey K. Hahn
Clearfield County No. 2007-244-CD

Dear Mr. Noble:

Enclosed please find records received from Cen-Clear Child Services, Inc. in response to the authorization executed by your client. The documents have been stamped with Bates No's. 000006-000041.

This will also acknowledge receipt of your March 18, 2008 letter objecting to Defendant's Third Request for Production of Documents, which sought documents created within the last 10 years relating to Cheyenne's mental/emotional state. Based on the pleadings and documents exchanged in discovery to date, it appears that your clients claim that Cheyenne suffers serious cognitive, emotional and psychological problems as a result of the December 26, 2005 accident, which is exhibited by learning deficits and behaviors such as self mutilation. If I have misunderstood this claim, please so advise me. If we can stipulate that there is no claim for emotional and/or psychological damage, I would be willing to consider withdrawing the Third Request for Production of Documents.

Lorraine Hahn's report that there are no documents responsive to Defendant's Third Request for Production of Documents is incorrect. This is evident from the enclosed records, alone. If we cannot reach a stipulation that Plaintiff is not pursuing a claim for injuries and/or damages for emotional/psychological harm, you will need to provide a verified response to Defendant's Third Request for Production of Documents. If you will not do so, please so advise me so that I can move forward with a motion to compel.

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Paul J. Tomczuk Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr.
Chena L. Glenn-Hart Livinia N. Jones Cristin R. Long Matthew T. Rogers Anthony A. Simon Dominick J. Muracco Amanda L. Crowe

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Dragann

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

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

Theron G. Noble, Esquire
April 29, 2008
Page 2

Finally, I am enclosing insurance information that I have received from Mr. Hahn relative to mental health benefits available to Cheyanne (Bates No's. 000001-000005). This information was previously provided to Cheyanne. I would note that it does appear from the enclosed records that a claim for services by Wayne D'Agaro has already been approved under this coverage.

Very truly yours,

McQUAIDE BLASKO

By: 
Katherine V. Oliver

KVO/nlc
Enclosures
cc: Carol Chiodo (Claim No. 38-K816-720) - w/o encl.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Motion to Compel Plaintiffs' Responses to Request for Production of Documents (Set Three) in the above-captioned matter was mailed by regular mail, postage pre-paid, at the Post Office, State College, Pennsylvania, on this 25th day of September, 2008 to the attorneys of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



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

FILED

SEP 26 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING:
CERTIFICATE OF SERVICE

TYPE OF CASE: **CIVIL**

FILED ON BEHALF OF:
DEFENDANT

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

FILED

M 11:28 a.m. GL

OCT 01 2008

NO CC

4
William A. Shaw
Prothonotary/Clerk of Courts

GL

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

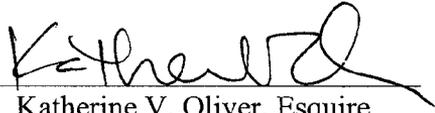
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court's Order dated September 29, 2008 granting Defendant's Motion to Compel Plaintiffs' Responses to Request for Production of Documents (Set Three) in the above-captioned matter was mailed by regular mail, postage pre-paid, at the Post Office, State College, Pennsylvania, on this 30th day of September, 2008 to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

FILED

OCT 01 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.
811 University Drive
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William A. Shaw

Prothonotary/Clerk of Courts

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Prothonotary/Clerk of Courts
William A. Shaw

NOV 03 2009

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William A. Shaw
Prothonotary/Clerk of Courts

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NOV 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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William A. Shaw
Prothonotary/Clerk of Courts

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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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LORRAINE L. HAHN, Mother and
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Defendant.

: No. 2007-244-CD
 :
 : TYPE OF PLEADING:
 : **MOTION TO COMPEL**
 : **MEDICAL AND**
 : **PSYCHOLOGICAL**
 : **EXAMINATIONS**
 :
 : TYPE OF CASE: **CIVIL**
 :
 : FILED ON BEHALF OF:
 : **DEFENDANT**
 :
 : COUNSEL OF RECORD FOR
 : THIS PARTY:
 : KATHERINE V. OLIVER, ESQ.
 : I.D. NO. 77069
 : JAMES M. HORNE, ESQ.
 : I.D. NO. 26908
 :
 :
 : McQUAIDE, BLASKO,
 : FLEMING & FAULKNER, INC.
 : 811 University Drive
 : State College, PA 16801
 : Phone: (814) 238-4926

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William A. Shaw
Prothonotary/Clerk of Courts

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CIVIL ACTION – LAW

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Defendant.

No. 2007-244-CD

**DEFENDANT JEFFREY HAHN'S MOTION TO COMPEL MEDICAL AND
PSYCHOLOGICAL EXAMINATIONS**

AND NOW, comes Defendant, Jeffrey Hahn, by and through his attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., to respectfully move this Honorable Court pursuant to Pa.R.C.P. 4010 to issue an Order compelling Plaintiffs to produce minor Plaintiff Cheyanne Hahn for medical and psychological examinations. In support thereof, Defendant avers the following:

1. This action sounds in motor vehicle negligence, and arises from a single vehicle accident that occurred on December 26, 2005 on S.R. 322 in Rush Township, Centre County, Pennsylvania. Minor Plaintiff Cheyanne Hahn (currently 16 years old) was a passenger in a vehicle driven by her father, Defendant Jeffrey Hahn, at the time of the accident.

2. Plaintiff Lorraine Hahn brings this action as mother and natural guardian of the minor Plaintiff, Cheyanne Hahn. Plaintiff Lorraine L. Hahn and Defendant Jeffrey K. Hahn are divorced, and Cheyanne Hahn resides with her mother.

3. In this action, Plaintiffs seek damages for injuries allegedly sustained by Cheyanne Hahn as a result of the December 26, 2005 accident. *Inter alia*, Plaintiffs claim that Cheyanne suffered a traumatic brain injury allegedly resulting in on-going cognitive and emotional-behavioral problems, including learning deficits, depression, and self-mutilation behavior.

4. The parties have exchanged written discovery, and Defendant has subpoenaed medical and psychological records for Cheyanne Hahn.

5. Defendant Jeffrey Hahn's deposition was taken on October 6, 2008. Depositions of Cheyanne and Lorraine Hahn are scheduled for December 10, 2008, and the depositions of the investigating officer and of an eye witness to the accident will occur on December 12, 2008.

6. Medical records exchanged in discovery reflect that that the Minor Plaintiff, Cheyanne Hahn, was admitted for emergency care at Altoona Hospital after the accident, and that she was released on December 29, 2005 in stable condition after being evaluated and monitored over the course of a four-day admission. A CT scan taken at Altoona Hospital showed a small right temporal contusion.

7. At a follow-up visit with a neurosurgeon, Dr. James Burke, approximately three weeks after the accident, the right temporal contusion was noted to be resolved, and there were no documented complaints. Other records from this same timeframe likewise indicate that Cheyanne was doing well.

8. Approximately one year later, on January 5, 2007, records show another visit to Dr. Burke, and that Cheyanne was complaining at that point of severe headaches and dizziness, and that her mother (Plaintiff Lorraine Hahn) reported that Cheyanne was having short term memory problems. These complaints lead to a referral to Dr. Clark, a neurologist at Blair

Medical Associates, and ultimately to neuropsychological evaluations performed by Wayne D'Agaro, Psy.D.

9. Records produced during written discovery included two reports from Wayne D'Agaro, Psy.D, setting forth his opinion that the Minor Plaintiff suffers from cognitive and emotional-behavioral deficits as a result of the accident, and setting forth various diagnoses. True and correct copies of Dr. D'Agaro's reports are attached hereto as Exhibit "A."

10. Dr. D'Agaro reached these conclusions after conducting interviews of Cheyanne Hahn and her mother, Lorraine Hahn, on March 16, 2007 and April 10, 2008, and performing and interpreting a series of neuropsychological tests.

11. On or about July 10, 2008, Plaintiff also produced a report from Dr. Joseph Clark at Blair Medical Associates stating an opinion that Cheyanne Hahn has post concussive syndrome as a result of the accident, and that all of her symptoms, including the "depressive-type" symptoms as noted by Dr. D'Agaro, relate back to the accident. A true and correct copy of Dr. Clark's June 28, 2008 letter to Ferraraccio & Noble, Attorneys at Law, is attached hereto as Exhibit "B."

12. Defendant has also obtained limited counseling records pertaining to Cheyanne Hahn from Cen-Clear Child Services during the discovery process. These records document various social issues and circumstances completely unrelated to the vehicle accident giving rise to this lawsuit that might play a causal role in the cognitive, emotional, and behavioral problems that Plaintiffs contend are a result of injuries from the accident. None of these issues were addressed by either Dr. D'Agaro or Dr. Clarke in their records or reports.

13. One of the most significant damages issues in this case involves whether the cognitive and emotional problems Cheyanne Hahn allegedly experiences, and the resulting

behaviors such as self-mutilation, are the result of an injury Cheyanne sustained in the December 26, 2005 vehicle accident.

14. To further investigate this issue and to proceed with defense trial preparation, Defendant requested that Plaintiffs produce Cheyanne Hahn for a medical examination with a neurologist, Dr. Richard Kasdan, and for a psychological examination with Dr. James Petrick, a licensed psychologist. Attached hereto as Exhibits "C" and "C-1" are curriculum vitae for Drs. Kasdan and Petrick.

15. Drs. Kasdan and Petrick both have offices in the Pittsburgh area.¹

16. Defendant has agreed to cooperate with Plaintiffs in the scheduling of these examinations so as to cause as minimal disruption as possible to Cheyanne Hahn's school and activity schedule. Defendant is also willing to reimburse Plaintiffs for mileage for the examinations based on the current federal rate for travel for medical purposes.²

17. Plaintiffs have refused to produce Cheyanne Hahn for medical or psychological evaluations. Plaintiffs initially based opposition to an independent medical examination on their attorney's opinion that an IME is unnecessary (see correspondence of Attorney Noble dated August 11, 2008, attached hereto as Exhibit "D"). More recently, Plaintiffs objected to an IME because of the "extensive treatment and documents previously provided," and the length of travel involved in attending the examinations requested. (See Attorney Noble correspondence dated November 20, 2008, attached hereto as Exhibit "E").

¹ Dr. Kasdan has office locations in the Pittsburgh area at Shadyside, South Hills, and Monroeville. Dr. Petrick's office is located in Mount Lebanon, Pennsylvania.

² Because Plaintiffs have stated an outright refusal to produce Cheyanne Hahn for independent medical examinations as noted in paragraph 17 of the within Motion, there has been no opportunity to discuss any details pertaining to the same for purposes of reaching an agreement.

18. If Plaintiff Cheyanne Hahn is not required to attend and cooperate in medical and psychological examinations as requested, Defendant will effectively be forced to accept the findings and conclusions of the doctors that Plaintiffs intend to call in support of the claims in this lawsuit, and Defendant will be virtually foreclosed from independently conducting a meaningful and competent investigation of the claims that Cheyanne Hahn suffered a substantial traumatic brain injury in the accident resulting in on-going physical and psychological problems.

19. Pursuant to Pennsylvania Rule of Civil Procedure 4010, physical and psychological examinations of a party may be ordered upon a showing of good cause. See Pa.R.C.P. 4010.

20. Courts interpreting Rule 4010 have recognized that examinations under Rule 4010 should “practically always be an available remedy where appropriate, and orders thereunder should normally be entered without crippling or restrictive conditions.” See e.g., Klusko v. Gaines-Murfit Chevrolet, Inc., 16 Pa D&C2d 86, 87-88 (Bucks Co. 1958).

21. The medical and psychological examinations sought by Defendant are critical to Defendant’s ability to complete discovery pertaining to the primary damages issues in this case, and to move forward with identification of experts and trial preparation. Unless and until Cheyanne Hahn is produced for these examinations, Defendant will be extremely prejudiced, and will be virtually forestalled in further discovery efforts and trial preparation.

WHEREFORE, Defendant, Jeffrey K. Hahn, respectfully requests that an Order be issued compelling Plaintiffs to produce minor Plaintiff Cheyanne Hahn for medical and psychological examinations by Drs. Kasdan and Petrick within 90 days, and to cooperate with the scheduling of such examinations.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorney for Defendant

Dated: December 1, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

CERTIFICATE RE: DISCOVERY MOTIONS
PER LOCAL RULE 208.2(e)

I, Katherine V. Oliver, hereby certify that as counsel for Defendant I have attempted to communicate with counsel for Plaintiffs in a good faith effort to resolve by agreement the issues raised in Defendant's Motion to Compel Medical and Psychological Examinations without intervention of the Court. I further certify that these attempts were unsuccessful.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

Dated: December 1, 2008

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

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Attorneys for Defendant

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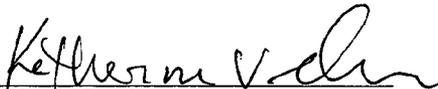
No. 2007-244-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Defendant's Motion to Compel Medical and Psychological Examinations in the above-captioned matter was mailed by regular mail, postage pre-paid, at the Post Office, State College, Pennsylvania, on this 1st day of December, 2008 to the attorneys of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

EXHIBIT "A"

WAYNE R. D'AGARO, PSY.D

**622 PEACHDAL E LANE
DUNCANSVILLE, PA 16635
TELEPHONE (814) 889-3601**

March 30, 2007

Joseph Clark, M.D.
Blair Medical Associates (Neurology)
Station Medical Center
1414 Ninth Avenue
Altoona, PA 16602

RE: Hahn, Cheyanne (DOB: 07/25/92)

Dear Joe:

Per your request for neuropsychological consultation, I completed a clinical interview with Cheyanne Hahn and her mother, Ms. Lorraine Hahn, on March 16, 2007 and followed up with the following procedures that same date: Luria-Nebraska Neuropsychological Battery, Children's Version (LNNB-C), Visual and Motor Scale items; Speech Sounds Perception Test (SSPT); Seashore Rhythm Test (SRT); Trail Making Test (TMT); Neurobehavioral Cognitive Status Examination, Auditory Comprehension and Oral Repetition subtests; Boston Naming Test (BNT); Controlled Oral Word Association Test (COWAT); Rey Auditory-Verbal Learning Test (RAVLT); Children's Memory Scale (CMS), Stories and Family Picture subtests; Rey-Osterrieth Complex Figure Test (ROCFT); Wechsler Intelligence Scale For Children - IV (WISC-IV), Coding, Symbol Search, Digit Span, Letter-Number Sequencing, Vocabulary, Similarities, Comprehension, Picture Concepts, Matrix Reasoning, and Block Design subtests; Wide Range Achievement Test - 3 (WRAT-3); Children's Category Test (CCT); Beck Youth Inventories (BYI).

The purpose of this evaluation was to delineate Cheyanne's cognitive and behavioral strengths and weaknesses, functional implications of the same, and recommendations for treatment (including academic interventions) secondary to a closed head injury.

BACKGROUND INFORMATION:

Cheyanne is a 14-year-old, right-hand dominant female who sustained a traumatic brain injury on December 26, 2005 when the automobile that she was a passenger in was involved in a partial rollover accident. She was not wearing a seatbelt at the time. Cheyanne was evaluated at the Altoona campus of Altoona Regional Health System where a CT-scan revealed evidence of a "small right temporal contusion". She remained hospitalized for three to four days before being discharged with no

recommendation for follow-up rehabilitation.

Cheyanne's medical history was otherwise unremarkable and free of any other neurological disorders or symptoms, including prior blows to the head. There no psychiatric or substance abuse histories.

Cheyanne was an 8th grade student in the West Branch Area School District at the time of her accident. She had no grade repetitions or special education involvement. She is currently a 9th grade student in the same school district. Cheyanne continues to report headaches that were not present prior to her December of 2005 accident, as well as periodic dizziness. Cognitively, she has experienced "confusion" as she has gone from her home to a friend's home, and vice versa, but has never gotten so disoriented or lost to the degree that she was unable to reach her destination. Cheyanne will also forget conversations that she has had with others, will experience easy distractibility while in classroom settings, has had difficulty completing class examinations, and doesn't always write coherent or complete class notes. Her academic averages the first and second nine-week marking period were 88.2% both times. Emotionally, Cheyanne also noted increased "moodiness" and "depression", and was recently prescribed an unknown antidepressant. Within this same context, Cheyanne stated that she has engaged in subtle self-mutilation (cutting) and has had suicidal thoughts without any intentions or plans of acting on these ideations.

Cheyanne and her parents are divorced. She reported having a "good, normal" relationship with her mother, with whom she resides, but acknowledged having difficulty "getting along" with her father, who is undependable and prone to break promises and "change his mind". In discussing her future, Cheyanne stated that she plans on attending college following high school. She is currently interested in possibly studying Criminal Justice.

BEHAVIORAL OBSERVATIONS:

Cheyanne was on time for her evaluation session, accompanied by her mother who was responsible for his transportation. She was appropriately dressed for the weather and neatly groomed, alert and oriented in all spheres, and fully cooperative with the evaluation process. Although initially only responsive to my questions, as the evaluation progressed and she became more relaxed, Cheyanne became more spontaneous. Her affect was generally stable, except for a brief period when she began to tear up while discussing her depression and mood swings. Her affect also reflected at least a mild decrease in range and intensity that would be consistent with a depressive process. There was no evidence of gross distraction during the evaluation. Cheyanne also demonstrated no lower or upper extremities and was capable of

completing manual-dependent tasks. Her vision and hearing were within functional limits. Her speech was articulate and characterized by a normal amplitude and a constant rate of speed.

TEST RESULTS:

Age, gender, and/or education corrected normative values were used to compare Cheyanne's test performance against estimated premorbid abilities. Her test scores are summarized in the attached addendum.

Sensory-Perceptual, Spatial-Constructional and Motor Functions. Cheyanne demonstrated no apparent visual or auditory limitations when presented with stimuli requiring primary sensory-perceptual processing and secondary sensory-perceptual integration.

Simple and more complex visuoperceptual and visuospatial organization, conceptualization, and reasoning were appropriate. Cheyanne's constructional abilities were borderline compromised for an object assembly tasks but within expected limits for a graphomotor task.

Cheyanne's manual strength was within expected limits as were her results on screening measures designed to assess unimanual sequencing and bimanual coordination, motor planning and execution (praxis), and the ability to regulate simple motor actions in response to equally simple oral commands.

Attention, Concentration and Mental Tracking. Cheyanne experienced mild difficulty when required to attend to, register and immediately recall auditory stimuli. She had an equal degree of difficulty with both the passive storing and the active processing of this information. Cheyanne also demonstrated borderline difficulty on a more sustained measure of auditory attention that involved verbal stimuli. On a similar measure of auditory attention that required more rapid processing of nonverbal stimuli, Cheyanne had a mild to moderate degree of difficulty.

Cheyanne's psychomotor processing speed was within expected limits. So too was her basic visuomotor attention, scanning and sequencing. On a similar visuomotor measure that required her to mentally shift and alternate attention between equally demanding cognitive tasks, Cheyanne had borderline difficulty; she needed to work at a slower rate to avoid making an error (as she did when presented with a sample trial immediately prior to the actual administration of this task).

New Learning and Memory. Cheyanne's ability to encode, retain and retrieve

auditory-verbal information was below expectations. On an unstructured, 15-item word list presented five consecutive times, Cheyanne demonstrated a positive but slow-to-develop learning curve that reflected an overall learning efficiency that was borderline compromised. Her recalls for this same word list immediately following both the presentation of an interference task (another but similar 15-item word list), and a delay of approximately 25 to 35 minutes, were mildly impaired. On a more structured, prose task involving the presentation of paragraph-length material, Cheyanne's initial learning was mildly impaired but her 25 to 35 minute delayed recall was within expected limits.

Cheyanne's ability to encode, retain and retrieve visual-nonverbal information was also below expectations. On a "concrete" task involving the presentation of four separate pictures of individuals engaged in various activities, each picture exposed for only 10 seconds, Cheyanne's initial learning was borderline compromised. Her delayed free recall for these same pictures 25 to 35 minutes following their initial presentation was equally compromised. Cheyanne had more difficulty on a more "abstract" task that first required the pencil-and-paper reproduction of a complex, two-dimensional pattern with the stimulus figure present and then immediately following the removal of her drawing and this stimulus figure. Moderate to severe difficulty was evident during both the immediate recall phase and following a delay of 25 to 35 minutes.

Language and Communication. Cheyanne's auditory comprehension of simple and complex language, oral repetition, and expressive vocabulary level were within expected limits. Despite this, her confrontation naming for pictorial representations of objects was borderline impaired, with more mild impairment noted on a measure of phonemic (e.g., word) verbal fluency.

Conceptual Reasoning and Executive Abilities. Cheyanne's verbal abstract reasoning was within expected limits as was her nonverbal abstract reasoning, conceptual formation and cognitive flexibility. Cheyanne also demonstrated good social judgment and reasoning.

General Intelligence and Academic Skills. Cheyanne's estimated auditory-verbal and visual-nonverbal intellectual abilities clearly fell within the Average classification range, with a slightly significant (.15), 8-point difference, in favor of the former. Measures of academic achievement that assessed Cheyanne's word recognition and word attack skills, spelling, and written arithmetic (without the use of a calculator) were below expectations and approximated a functional level equivalent to that of the average 5th to 6th grade student. These findings were also inconsistent with her grades during her current academic year. When permitted the use of a calculator to complete the same mathematical operations, Cheyanne's score significantly improved,

minimally consistent with her current academic standing.

Emotional and Behavioral Status. Cheyanne's result on a screening measure of depression and anxiety, minimally revealed a mild degree of both depression and anxiety.

CLINICAL IMPRESSIONS:

The results of this evaluation revealed a number of problem areas, both cognitive and emotional-behavioral. These would primarily include borderline to mild difficulty with visual confrontation naming and phonemic verbal fluency, attention and information processing, and new learning and memory. Her reading, spelling and arithmetic results on a screening measure of academic achievement were also lower than expected but inconsistent with her grades the first and second nine weeks of her freshman year. Emotionally, Cheyanne is also experiencing a moderate degree of depression and anxiety, as well as cutting behavior. These collective problems, in my professional opinion, were not present prior to Cheyanne's closed head injury.

DIAGNOSIS:

Per the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders and the Ninth Edition of the International Classification of Diseases (ICD-9), the following diagnoses are appropriate at this time:

- Axis I = Cognitive Disorder Not Otherwise Specified (294.9), secondary to Axis III; Major Depressive Disorder, Single Episode, Moderate (296.22); Anxiety Disorder Not Otherwise Specified (300.00).
- Axis II = No Diagnosis (V71.09) at this time.
- Axis III = Mild Traumatic Brain Injury (850.9), sustained 12/26/05.

RECOMMENDATIONS:

1. Cheyanne needs to continue with all medical interventions prescribed by those physicians who remain involved in her care. This would specifically include the continued use of her recently prescribed antidepressant medication or other psychotropic medication regime to ensure emotional and behavioral stability. I also question if a psychostimulant medication may be appropriate on a trial basis to assess its effectiveness, if any, on Cheyanne's attentional matrix.
2. I would strongly recommend, especially given her cutting behavior and suicidal ideation, that Cheyanne also involve herself in individual counseling.

-
3. Within school, Cheyanne should have the opportunity to take class examinations in quieter settings, should be permitted extra time to complete such examinations, should be provided with lecture notes or study outlines to ensure that the material that she is studying is appropriate and complete. Cheyanne should also be permitted the use of a calculator to complete mathematical calculations.
 4. A copy of this report is being provided to Cheyanne's mother so that she may share it with school personnel, who ultimately have the responsibility for improving the academic accommodations recommended above. They may also wish to complete more comprehensive academic testing to determine if the results that I obtained are truly an accurate representation of her current standing.
 5. Given that she is still within the 24-month recovery period expected for traumatic brain injury, Cheyanne should be re-evaluated in 6 months to compare results against the baseline neuropsychological data that is now available for this purpose.
 6. Some during her junior year of high school, Cheyanne should be referred for an evaluation by the Office of Vocational Rehabilitation, who may be able to assist Cheyanne in obtaining funding for a higher education and, if still necessary, academic accommodations.

If there are any questions regarding the content of this report or if additional information is required, Joe, please do not hesitate to contact me at (814) 889-3601. Thank you for your referral.

Sincerely,



Wayne R. D'Agaro, Psy.D.
Clinical Psychologist/Neuropsychologist
Licensed Psychologist (PA); Certified School Psychologist (NCSP)

cc: Ms. Lorraine Hahn
P.O. Box 23
Kylertown, PA 16847

PSYCHOLOGICAL EVALUATION ADDENDUM

Test scores are reported as T-scores (mean = 50, standard deviation = 10), deviation IQ's (mean = 100, standard deviation = 15), scaled scores (mean = 10, standard deviation = 3) and/or percentiles (0 to 100). For tests where quantitative scores could not be provided, only interpretive summaries are provided.

LNNB-C Visual Scale items = Within Normal Limits
LNNB-C Motor Scale items = Mild Impairment

SSPT = Borderline Impairment
SRT = Mild to Moderate Impairment

TMT Part A (0 errors) = No Impairment
TMT Part B (0 errors) = Borderline Impairment

RAVLT A1 = 7/15
RAVLT A2 = 10/15
RAVLT A3 = 11/15
RAVLT A4 = 12/15
RAVLT A5 = 12/15
RAVLT Total (A1 – A5) = 44T (Borderline Impairment)
RAVLT Trial B1 = 7/15
RAVLT Trial A6 = 39T (Mild Impairment)
RAVLT Trial A7 = 38T (Mild Impairment)

CMS Stories Immediate Recall = 37T (Mild Impairment)
CMS Stories Delayed Recall = 47T (Within Normal limits)
CMS Family Pictures Immediate Recall = 43T (Borderline Impaired)
CMS Family Pictures Delayed = 40T (Borderline Impaired)

ROCFT Direct Copy = 50T (Within Normal Limits)
ROCFT Immediate Recall = 16T (Severe Impairment)
ROCFT Delayed Recall = 31T (Mild to Moderate Impairment)

NCSE Language: Auditory Comprehension = Within Normal Limits
NCSE Language: Oral Repetition = Within Normal Limits

BNT = 42T (Borderline Impairment)

COWAT Phonemic version = 38T (Mild Impairment)

WISC-IV Full Scale = 96; 39th percentile (Average)

WISC-IV Verbal Comprehension Index = 104; 61st percentile (Average)

Vocabulary = 10

Similarities = 12

Comprehension = 11

WISC-IV Perceptual Reasoning Index = 96; 39th percentile (Average)

Picture Concepts = 11

Matrix Reasoning = 9

Block Design = 8

WISC-IV Working Memory Index = 83; 13th percentile (Low Average)

Digit Span = 6

Letter-Number Sequencing = 8

WISC-IV Processing Speed Index = 100; 50th percentile (Average)

Coding = 10

Symbol Search = 10

WRAT-3 Reading = 88; 21st percentile (Low Average)

WRAT-3 Spelling = 92; 30th percentile (Average)

WRAT-3 Arithmetic (no calculator) = 83; 13th percentile (Low Average)

WRAT-3 Arithmetic (with calculator) = 112; 79th percentile (High Average)

CCT = 54T (Within Normal Limits)

BYI Anxiety Scale = 56T

BYI Depression Scale = 55T

WAYNE R. D'AGARO, PSY.D.
REHABILITATION PSYCHOLOGY AND NEUROPSYCHOLOGY

Neuropsychological, Psychoeducational and Vocational Evaluations
Cognitive Remediation and Medical Psychotherapy
Forensic Consultation

622 PEACHDALE LANE * DUNCANSVILLE, PA 16635 * TEL 814-889-3601 * FAX 814-889-4369

April 16, 2008

Joseph Clark, M.D.
Blair Medical Associates (Neurology)
Station Medical Center
1414 Ninth Avenue
Altoona, PA 16602

COPY

RE: Hahn, Cheyanne (DOB: 07/25/92)

Dear Joe:

I completed a clinical interview with Cheyanne Hahn and her mother, Ms. Lorraine Hahn, on April 10, 2008, and followed up with the administration of the following tests that same day: Luria-Nebraska Neuropsychological Battery, Children's Version (LNNB-C), Visual and Motor Scale items; Speech Sounds Perception Test (SSPT); Seashore Rhythm Test (SRT); Trail Making Test (TMT); Neurobehavioral Cognitive Status Examination, Auditory Comprehension and Oral Repetition subtests; Boston Naming Test (BNT); Controlled Oral Word Association Test (COWAT); Rey Auditory-Verbal Learning Test (RAVLT); Wechsler Memory Scale - III (WMS-III), Logical Memory and Family Picture subtests; Rey-Osterrieth Complex Figure Test (ROCFT); Wechsler Intelligence Scale For Children - IV (WISC-IV), Coding, Symbol Search, Digit Span, Letter-Number Sequencing, Vocabulary, Similarities, Comprehension, Picture Concepts, Matrix Reasoning, and Block Design subtests; Wide Range Achievement Test - 3 (WRAT-3), Reading, Spelling and Arithmetic subtests; Children's Category Test (CCT); Brown Attention Deficits Disorder Scale (BADDSS).

The purpose of this evaluation was to compare Cheyanne's current cognitive and behavioral status against baseline data that was obtained when I first assessed her on March 16, 2007.

BACKGROUND INFORMATION: Cheyanne is a now 15-year-old, right-hand dominant female who sustained a traumatic brain injury on December 26, 2005 when the automobile that she was a passenger in was involved in a partial rollover accident. Additional information regarding that accident and the treatment that she received can be found in the initial neuropsychological evaluation, dated March 30, 2007.

RE: Hahn, Cheyanne (DOB: 07/25/92)

04/16/08

At the time of her injury, Cheyanne was an 8th grade student in the West Branch Area School District. She is now a 10th grade student in that same school district.

Since my last contact with her, Cheyanne reported a full resolution of the headaches and periodic dizziness that were not present prior to her December of 2005 accident. Cognitively, however, she continues to experience "confusion" that prevents her from following class/subject directions in general and mathematics specifically. She equally remains easily distracted in class, especially large classes (currently biology and algebra) where others are talking, tapping or dropping pencils, and so on. She also experiences anxiety during class examinations, "pressured" to not be the last one to complete testing. Her academic averages the first and second nine-week marking period were 87% and 85.6%, respectively. Cheyanne also remains "moody" but denied depression and more specific self-mutilation (cutting) and suicidal thoughts.

Cheyanne is currently taking Citalopram (40mg per day) for depression and initiated individual counseling approximately one month ago at Cen-Clear Child Services, Inc. Such counseling takes place every two weeks. From a more cognitive perspective, Cheyanne was recently prescribed the Exelon Patch (4.6mg per 24 hours). She was previously prescribed Aricept (5mg per day) but this was discontinued secondary to sleep disturbance. Since my last contact with Cheyanne, she was involved in a dirt bike accident the Fall of 2007 but denied hitting her head; she also denied any additional blows to the head since December of 2005, seizure activity or other neurological issues. She denied any substance abuse.

Cheyanne continues to reside with her mother, with whom she reported a "normal" teenager-mother relationship. As before, she acknowledged ongoing difficulty "getting along" with her father, who is undependable, prone to break promises, and "uncaring" secondary to believing that "nothing is wrong" with her. In discussing her future, Cheyanne stated that she would like to become a paramedic following high school so that she can "help people".

BEHAVIORAL OBSERVATIONS: Cheyanne was on time for her evaluation session, accompanied by her mother who was responsible for her transportation. She was appropriately dressed for the weather and neatly groomed, alert and oriented in all spheres, and fully cooperative with the evaluation process. Cheyanne fully cooperated with the evaluation process by responding to questions and engaging in spontaneous conversation, and putting forth her best effort on the testing that was presented. Her affect was stable. Compared to my last contact with her when she began to tear up while discussing her mood swings, Cheyanne demonstrated no lability. Cheyanne remained capable of completing manual-dependent tasks. Her vision, hearing and speech were functionally intact.

TEST RESULTS: Age, gender, and/or education corrected normative values were used to compare Cheyanne's test performance against estimated premorbid abilities. Her test scores are summarized in the attached addendum.

Sensory-Perceptual, Spatial-Constructional and Motor Functions

Cheyanne demonstrated no apparent visual or auditory limitations when presented with stimuli requiring primary sensory-perceptual processing and secondary sensory-perceptual integration.

Simple and more complex visuoperceptual and visuospatial organization, conceptualization, and reasoning were appropriate. Cheyanne's constructional ability for an object assembly task remained borderline compromised but was within expected limits for a graphomotor task.

Cheyanne's manual strength was within expected limits as were her results on screening measures designed to assess unimanual sequencing and bimanual coordination, motor planning and execution (praxis), and the ability to regulate simple motor actions in response to equally simple oral commands.

Attention, Concentration and Mental Tracking

Cheyanne experienced borderline to mild difficulty when required to attend to, register and immediately recall auditory stimuli, demonstrating an equal degree of difficulty with both the passive storing and the active processing of this information. Cheyanne did well on a sustained measure of auditory attention that involved verbal stimuli but, consistent with her initial evaluation, still had mild to moderate difficulty on a similar measure of auditory attention that required more rapid processing of nonverbal stimuli.

Cheyanne's psychomotor processing speed was within expected limits. So too was her basic visuomotor attention, scanning and sequencing. On a similar visuomotor measure that required her to mentally shift and alternate attention between equally demanding cognitive tasks, Cheyanne had borderline difficulty; she produced no errors but her response speed was below normative expectations.

New Learning and Memory

Cheyanne's ability to encode, retain and retrieve auditory-verbal information was within expected limits except for mild difficulty on the initial trial of an unstructured, 15-item word list presented five consecutive times. Her overall learning efficiency and recalls this same word list immediately following both an interference task (another but

similar 15-item word list), and a delay of approximately 25 to 35 minutes, were within expected limits. Cheyanne did equally well on a structured, prose task involving the presentation of paragraph-length material.

Cheyanne's ability to encode, retain and retrieve visual-nonverbal information was also better and grossly within expected limits.

Language and Communication

Cheyanne's auditory comprehension, oral repetition, and expressive vocabulary level were within expected limits. Her confrontation naming for pictorial representations of objects, however, remained borderline impaired, with mild impairment noted on a measure of phonemic (e.g., word) verbal fluency.

Conceptual Reasoning and Executive Abilities

Cheyanne's verbal abstract reasoning was within expected limits as was her nonverbal abstract reasoning, conceptual formation and cognitive flexibility. Cheyanne also demonstrated good social judgment and reasoning.

General Intelligence and Academic Skills

Cheyanne's estimated auditory-verbal and visual-nonverbal intellectual abilities fell within the central limits of the Average to the lowest limit of the High Average classification ranges, with a 16-point difference, in favor of the former.

Measures of academic achievement that assessed Cheyanne's word recognition and word attack skills, spelling, and written arithmetic (without the use of a calculator) were below expectations and approximated a functional level equivalent to that of the average 7th to 8th grade student. When permitted the use of a calculator to complete the same mathematical operations, Cheyanne's score significantly improved, consistent with her current academic standing.

Emotional and Behavioral Status

Cheyanne's results on a screening measure of attention deficit disorder symptomology inferred the presence of attention and memory problems.

CLINICAL IMPRESSIONS: The results of this evaluation revealed improvement in Cheyanne's ability to learn and retain new information, although her auditory attention and information processing, and visual confrontation naming and phonemic verbal

fluency, remain impaired. Intellectually, Cheyanne's auditory-verbal and visual-nonverbal intellectual abilities are consistent with her estimated premorbid ability level. Her reading, spelling and arithmetic results on a screening measure of academic achievement were also lower than expected but inconsistent with her grades the first and second nine weeks of her sophomore year. From an emotional-behavioral perspective, Cheyanne is experiencing no depression, anxiety or cutting behavior.

These collective problems, from the information that I had available, were not evident prior to Cheyanne's traumatic brain injury.

DIAGNOSIS: Per the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders and the Ninth Edition of the International Classification of Diseases, the following diagnoses are justified at this time:

- Axis I = Cognitive Disorder Not Otherwise Specified (294.9), secondary to Axis III; Major Depressive Disorder, Single Episode, Moderate (296.22) + Anxiety Disorder Not Otherwise Specified (300.00), currently in partial to full remission.
- Axis II = No Diagnosis (V71.09) at this time.
- Axis III = Mild Traumatic Brain Injury (850.9), sustained 12/26/05.

RECOMMENDATIONS:

1. Cheyanne needs to continue with all medical interventions prescribed by those physicians who remain involved in her care. This would specifically include the ongoing use of her antidepressant medication to ensure continued emotional and behavioral stability, as well as Exelon to stabilize and improve her cognitive status. I also question if a psychostimulant medication may be appropriate on a trial basis to assess its effectiveness, if any, on Cheyanne's attentional matrix.
2. Cheyanne should remain involved in individual counseling through Cen-Clear Child Services, Inc.
3. Within school, Cheyanne should have the opportunity to take class examinations in a quieter setting to improve her mental focus, should be permitted extra time to complete such examinations, and should be provided with lecture notes or study outlines to ensure that the material that she is studying is appropriate and complete. Cheyanne should also be permitted the use of a calculator to complete mathematical calculations.
4. A copy of this report is being provided to Cheyanne's mother so that she may share

NEUROPSYCHOLOGICAL EVALUATION
RE: Hahn, Cheyanne (DOB: 07/25/92)
04/16/08

PAGE 6

it with school personnel, who ultimately have the responsibility for approving the academic accommodations recommended above. They may also wish to complete more comprehensive academic testing to determine if the results that I obtained are truly an accurate representation of her current standing.

5. Some during her junior year of high school, Cheyanne should be referred for an evaluation by the Office of Vocational Rehabilitation, who may be able to assist Cheyanne in obtaining funding for a higher education and, if still necessary, academic accommodations.

If there are any questions regarding the content of this report or if additional information is required, Joe, please do not hesitate to contact me at (814) 889-3601. Thank you for your referral.

Sincerely,



Wayne R. D'Agaro, Psy.D.
Clinical Psychologist/Neuropsychologist
Licensed Psychologist (PA); Certified School Psychologist (NCSP)

cc: Ms. Lorraine Hahn
P.O. Box 23
Kylertown, PA 16847

PSYCHOLOGICAL EVALUATION ADDENDUM

Test scores are reported as T-scores (mean = 50, standard deviation = 10), deviation IQ's (mean = 100, standard deviation = 15), or scaled scores (mean = 10, standard deviation = 3). For tests where quantitative scores could not or be provided, only interpretive summaries are provided.

LNNB-C Visual Scale items = Within Normal Limits
LNNB-C Motor Scale items = Within Normal Limits

SSPT = 3 errors

SRT = 7 errors

TMT Part A (0 errors) = 20 seconds; Part B (0 errors) = 60 seconds

RAVLT A1 = 6/15; A2 = 11/15; A3 = 13/15; A4 = 13/15; A5 = 15/15

RAVLT Trial B1 = 7/15

RAVLT Trial A6 = 14/15

RAVLT Trial A7 = 13/15

WMS-III Logical Memory I ss = 10; Logical Memory II ss = 9

WMS-III Family Pictures I ss = 8; Logical Memory II ss = 9

ROCFT Direct Copy = Within Normal Limits

NCSE Auditory Comprehension = Within Normal Limits; Oral Repetition = Within Normal Limits

BNT = 48/60

COWAT Phonemic version = 37T (Mild Impairment)

WISC-IV Full Scale = 94

WISC-IV Verbal Comprehension Index = 110

Vocabulary = 9; Similarities = 13; Comprehension = 14

WISC-IV Perceptual Reasoning Index = 94

Picture Concepts = 11; Matrix Reasoning = 9; Block Design = 7

WISC-IV Working Memory Index = 77

Digit Span = 5; Letter-Number Sequencing = 7

WISC-IV Processing Speed Index = 97

Coding = 9; Symbol Search = 10

WRAT-3 Reading = 89

WRAT-3 Spelling = 92

WRAT-3 Arithmetic (no calculator) = 92

WRAT-3 Arithmetic (with calculator) = 112

CCT = 63T (Within Normal Limits)

BADDS Total Score = 63T

Activation = 62T; Attention = 70T; Effort = 55T; Affect = <50T; Memory = 69T

EXHIBIT “B”

Blair Medical Associates, Inc.

1414 Ninth Avenue Altoona, PA 16602 (814) 946-1655 Fax: (814) 949-7616

June 28, 2008

Ferraraccio and Noble, Attorneys at Law
301 East Pine Street
Clearfield, PA 16830

COPY

RE: CHEYANNE M HAHN
DOB: 07/25/1992
MRN: 126973

Dear Sir or Sirs:

My narrative concerns Ms. Cheyanne Hahn. I saw Ms. Hahn in my Neurology Clinic for the first time January 23, 2007. The patient, at that point, was a 14-year-old right-handed female who was having blackout spells, headaches, memory loss, and dizziness. She was having these spells so they were actually lost time episodes and no loss of consciousness. The patient states she had headaches over her whole head again several times a week. Motrin was helping but she could not take it every day. She also had dizziness with a spinning sensation in her head feeling like she could fall over and this happened several times a week. She also describes short-term memory loss, forgetting things that she was told, forgetting who she had seen in the past. She relates all this back to a motor vehicle accident in 2005 when she struck her head, all of these have been since then. The patient did have a right temporal contusion at the time and was cared for by Dr. Burke; no surgery was required. Therefore, the patient was evaluated in my Clinic for the other symptoms she was having.

I follow her at this time because of her symptomatology that she had, post-concussive syndrome. At that point, I took the liberty of ordering a CT of her head. I did not do an MRI as the patient had braces, and this would cause too much artifact, an EEG and neuropsychological testing, and I treated the patient with Pamelor 10mg at bedtime for the headaches and for the dizziness. The patient had a CT scan of her head completed, which showed an essentially normal study with resolution of the area of hematoma. The patient also had an electroencephalogram done, which was normal.

The patient was seen by Dr. Wayne D'Agaro, a neuropsychologist, for neuropsychological testing. His results showed a diagnosis of cognitive disorder

Page 2

June 28, 2008

Ferraraccio and Noble, Attorneys at Law

RE: Cheyanne M. Hahn

not otherwise specified secondary to major depressive disorder, anxiety disorder, and traumatic brain injury.

The patient was next seen by me on May 10, 2007. At that point, the findings of the neuropsychological testing were explained to the patient showing there was a great deal of depression causing most of her current symptomatology, although again this all stemmed back to the motor vehicle accident. She was having side effects of the Pamelor that was stopped and Lexapro was added, 10mg by mouth q day.

The patient was seen back next on September 27, 2007. We could not get insurance to pay for the Lexapro so I gave her a trial of Celexa which is a generic family member of Lexapro. The patient was started on 20mg and was feeling sleepy, therefore, she decreased to 10mg.

She was next seen on January 10, 2008. She was tolerating the Celexa at 10mg a day, and her headaches seemed to be better at that point. The patient, at that point, was started on Aricept due to the memory loss.

She was next seen on April 10, 2008. The Aricept was stopped due to the drowsiness. She was having more trouble with school since stopping it, and her Celexa was increased back to 20mg and then 40mg a day. Because the patient has stopped the Aricept, she was started on an Exelon patch.

The patient had a follow up with Dr. D'Agaro on April 10, 2008, and basically, he reiterated the diagnoses as before. Further elaboration should be gleaned from Dr. D'Agaro.

So my final diagnosis of this patient is post-concussive syndrome sustained due to a motor vehicle accident on December 26, 2005. I believe at this point all her symptomatology is related back to that accident to include the depressive-type symptoms.

Page 3

June 28, 2008

Ferraraccio and Noble, Attorneys at Law

RE: Cheyanne M. Hahn

If there are any questions regarding this, please feel free to contact me at (814) 946-1655. Thank you very much for your time and consideration.

Sincerely,

Electronically signed by Joseph D. Clark, M.D.
Blair Medical Associates
Department of Neurology

JDC/cnova

D: June 28, 2008

T: June 30, 2008

EXHIBIT “C”

CURRICULUM VITAE

BIOGRAPHICAL

Name
Birthdate
Birthplace
Citizenship
Business Address

Richard Kasdan
October 19, 1946
Pittsburgh, Pennsylvania
United States of America
Centre Commons Building
5750 Centre Avenue, Suite 100
Pittsburgh, Pennsylvania 15206
(412) 361-4576
541 Linden Lane
Pittsburgh, Pennsylvania 15208
(412) 441-3377

Residence

EDUCATION AND TRAINING

Undergraduate
1964 - 1968

Cornell University A.B. Biology

Graduate
1968 - 1972
(Cum Laude)

University of Pittsburgh M.D. Medicine

Post Graduate
1972 - 1973
1973 - 1976

Montefiore Hospital Intern Medicine
University Health Centers Resident Neurology
of Pittsburgh

APPOINTMENTS AND POSITIONS

1977 - 2004

Chairman, Department of Neurology Jefferson Hospital

1976 - 1983

Clinical Assistant Professor of
Neurology Department of
Neurology, University
of Pittsburgh

1983 - Present

Clinical Associate Professor of Neurology Department of
Neurology, University
of Pittsburgh

1983 - Present

American Society of Neuroimaging Member

1997 - 2004

American Society of Neuroimaging Executive Board

2000 - 2003

Intersocietal Commission for the
Accreditation of Magnetic Resonance
Laboratories (ICAMRL) Executive Board

CURRENT POSITIONS

1980 - Present

Presgar Imaging

Centre Commons MRI
5750 Centre Avenue, Suite 100
Pittsburgh, Pennsylvania 15206

Medical Director

Monroeville Imaging Center
665 Rodi Road
Suite 103
Pittsburgh, PA 15235

Medical Director

1980- 2005

MRI of Western Pennsylvania
Timber Court, Suite 115
127 Anderson Street
Pittsburgh, PA 15212

Medical Director

1980 - 2006

Jefferson MRI
575 Coal Valley Road, Suite 108
Clairton, PA 15025

1977 - Present

Associates in Neurology of Pittsburgh
5750 Centre Avenue, Suite 100
Pittsburgh, Pennsylvania 15206

Private Practice
President

CERTIFICATION AND LICENSURE

Medical Licensure

0014409E
243195-1

State: Pennsylvania
State: New York

Board Certification

American Board of Psychiatry
and Neurology

October 1977

American Society of Neuroimaging,
MRI and CT

CT-1982; MRI-1992

MEMBERSHIPS / PROFESSIONAL SOCIETIES

1965

Alpha Epsilon Delta Pre-Med Honorary

1969

Alpha Omega Alpha - Medical School Honorary

1972

Allegheny County Medical Society

1973

Pennsylvania Medical Society

1973

American Academy of Neurology

1973

Pittsburgh Neuroscience Academy

1981

American Society of Neuroimaging

Competence Computerized Tomography--1982

Competence Magnetic Resonance Imaging--1988

HONORS

1970

Student Scientific Day Award

University of Pittsburgh,
School of Medicine

PUBLICATIONS AND PRESENTATIONS

The Neurologist as the Neuroimager, Neurology 1997; 48:303-562

Neuroimaging of Spinal Diseases- A Pictorial Review, Seminars in Neurology, 2008 (in press)

"Seizures and the Law", CME Course Director, 2006, 2007, 2008

American Academy of Neurology, Course Presenter, "Spine Imaging"; San Diego, 2006

American Academy of Neurology, Course Presenter, "Spine Imaging"; Boston, 2007

American Academy of Neurology, Course Presenter, "Spine Imaging"; Chicago, 2008

STAFF APPOINTMENTS

Jefferson Regional Medical Center

Active

UPMC - Shadyside Hospital

Active

UPMC - McKeesport Hospital

Consulting

UPMC - Presbyterian University Hospital

Associate

(Updated 9/2008)

EXHIBIT "C-1"

October 2008

CURRICULUM VITAE**BIOGRAPHICAL**

NAME: James D. Petrick
HOME ADDRESS: 1439 Palace Drive Morgantown, WV 26508
HOME PHONE: (304) 296-8846
BUSINESS ADDRESS: 607 Washington Road Suite 302-A Mount Lebanon, PA 15228
BUSINESS PHONE: (412) 561-6506
FAX: (412) 561-6508
E-Mail: jdpphd@netscape.net

BIRTH PLACE: Pittsburgh, PA
CITIZENSHIP: U.S.A.
 405 Capitol Street Suite 405 Charleston, WV 25301
 CED 959 Hartman Run Road Morgantown, WV 26505
 (304) 685-3712
 (304) 293-4692
 (304) 293-7294

EDUCATION AND TRAINING**Undergraduate:**

| | | | |
|-----------|--|--------------|------------|
| 1981-1985 | University of Pittsburgh Pittsburgh, PA | B.S. 1985 | Psychology |
|-----------|--|--------------|------------|

Graduate:

| | | | |
|-----------|---|---------------|---------------------|
| 1985-1992 | Nova Southeastern University Fort Lauderdale, FL | M.S. 1988 | Psychology |
| | Nova Southeastern University Fort Lauderdale, FL | Ph.D. 1992 | Clinical Psychology |

Post-Graduate:

| | | | |
|-----------|---|--|---|
| 1991-1992 | West Virginia University School of Medicine Department of Behavioral Medicine and Psychiatry Morgantown, WV | | Post-Doctoral Training in Clinical Neuropsychology |
|-----------|---|--|---|

APPOINTMENTS AND POSITIONS

Academic:

| | | |
|--------------------------------|--|---|
| 1/07-Present | West Virginia University Robert C. Byrd Health Sciences Center Center for Excellence in Disabilities Morgantown, WV | Consultant |
| 1/97- Present | Drexel University College of Medicine West Penn Allegheny Health System Allegheny General Hospital Pittsburgh, PA | Assistant Professor of Psychiatry |
| 6/01- 6/05 3/92 - 9/94 | West Virginia University Department of Behavioral Medicine and Psychiatry School of Medicine Morgantown, WV | Clinical Assistant Professor of Psychiatry |
| 6/98-9/04 | Community College of Allegheny County Pittsburgh, PA | Advisory Board Member |
| 8/87-7/89 | Broward Community College Department of Behavioral Sciences Fort Lauderdale, FL | Adjunct Faculty |
| <u>Nonacademic:</u> | | |
| 9/00-Present | Independent Practice Clinical Neuropsychology Consultation and Rehabilitation 607 Washington Road, Suite 302-A Mount Lebanon, PA 15228 | Clinical Neuropsychologist |
| 9/99-Present | Mountainview Rehabilitation Hospital Department of Psychology 1160 Van Voorhis Road Morgantown, WV 26505 | Clinical Neuropsychologist |
| 3/04 -Present | Allegheny General Hospital Suburban Campus West Penn Allegheny Health System Pittsburgh, PA 15202 | Consultant with medical staff privileges |

| | | |
|--------------|--|---|
| 1/07-Present | Center for Excellence in Disabilities West Virginia University Robert C. Byrd Health Sciences Center 959 Hartman Run Road Morgantown, WV 26505 | Consultant to Traumatic Brain Injury/Cognitive Clinic |
| 2/92- 9/99 | Mountainview Rehabilitation Hospital Department of Psychology 1160 Van Voorhis Road Morgantown, WV 26505 | Consultant with medical staff privileges |
| 1/97-9/99 | ReMed of Pittsburgh 5830 Ellsworth Avenue Pittsburgh, PA 15232 | Clinical Director |
| 2/93-12/96 | Behavioral Neuropsychology Associates First & Market Building 100 First Avenue, Suite 900A Pittsburgh, PA 15222 | Clinical Neuropsychologist |
| 2/93-12/96 | Center for Applied Neuropsychology First & Market Building 100 First Avenue, Suite 900B Pittsburgh, PA 15222 | Clinical Neuropsychologist |
| 4/95- 11/99 | D.T. Watson Rehabilitation Hospital Camp Meeting Road Sewickley, PA | Consultant |
| 8/91-8/92 | Chestnut Ridge Hospital West Virginia University Department of Behavioral Medicine and Psychiatry 930 Chestnut Ridge Road Morgantown, WV | Post-Doctoral Fellow |
| 8/90-8/91 | James A. Haley Veterans Hospital 13000 Bruce B. Downs Boulevard Tampa, FL | Intern |
| 6/87-7/90 | Florida Medical Center Behavioral Health Services 5000 Oakland Park Boulevard Ft. Lauderdale, FL | Mental Health Counselor |

| | | |
|------------|--|-----------------------|
| 1/89-7/90 | Nova University Community Mental Health Center Behavioral Medicine Services 3301 College Avenue Ft. Lauderdale, FL | Program Coordinator |
| 1/87-9/87 | Pinecrest Rehabilitation Hospital Department of Psychology Delray Beach, FL | Behavioral Consultant |
| 10/85-9/87 | Foundation for Learning Ft. Lauderdale, FL | Behavioral Specialist |
| 4/86-8/86 | Western Psychiatric Institute and Clinic Educational Enrichment Program Pittsburgh, PA | Research Assistant |

LICENSURE

Professional Licensure:

| | |
|------|---|
| 1992 | Licensed Psychologist, Commonwealth of Pennsylvania #PS-007044-L |
| 1992 | Licensed Psychologist, State of West Virginia #WV-578 |

BOARD CERTIFICATION

| | |
|------|--|
| 1999 | Diplomat of the American Board of Psychological Specialties in Neuropsychology |
|------|--|

HONORS

| | |
|------|--|
| 1995 | Recipient of the 1995 Nelson Butters National Academy of Neuropsychology Award for Research Contributions to Clinical Neuropsychology, November |
|------|--|

MEMBERSHIP IN PROFESSIONAL SOCIETIES

| | |
|------|--|
| 2007 | West Virginia Brain Injury Association (Board Member) |
| 2003 | West Virginia Psychological Association |
| 1999 | American College of Forensic Examiners |
| 1993 | Division 40 Neuropsychology American Psychological Association |
| 1990 | National Academy of Neuropsychology |
| 1988 | International Neuropsychological Society |
| 1986 | American Psychological Association |

RESEARCH ACTIVITIES

Petrick, J. & Artman, L. The Word Reversal Test: A new measure of cognitive efficiency, inference, and executive function (ongoing).

McCue, M., Pramuka, M., & Petrick, J.D. (Co-Investigator). Nontraditional assessment of cognitive skills in persons from minority populations: A culturally sensitive and ecologically valid procedure for assessing impact of cognitive disability. Special project submitted to the Department of Education, Rehabilitation Services Administration.

McCue, M., Chase, S.L., Dowdy, C., Pramuka, M., Petrick, J.D. (Consultant), Aitken, S., & Fabry, P. Functional assessment of cognitive disabilities. Special project and demonstration funded by the U.S. Department of Education, Rehabilitation Services Administration, 10/1/93-9/30/97.

PUBLICATIONS AND PRESENTATIONS

Roberts, L., Bales, J., Dedhia, H., Zikos, A., Singh, A., McDowell, D., Failing, C., Biundo, R., Petrick, J.D. & Carpenter, J. (2008). Special Report: Surviving a Mine Explosion. Journal of the American College of Surgeons. August, 276-283.

Mittenberg, W., Malloy, M., Petrick, J.D., & Knee, K. (1994). Impaired depth perception discriminates dementia from depression. Archives of Clinical Neuropsychology, 9, 71-79.

Franzen, M.D. & Petrick, J.D. (1996). Cognitive rehabilitation for seizure disorders. In P.W. Corrigan & S.C. Yudofsky (Eds.), Cognitive Rehabilitation for Neuropsychiatric Disorders (243-261). American Psychiatric Press, Washington, D.C.

McCue, M., Chase, S.L., Dowdy, C., Pramuka, M., Petrick, J.D., Aitken, S., & Fabry, P. (1994). Functional Assessment of Individuals with Cognitive Disabilities: A Desk Reference for Rehabilitation. Center for Applied Neuropsychology.

Petrick, J.D. & Mittenberg, W. (1993). Confrontational naming in dementia and depressive pseudodementia. Archives of Clinical Neuropsychology, 8, 256-257.

Petrick, J.D., Wang, S., & Franzen, M.D. (1993). Effects of litigation on tests of malingering. Archives of Clinical Neuropsychology, 8, 257.

Petrick, J.D., Haut, M.W., & Franzen, M.D. (1993). Equivalence of the WMS-R Stories. The Clinical Neuropsychologist, 7, 348.

Petrick, J.D., Haut, J.S., & Franzen, M.D. (1993). Associations among Verbal and Design Fluency Measures. The Clinical Neuropsychologist, 7, 350.

Kashden, J., Petrick, J.D., & Franzen, M.D. Discriminant validity of the Luria Nebraska Neuropsychological Battery, Form II. Paper presented at the 1993 National Academy of Neuropsychology meeting, Phoenix, Arizona, (October).

Murray, M.G., Vanderploeg, R.D., & Petrick, J.D. (1993). Relationship between WAIS-R incidental memory measures and WMS-R performance. The Clinical Neuropsychologist, 7, 348.

Petrick, J.D., Chase, S., Koehler, J., Pramuka, M., & McCue, M. Executive dysfunction in learning disability. Manuscript submitted for presentation at the 1993 National Academy of Neuropsychology meeting.

Petrick, J.D., Franzen, M.D., & Kuncle, J. (1992). Confrontational and productive naming in dementia and depression. The Clinical Neuropsychologist, 6, 323.

Petrick, J.D., & Mittenberg, W. (1991). Incidental memory on Similarities in mild dementia and depression. The Clinical Neuropsychologist, 5, 258.

Petrick, J. Team Concerns with Cognitive Assessment. Presented at the University of South Florida Geriatric Education Center, July, 1991.

Petrick, J.D. & Franzen, M.D. (1996). Preliminary norms for Design Fluency. The Clinical Neuropsychologist.

Petrick, J.D., Wilhelm, K., Franzen, M.D., & McCue, M. The Word Reversal Test: A New measure of interference and cognitive efficiency. Paper presented at the 1994 National Academy of Neuropsychology meeting, Orlando, Florida (November).

Petrick, J.D. & McCue, M. (1996). Neuropsychological Deficits Secondary to Adrenomyeloneuropathy. The Clinical Neuropsychologist.

Pramuka, M., Petrick, J.D., & McCue, M. Neuropsychological Deficit in Learning Disabilities. Paper presented at the 1994 National Academy of Neuropsychology meeting, Orlando, Florida (November).

Petrick, J.D., Franzen, M.D., & McCue, M. (1996). WMS-R Recognition Memory Performance in Normal and Neurologically Impaired Individuals. The Clinical Neuropsychologist.

McCue, M., Aitken, S., Chase, S., Petrick, J.D., & Ratcliff, G. (1995). Ecologically Valid Assessment of Problem Solving Ability: The American Multiple Errands Test. Journal of the International Neuropsychological Society, 1, 149.

McCue, M., Petrick, J.D., Pramuka, M., & Goldstein, G. Applied Cognitive Rehabilitation in the Workplace. Paper presented at the 1995 annual meeting of the American Psychological Association, New York, New York.

Petrick, J.D., & McCue, M. Interference of the Word Reversal Test as a Measure of Cognitive Processing Deficit After Mild Head Injury. Manuscript submitted for publication.

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Petrick, J.D. Effective Approaches toward Differential Diagnosis: Dementia and Depression. Presented at the 1995 Neuro-Rehabilitation Symposium, West Virginia University and Mountainview Regional Rehabilitation Hospital, October, 1995.

Petrick, J.D., Franzen, M., & Kashden, J. Internal Consistency of the Luria-Nebraska Neuropsychological Test Battery. Manuscript in preparation.

Petrick, J.D., & McCue, M. Neuropsychological Test Performance in Learning Disorders: A Comparison of Halstead-Reitan and Lurian Approches. Paper submitted for presentation at the 1996 annual meeting of the American Psychological Association, Toronto, CA.

McCue, M., Petrick, J.D., & Pramuka, M. Measures of Executive Function: Ecologically Valid Assessment of Neurobehavioral Deficit. Paper submitted for presentation at the 1996 annual meeting of the American Psychological Association, Toronto, CA.

Petrick, J. High Impact Assessments: Optimal Planning for Rehabilitation Outcomes. Presentation sponsored by the Center for Applied Neuropsychology and the Pennsylvania Office of Vocational Rehabilitation. December, 1995.

Petrick, J.D. & McCue, M. (in press). Word Reversal Test Performance in Neurologic, Psychiatric, and Developmental Populations.

Petrick, J.D. Mild Traumatic Brain Injury: Pathophysiology and Rehabilitation. Presentation at Goodwill Industries, sponsored by D. T. Watson Rehabilitation Services, Pittsburgh, PA. October, 1996.

Petrick, J.D. & Aitken, S. Mild Traumatic Brain Injury. Presented at the Greater Pittsburgh Supported Employment Council at the Vocational Rehabilitation Center, Pittsburgh, PA. November, 1996.

Swaintek, S., Skees, S., & Petrick, J.D. Strategies for Neurobehavioral Rehabilitation: Application of Functional Community Based Techniques. Paper presented at the 1997 PARF annual conference, September, 1997.

Petrick, J.D., Skees, S., & Griffiths, M. Optimizing Utilization Praxis in the Rehabilitation Process. Presented at the 1997 National Academy of Neuropsychology Meeting. Las Vegas, Nevada (November).

Petrick, J.D. Post Concussive Syndrome: Neuropathology and Rehabilitation. Breakfast Seminar Series, ReMed of Pittsburgh, Pittsburgh, Pa. (November, 1997).

- Petrick, J.D., Skees, S., Griffiths, M. & Swaintek, S.S. (1999) Post-acute Neurologic Community Integration Rehabilitation: Ecological Applications. Brain Injury Source, 3, 24-27.
- Jung, H.Y., Robyn, S. & Petrick, J.D. Effect of Amantadine Hydrochloride on Behavioral Dyscontrol Secondary to Anoxic Encephalopathy: Case Study and Review. Manuscript in preparation.
- Petrick, J.D. Persistent Neuropsychological Sequela of Neuroleptic Malignant Syndrome. Paper accepted for presentation at the 1999 American Neuropsychiatric Association, New Orleans, LA.
- Petrick, J.D., Kant, R. & Peters, S.: Behavioral Interventions After Brain Injury, Breakfast Seminar Series, ReMed of Pittsburgh, Pittsburgh, PA (November 1998).
- Dombrowski, L., Petrick, J.D., & Strauss, D. (2000) Rehabilitation Treatment of Sexuality Issues due to Acquired Brain Injury. Rehabilitation Psychology, 45. (299-304).
- Petrick, J.D. Post-acute Neurologic Rehabilitation: Long Term Cost Savings. Manuscript in preparation.
- Petrick, J.D. Innovative Approaches Toward Brain Injury Rehabilitation. Presented at the Pennsylvania Rehabilitation Association, Harrisburg, PA (April 1999).
- Petrick, J.D. Working with Students with Attention Deficit Disorders: Strategies and Techniques. Presented at the California University of Pennsylvania, California, PA (November 1999).
- Petrick, J.D. Cognitive Rehabilitation Techniques. Presented at Allegheny General Hospital, Pittsburgh, PA (February 2000).
- Petrick, J.D. Strategies and Techniques for Working with Students with Attention Deficit Disorders. Presented at California University of Pennsylvania, California, PA (February 2000).
- Petrick, J.D. & Kant, R. Ethical Considerations and Traumatic Brain Injury. Presented at the Washington District Office of Vocational Rehabilitation, Washington, PA (April 2000).
- Petrick, J.D. & Kant, R. Cognition in Dementia and Brain Injury: Pathology, Pharmacology, and Rehabilitation. Presented at the HealthSouth Regional Rehabilitation Hospital, Morgantown, WV (June 2000).
- Petrick, J.D. & Gingold, M. Behavioral Sequela of Encephalitis: A Case Study. Manuscript in preparation.
- Petrick, J.D. Cognitive Rehabilitation Techniques. Presented at Allegheny Hospital, Pittsburgh, PA (February 2001).
- Petrick, J.D. Learning Disorders. Presented at the Beaver County Transition Counsel, Beaver, PA (February, 2001).

Petrick, J.D. Behavioral Management Techniques with the Agitated Patient. Presented at the Department of Speech and Language Pathology, West Virginia University, Morgantown, WV (February, 2001).

Petrick, J.D. Neuropsychology of Learning. Presented at Robert Morris College (September 2001).

Petrick, J.D. Neuropathology and Rehabilitation Following Brain Injury. Presented at Health South Mountainview Regional Rehabilitation Hospital (December 2001).

Petrick, J.D. Brain Injury Rehabilitation. Presented at Allegheny General Hospital, Pittsburgh, PA (February 2002).

Petrick, J.D. Rehabilitation Techniques Following Acquired Brain Injury. Presented at the Western Maryland Health System, Cumberland Memorial Hospital, Cumberland, Maryland (February 2002).

Petrick, J.D. & Gingold, M. Effectiveness of Neurontin in Autistic Disorders. Manuscript in preparation.

Petrick, J.D. & Bloomfield, S. Common Psychiatric and Neuropsychiatric Syndromes in Acute Rehabilitation. Presented at Healthsouth Mountainview Regional Rehabilitation Hospital, Morgantown, WV (May 2002).

Petrick, J.D. Pathophysiology of Traumatic Brain Injury. Presented at the Charleston Area Medical Center, Charleston, WV (September, 2002).

Petrick, J.D. & Davis, M. Traumatic Brain Injury: Recovery and Rehabilitation. Presented to the Division of Workers Compensation, State of West Virginia, Charleston, WV (September, 2002).

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Petrick, J.D. The Neuropsychology of Learning. Presented at the winter faculty meeting of the Community College of Allegheny County, Pittsburgh, PA (January, 2003).

Petrick, J.D. Traumatic Brain Injury: Rehabilitation Techniques. Presented at Allegheny General Hospital, Department of Psychiatry, Pittsburgh, PA (February, 2003).

Petrick, J.D. Neuropsychology, Cerebral Vascular Accident, and Rehabilitation. Presented at the Annual West Virginia Physical Therapy Association Meeting, Flatwoods, WV (April, 2003).

Petrick, J.D. Expert Medical Testimony. Presented at the Pennsylvania Bar Association, Pennsylvania Bar Institute, Pittsburgh, PA (August, 2003).

McCarthy, W., Campbell, P., Franz, T., Bassilios, J., Palmer, R. & Petrick, J.D. Reappraising Disability: Assisting Persons with Disabilities in Obtaining Appropriate Care. Presented at the 2003 Pennsylvania Association of Rehabilitation Facilities annual conference, Penn State University, PA (September, 2003).

McCarthy, W. Campbell, P., Franz, T., Bassilios, J., Palmer, R. & Petrick, J.D. Confronting Disability: Ethical Challenges and Management Problems in Rehabilitation. Presented at the 2003 Pennsylvania Association of Rehabilitation Facilities annual conference, Penn State University, PA (September, 2003).

Petrick, J.D., Adrenomyoleukodystrophy: Clinical Course, Rehabilitation, and Outcome. Manuscript in preparation.

Petrick, J.D. Trauma Recovery and Rehabilitation. Presented at the Trauma Nurse's Association Meeting, Western Maryland Health System, Cumberland, Maryland (March 2004).

Petrick, J.D. Optimizing Rehabilitation Outcome in Multiple Sclerosis: Cognitive and Emotional Issues. Presentation sponsored by HealthSouth Mountainview Regional Rehabilitation Hospital, Morgantown, WV (April 2004).

Petrick, J.D. Neuropsychological Assessment and Differential Diagnosis. Presented at the Pittsburgh District Office of Vocational Rehabilitation, Pittsburgh, PA (May 2004).

Petrick, J.D. Neuroanatomy and Neuropathology: Introduction to Brain Injury Rehabilitation. Presented at Suburban General Hospital, Pittsburgh, PA (September 2004).

Petrick, J.D. & Rice, T. Neurological Sequella of Cocaine and Fentanyl Toxicity: Differential Diagnosis. Paper presented at the 2005 American Psychological Association Convention (August, 2005).

Petrick, J.D. Atypical Neuropsychological Profile in Kallman Syndrome: Olfactory Agenesis. (2006) Archives of Clinical Neuropsychology, 21, p. 599.

Petrick, J.D. Dementia, Dellerium, and Depression: Differential Diagnosis. Presented at Healthsouth Mountainview Regional Rehabilitation Hospital, Morgantown, WV (February 2006).

Petrick, J.D. Functional Neuroanatomy, Neuropsychological Testing, and Attention Deficit. Video Telecast presented at the Western Pennsylvania Region of the Office of Vocational Rehabilitation, Pittsburgh, PA (March, 2006).

Petrick, J.D. The Sago Mine Survivor: Neurological Recovery After Severe CO Poisoning. Manuscript in preparation.

Petrick, J.D., Roberts, L. & Biundo, R. Neuropathological and Neuropsychological Findings after Severe CO Poisoning: The Sago Miner. Manuscript in preparation.

Petrick, J.D. Signs and Symptoms of Mild Traumatic Brain Injury in Returning Veterans from Iraq and Afghanistan. Presented at the Better Brain Injury Care Coalition Summit Meeting. Charleston, WV (December, 2007).

Petrick, J.D., Ziejewski, M. & Voogt, R. Blast Brain Injuries: Military and Mining. Invited address with the Brain Injury Association of West Virginia, Center for Excellence in Disabilities and Health South. Charleston, WV (March, 2008).

Petrick, J.D. Neuropsychological Testing and Interpretation. Invited address to the Office of Students of Disabilities or the Community College of Allegheny County, Pittsburgh, PA (March, 2008).

Petrick, J.D. & Artman, L. Sturge-Weber Syndrome: Neuropsychological Profile and Applied Quantitative Neuroimaging. Paper submitted to the 2008 meeting of the National Academy of Neuropsychology, New York, New York.

Petrick, J.D. Neuropsychological Profiles in Twin Siblings with Learning Disorders. Manuscript in preparation.

Petrick, J., Rice, T. & Voogt, R. Surviving Prolonged Exposure to CO: Neuropsychological Consequences, Rehabilitation, and Course of Recovery. Paper submitted for presentation at the 2008 meeting of the North American Brain Injury Society, New Orleans, Louisiana.

NATIONAL GRANT REVIEW

AD Hoc Reviewer

Service and demonstration projects
U.S. Department of Education
Rehabilitation Services Administration

AD Hoc Reviewer

Projects with Industry
U.S. Department of Education
Rehabilitation Services Administration

EXHIBIT “D”

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

August 11, 2008

Re: Hahn v. Hahn;
07-244-CD
Response to Letter of 7/25/08

Dear Ms. Oliver:

Thank you for your letter of July 25th.

Considering Cheyanne's injuries, prognosis and on going need for treatment, your offer of \$10,000 is rejected. I have read your letter, re-read Dr. Clark's letter and do not share either your view of liability nor purported causation issue. In light of these matters, please be advised that demand is for policy limits.

Please be advised that I do not share your view that an IME is needed. As such, I hereby object to the same.

I renew my requests for dates in which I may depose your client. I would like to do so sometime within the next few weeks as I want to move this case to trial. I would request these dates be provided within the week, otherwise I shall proceed to notice the same without benefit of your input. I only do this since I have previously requested dates and have not been afforded any proposals.

Lastly, your client again mentioned to Cheyanne that her mother is only doing this for her (Lorraine's) benefit. As you know, this is not true as the proceeds from this case will be placed in trust for only Cheyanne's benefit as required by law. You may want to enlighten your client on this point.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN

cc: Mrs. Lorraine L. Hahn

EXHIBIT "E"

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

November 20, 2008

Re: Hahn v. Hahn;
07-244-CD
Request for IME

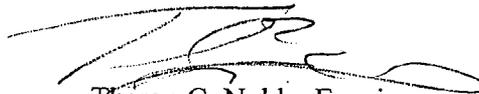
Dear Ms. Oliver:

Thank you for your letter of November 10th.

Given the extensive treatment and documents previously provided to you arising there from, and in light of the length of travel needed for your IMEs, I do reiterate my objection to your examinations of Cheyanne Hahn.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN

cc: Mrs. Lorraine L. Hahn w.encl.

FILED

DEC 02 2008

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

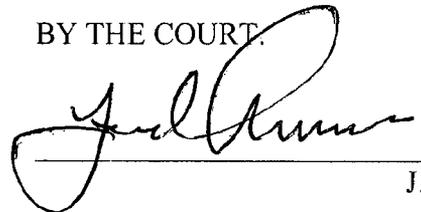
No. 2007-244-CD

ORDER

AND NOW, this 4 day of December, 2008, upon consideration of the foregoing Motion to Compel Medical and Psychological Examinations, it is hereby Ordered as follows:

- ① a rule is issued upon the Plaintiffs to show cause why the Defendant is not entitled to the relief requested;
2. the Plaintiffs shall file an answer to the motion within _____ days of this date;
- ③ the motion shall be decided under Pa.R.C.P. 206.7;
- ④ argument shall be held on January 16, 2009, in Courtroom No. 1 of the Clearfield County Courthouse; and 2:00 p.m.
- ⑤ notice of the entry of this Order shall be provided to all parties by moving party.

BY THE COURT.


J.

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Att'y Oliver
C/O

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William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 04 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

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DEC 15 2008
(LH)
William A. Shaw
Prothonotary/Clerk of Courts

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DEC 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

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1300 N. 10th St. Philadelphia, PA 19107
Tel: 215-251-2000 Fax: 215-251-2001

OFFICE OF THE PROTHONOTARY
CLERK OF COURTS
1300 N. 10th St. Philadelphia, PA 19107
Tel: 215-251-2000 Fax: 215-251-2001

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.
JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

Type of Pleading:

REPLY TO MOTION TO COMPEL

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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DEC 18 2008 *(EV)*

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

REPLY TO MOTION TO COMPEL

AND NOW, Lorraine L. Hahn, Mother and Natural Guardian for Cheyanne M. Hahn, Plaintiff, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, avers as follows in response to Defendant's MOTION TO COMPEL:

1 - 5. Admitted.

6. Admitted in part, denied in part. As to Defendant's evaluation of the CT Scan, the same is DENIED as being over-simplified, all else is admitted.

7. Denied. Again, Defense has simplified the situation, but at said time, said Doctor had still ordered Cheyanne from not participating in gym class and not riding her bicycle, all indicating factors other than Cheyanne's injuries were "resolved" or no documented complaints. By way of further response, in dealing with traumatic brain injury, as was herein diagnosed, the symptoms often times do not reveal themselves for a period of months, which explains the conservative approach and orders by Dr. Burke.

8. Admitted in part, Denied in part. As to the records the same is admitted, however, as explained at the various depositions, the problems actually started to appear in the

summer of 2006, with the lapse in time explained by the time they were observed and understood to be other than “adolscent behavior” and then appointments made.

9. Denied. Dr. D’Agaro has also issued a narrative report, attached hereto as Plaintiff’s Exhibit “A”.

10. Denied. Again, defendants have either misstated or over simplified this particular matter. First, Cheyanne fully participated in two sessions with Dr. D’Agaro, each lasting about four (4) hours, which did not substantially involve the participation of her mother, who was present only for the first 10 - 15 minutes. As Plaintiff understand the situation, such treatment/sessions need to be “one on one” to be effective. Furthermore, these sessions involve testing which objectively documents issues about a person’s cognitive and emotional-behavioral circumstances.

11. Admitted.

12. Denied. In that Plaintiff has permitted the Defense access to all of her relevant medical records, it is a misstatement to say the defense has been provided with “limited” records. Furthermore, given the records, reports and opinions of Drs. Burke, Clark and D’Agaro, it is DENIED that Cheyanne’s cognitive, emotional-behaioral issues do not relate to the traumatic brain injury she sustained in said accident.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted in part, denied in part. As to what the Defense writes, the same is admitted. However, to the extent the same indicates that the financial difficulties of such trip would be eliminated by their offer, the same is DENIED in that as a teenager (not

fully licensed nor capable of safe driving given her injuries), her mother would need to accompany her and be forced to miss yet another day of employment.

17. Admitted in part, denied in part. As to what is stated, the same is admitted.

However, there are other issues, even on top of the financial situation discussed above, which include:

(a) As Plaintiffs understand such testing, this would require Cheyanne to be alone, for lengthy periods of time, with defense contracted people who do not have her best interests at heart;

(b) Pursuant to Pa.R.Civ.P. 4010(4)(i), Cheyanne would have the right to have counsel and or her mother present during such examinations, however, as discussed above, Plaintiff understands that implementation of such involvement renders the neuro-psychological testing useless, which places at issue the appropriateness of this whole request;

(c) It should be noted that immediately following the subject accident, Cheyanne was taken to Philipsburg Hospital, which given her injuries, transferred her to Altoona Regional Hospital, which is where she came into contact with Dr. Burke. It was Dr. Burke who recommended Dr. Clark, who in turn recommended Dr. D. Agaro. As such, these physicians are all "treating physicians", not hired guns by the Plaintiff and as such are entitled to more deference;

(d) Given the extensive medical documentation and in light of the very invasive process by which the defense wishes to again victimize Cheyanne, a more appropriate balancing approach would be to require the defense experts be limited to review of the

medical records at which time such experts could either determine they can opine or do need an actual examination and this issue could be properly considered;

(e) It should also be noted that Dr. Clark has also recently recommended that Cheyanne be seen by another expert, also located in the Pittsburgh area, who specializes in adolescent neurology, placing further financial strain on Plaintiff; and

(f) Defendant has failed to meet its burden to justify a trip approaching 150 miles to visit with their experts, especially in light of their options to either (i) locate such experts in this area; or (ii) have their experts come to this area for these purposes.¹

18. Denied. As outlined above, at this point this merely is an assertion by the defense without any supporting documentation from their so called experts, let alone that Pennsylvania Rules of Civil Procedure prevent such examinations when the same are unduly burdensome to the point they become more for harassing or vexation purposes.

19. Plaintiff hereby incorporates its responses hereto as to why said MOTION should be denied under the attenuate circumstances.

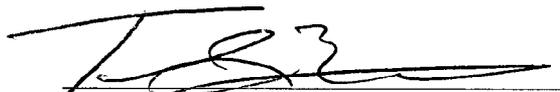
20. The same is a legal conclusion for which no response is deemed necessary. It should also be pointed out that what is being requested herein is not really "medical" testing but rather a very invasive process on a sixteen year girl, with cognitive and emotional-behavioral difficulties, for which Defense should have more case law rather than generic medical testing principles, from a Court of Common Pleas decision.

21. For the reasons previously herein stated, the same is DENIED.

¹ It is also noted for purposes of consideration that one can only be compelled to travel no more than 100 miles to participate in a deposition.

WHEREFORE, Plaintiff respectfully requests that the same be DENIED until such time as the Defense presents sufficient evidence that such testing is actually needed and then, determinations can be made as to what exactly is involved, the manner to be done so that Pa.R.Civ.P. 4010(4)(i) can be accommodated, and the issues involving finances and location be resolved.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Noble', written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

CAUSE THEREOF: The aforementioned difficulties are the direct or the indirect result of the traumatic brain injury that Cheyanne sustained on December 26, 2005 when the automobile that she was a passenger in was involved in a partial rollover accident. Indeed, prior to this motor vehicle accident, Cheyanne was demonstrating none of these difficulties and, from a functional perspective, was doing well in school.

The direct injury would be Cheyanne's diagnosed traumatic brain injury. The indirect injuries would be more symptomatic and include, from a cognitive perspective, the "confusion" that prevents her from following class/subject directions in general and mathematics specifically, as well as neuropsychological test findings that continue to validate the existence of impairment in her auditory attention and information processing. An additional indirect result of her injury is Cheyanne's emotional-behavioral presentation. She is fully cognizant of the fact that she is now struggling more in school to achieve academic success. It is this struggling that is now responsible for her anxiety during class examinations and her ongoing "moodiness" (depression).

DIAGNOSIS: As of my last contact with her on April 10, 2008, per the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders and the Ninth Edition of the International Classification of Diseases, the following diagnoses were judged to be most appropriate for Cheyanne:

- Axis I = Cognitive Disorder Not Otherwise Specified (294.9), secondary to Axis III; Major Depressive Disorder, Single Episode, Moderate (296.22) + Anxiety Disorder Not Otherwise Specified (300.00).
- Axis II = No Diagnosis (V71.09) at this time.
- Axis III = Mild Traumatic Brain Injury (850.9), sustained 12/26/05.

TREATMENTS TO DATE: I completed two neuropsychological evaluations but have not been directly involved in any treatment with Cheyanne. She has, however, continued treatment with Dr. Clark that has included the monitoring of both antidepressant and cognitive enhancing medications. Per my last contact with her, Cheyanne also remained involved in individual counseling with Cen-Clear Child Services, Inc., to further address her emotional-behavioral issues.

PROGNOSIS: Given that her traumatic brain injury occurred over two years and three months prior to my last neuropsychological evaluation, I do not believe that Cheyanne will experience any additional spontaneous improvement. She is at the point where any residual physical, cognitive and emotional-behavioral deficits need to be symptomatically treated.

FUTURE NEEDS: First and foremost, Cheyanne needs to continue with all medical

interventions prescribed by those physicians who remain involved in her care, especially Dr. Clark. Specific interventions should include the ongoing use of Citalopram or another antidepressant medication to ensure continued emotional and behavioral stability, as well as Exelon to stabilize and improve her cognitive status.

In addition to any medications, Cheyanne should also remain involved in individual counseling, whether through Cen-Clear Child Services, Inc. or another channel.

Within school, Cheyanne should have the opportunity to take class examinations in a quieter setting to improve her mental focus, should be permitted extra time to complete such examinations, and should be provided with lecture notes or study outlines to ensure that the material that she is studying is appropriate and complete. Cheyanne should also be permitted the use of a calculator to complete mathematical calculations.

Sometime during her junior year of high school, Cheyanne should be referred for an evaluation by the Office of Vocational Rehabilitation, who may be able to assist Cheyanne in obtaining funding for a higher education and, if still necessary, academic accommodations. Such an evaluation would require updated testing that would permit additional comparison against current baseline data from the two neuropsychological evaluations that have already been performed.

If there are any questions regarding the content of this narrative or if additional information is required, Mr. Noble, please do not hesitate to contact me at (814) 944-8505 or (814) 935-0720.

Sincerely,



Wayne R. D'Agaro, Psy.D.
Clinical Psychologist/Neuropsychologist
Licensed Psychologist (PA); Certified School Psychologist (NCSP)

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

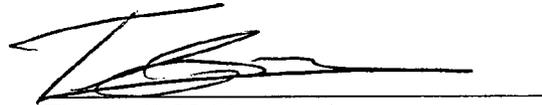
No. 07- 244 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for the Plaintiff, does hereby certify this 17th day of December, 2008, that I did mail via United States Mail, postage pre-paid, first class delivery, a true and correct copy of Plaintiff's REPLY TO MOTION TO COMPEL (Regarding IME) to the below indicated person, being counsel of record for the Defendant, addressed as follows:

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

FILED

DEC 18 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JAN 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/20/09

____ 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 ACTION - LAW

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

FILED NO CC
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FEB 10 2009

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William A. Shaw
Prothonotary/Clerk of Courts

FILED

FEB 10 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and Natural
Guardian of CHEYANNE M. HAHN,
Plaintiff

vs.

JEFFREY K. HAHN,
Defendant

*
*
*
*
*
*

NO. 07-244-CD

FILED ^{2cc}
019:44/01
FEB 12 2009
Atty: Noble
Oliver

ORDER

William A. Shaw
Prothonotary/Clerk of Courts

(611)

AND NOW, this 11th day of February, 2009, upon consideration of Defendant's Motion to Compel Medical and Psychological Examinations of Plaintiff Cheyanne Hahn, and Plaintiff's response thereto, it is hereby ORDERED as follows:

1. Pursuant to Pa. R.C.P. 4010, Plaintiffs shall produce Cheyanne Hahn, for an independent medical examination and an independent neuropsychological examination in the manner set forth herein.
2. The medical examination shall be conducted by Richard Kasdan, M.D., and shall take place on March 24, 2009, at Penn Hills/Monroeville, 665 Rodi Road, Two Rodi Plaza, Suite 103, Pittsburgh, PA 15235. Cheyanne Hahn shall appear at Dr. Kasdan's offices at 9:45 a.m.
3. The neuropsychological examination shall be conducted by James Petrick, PhD., and shall take place on March 24, 2009 beginning at 1:00 p.m. at Dr. Petrick's offices at 607 Washington Road, Suite 302-A, Mount Lebanon, PA 15228.
4. Pursuant to Pa.R.C.P. 4010, Cheyanne Hahn may be accompanied by a representative during the examinations, with the exception that during the psychometrics portion of the neuropsychological examination, a representative may observe the examination, but not be present in the same room during the administration of the testing. During this portion of the neuropsychological examination, arrangements shall be made so that Cheyanne Hahn's representative can observe the examination by visual and auditory means. In the

event it is not possible to arrange for observation by auditory means, then Plaintiffs shall be permitted to create an audio recording of this portion of the examination.

5. Defendant shall provide transportation to and from the examinations through a licensed transportation service, at no cost to Plaintiff.
6. Plaintiff has represented the Cheyanne Hahn is scheduled to have an examination by a pediatric neurologist in the Pittsburgh area on February 24, 2009. Plaintiffs shall produce to Defendant any and all records and reports created as a part of this examination, including results of any testing as may be performed, as soon after the examination as possible, and in any event, by no later than March 16, 2009.
7. Defendant has requested records from Cen-Clear Child Services from March 20, 2008 forward. The Court is advised that Cen-Clear Child Services will not release the records requested without a signed consent by Cheyanne Hahn. Plaintiffs shall fully cooperate so that complete records are provided to Defendant as soon as possible, and in any event by no later than March 10, 2009.
8. If for any reason complete records as referenced in No. 6 and 7 of this Order above are not produced to Defendant by March 10, 2009, Defendant shall have the option of canceling and rescheduling the examinations for a time after the complete records have been secured. This is not intended as a limitation on Defendant's right to seek other relief as may be appropriate.
9. Defendant shall provide Plaintiffs with a copy of the report from Dr. Kasdan and from Dr. Petrick within thirty (30) days of Defendant's receipt of these reports.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

FEB 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/12/09

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 ACTION - LAW

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

^S FILED No CC.
0/8:30am
FEB 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

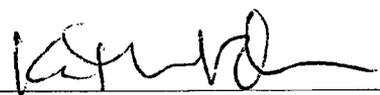
Defendant.

No. 2007-244-CD

**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 to Clearfield Hospital, Altoona Regional Health System and Philipsburg Area Hospital. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: February 9, 2009

Attorneys for Defendant

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lorraine L. Hahn
Cheyanne M. Hahn
Plaintiff(s)

Vs.

Jeffrey K. Hahn
Defendant(s)

*

*

*

No. 2007-00244-CD

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

TO: Clearfield Hospital, Radiology, Attn: Joyce Bressler
P.O. Box 992, Clearfield, PA 16830

(Name of Person or Entity)

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

See attached.

McQuaide Blasko, 811 University Drive, State College, PA 16801-6699

(Address)

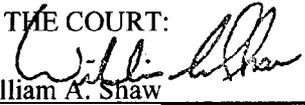
You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing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

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

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

NAME: Katherine V. Oliver, Esquire
ADDRESS: 811 University Drive
State College, PA 16801-6699
TELEPHONE: (814) 238-4926
SUPREME COURT ID # 77069
ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 07, 2008
Seal of the Court

Deputy

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all scans and/or films pertaining to Cheyanne M. Hahn, D.O.B. 7/25/1992, including but not limited to: CT Head dated 11/8/99; Left Finger Films dated 6/28/05; CT Sinuses dated 7/30/07; Left Knee Films dated 10/9/07; and Right Knee Film dated 5/11/08.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lorraine L. Hahn
Cheyanne M. Hahn
Plaintiff(s)

Vs.

Jeffrey K. Hahn
Defendant(s)

*

*

*

No. 2007-00244-CD

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

Altoona Regional Health System, Radiology, Attn: Gayle Boyles
TO: 620 Howard Avenue, Altoona, PA 16601

(Name of Person or Entity)

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

See attached.

McQuaide Blasko, 811 University Drive State College, PA 16801-6699

(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: 811 University Drive
State College, PA 16801-6699

TELEPHONE: (814) 238-4926

SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, March 07, 2008

Seal of the Court

Deputy

Lorraine L. Hahn, Mother and Natural Guardian of Cheyanne M. Hahn

DOCUMENTS TO BE PRODUCED

Any and all scans and/or films pertaining to Cheyanne M. Hahn, D.O.B. 7/25/1992, including but not limited to: Chest Films dated 12/26/05; Pelvis Films dated 12/26/05; CT Abdomen dated 12/26/05; Cervical Spine Films dated 12/26/05; CT Head dated 12/26/05; Facial Films dated 12/26/05; CT Head dated 12/27/05; CT Head dated 12/29/05; CT Head dated 1/10/06; MRI Brain dated 11/2/06; and CT Head dated 2/7/07.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

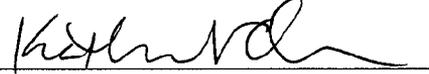
No. 2007-244-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Certificate Prerequisite to Service of Subpoenas Directed to Clearfield Hospital and Altoona Regional Health System, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 24th day of February, 2009, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant



FILED

FEB 26 2009

William A. Snaw
Prothonotary/Clerk of Courts

Page 1 of 1
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

: No. 2007-244-CD

:
: TYPE OF PLEADING:
: **MOTION TO COMPEL**
: **PLAINTIFF CHEYANNE**
: **HAHN TO SIGN CONSENT**
: **ALLOWING RELEASE OF**
: **COMPLETE COUNSELING**
: **RECORDS**

: TYPE OF CASE: **CIVIL**

: FILED ON BEHALF OF:
: **DEFENDANT**

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

FILED

M 1:48 P.M. GK
MAR 02 2009

NO CC

S

William A. Shaw
Prothonotary/Clerk of Courts

(SIC)

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

| | | |
|---------------------------------|---|--------------|
| LORRAINE L. HAHN, Mother and | : | No. 2006-158 |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

**MOTION TO COMPEL PLAINTIFF CHEYANNE HAHN TO SIGN CONSENT
ALLOWING RELEASE OF COMPLETE COUNSELING RECORDS**

1. This action sounds in motor vehicle negligence, and arises from a single-vehicle accident that occurred on December 26, 2005. Minor Plaintiff Cheyanne Hahn was a passenger in a vehicle driven by her father, Defendant Jeffrey Hahn. Plaintiffs bring this action seeking damages for injuries allegedly sustained by Cheyanne Hahn in the accident, including a traumatic brain injury that Plaintiffs contend causes ongoing and potentially permanent cognitive, psychological and emotional-behavioral problems, including learning deficits, depression, and self-mutilation behavior.

2. Plaintiffs initially cooperated in providing Defendant access to medical records, and Defendant obtained initial treatment records via subpoena and/or use of authorizations signed by Lorraine Hahn, as parent and natural guardian of minor Plaintiff Cheyanne Hahn.

3. Inter alia, Defendant obtained initial treatment records from Cen-Clear Child Services relating to Cheyanne Hahn's psychological counseling from February 21, 2008 through March 20, 2008. These records were obtained from Cen-Clear on or about April 4, 2008,

pursuant to an authorization signed by Lorraine Hahn, as parent and natural guardian of Cheyanne Hahn.

4. Defendant is currently in the process of obtaining updated medical and counseling records in anticipation of a defense neurological examination and neuropsychological examination, scheduled to take place on March 24, 2009.

5. Because Plaintiffs refused to voluntarily cooperate with Defendant's request for independent medical and psychological examinations, Defendant was forced to file a Motion to Compel Medical and Psychological Examinations (hereinafter "Rule 4010 Motion"), which was filed on December 1, 2008. The March 24, 2009 date for the defense examinations is pursuant to a Court Order entered on February 11, 2009 after two separate argument sessions concerning Defendant's Rule 4010 Motion.¹

6. Following depositions in this case on December 10, 2008, Defendant sought a second authorization for the release of records from Cen-Clear Child Services so that updated treatment records could be obtained.

7. No objection to this request was asserted on behalf of Plaintiffs, and, in fact, Plaintiff *Lorraine Hahn* provided the fully executed authorization as requested.

8. Defendant sent the authorization signed by Plaintiff Lorraine Hahn with a request for updated records to Cen-Clear Child Services on January 8, 2009. A true and correct copy of Defendant's correspondence to Cen-Clear is attached hereto as Exhibit "A."

¹ March 24, 2009 is the date both examinations are currently scheduled to occur. However, this date was set with the anticipation that all necessary records would be produced, including the Cen-Clear records and records of a consultation with a pediatric neurologist in Pittsburgh. Defendant has recently been advised by Plaintiff that Plaintiffs' production of records of Cheyanne Hahn's February 24, 2009 visit with the pediatric neurologist will likely be delayed. Given these circumstances, Defendant will need to look into the possibility of rescheduling the examinations for a later date.

9. In response, Defendant received correspondence from Cen-Clear Child Services stating that the records could not be released until such time as the minor Plaintiff, Cheyanne Hahn, had the opportunity to review her file. Defendant's counsel was also advised by Cen-Clear that the records could not be released without a signed consent from Cheyanne Hahn. (See correspondence of January 21, 2009 from Cen-Clear Child Services attached hereto as Exhibit "B").

10. During the second argument session on Defendant's Rule 4010 Motion, conducted on February 2, 2009, Defendant advised the Court that Cen-Clear required Cheyanne Hahn's written consent before her additional treatment records would be released, and that Cheyanne Hahn had not, as of that time, given the necessary consent. Defendant understood the Court's directive at the February 2, 2009 argument to be that Plaintiffs would be required to sign any necessary consents to allow Defendant access to Cheyanne Hahn's complete records.

11. The Court's Order of February 11, 2009 specifically addressed this issue as follows at paragraph 7:

7. Defendant has requested records from Cen-Clear Child Services from March 20, 2008 forward. The Court is advised that Cen-Clear Child Services will not release the records requested without a signed consent by Cheyanne Hahn. *Plaintiffs shall fully cooperate so that complete records are provided to Defendant as soon as possible, and in any event by no later than March 10, 2009.*

(emphasis added).

12. In response to the January 8, 2009 request to Cen-Clear for updated records, Defendant received *partial* records, along with correspondence indicating that the records produced are *incomplete*, and that Plaintiff Cheyanne Hahn would not sign a release to allow the production of her complete file. (A copy of the transmittal correspondence accompanying the

partial Cen-Clear Child Services records is attached hereto as Exhibit "C." Out of respect for the privacy interest of the minor Plaintiff Cheyanne Hahn, the partial records produced by Cen-Clear Child Services are not produced herewith).

13. Defendant's counsel made a brief telephone inquiry of Cen-Clear Child Services to confirm that the complete file had not been released. This inquiry confirmed that Cheyanne Hahn has only consented to the release of a *portion* of her records. Defendant understands that, if Cheyanne Hahn will sign an authorization allowing the release of her complete file from Cen-Clear, those records will be released to Defendant.

14. Defendant also contacted Plaintiffs' attorney requesting clarification on this issue. (See correspondence from defense counsel dated February 20, 2009, attached hereto as Exhibit "D").

15. Counsel for the parties further discussed the issue, and Defendant requested that Plaintiff Cheyanne Hahn reconsider her refusal to consent to the release of complete records. (See correspondence from Attorney Noble dated February 23, 2009, and correspondence from defense counsel dated February 25, 2009, attached as Exhibits "E" and "F").

16. The records from Cen-Clear are treatment records for Plaintiff Cheyanne Hahn related to psychological condition(s) that Plaintiffs claim resulted (either in whole or in part) from the motor vehicle accident, and for which Plaintiffs seek damages.

17. Plaintiffs have not raised any substantive objection to production of these records, and any privilege that might otherwise exist was clearly waived by placing Cheyanne Hahn's psychological condition directly at issue. See e.g. Kraus v. Taylor, 710 A.2d. 1142, 1144-45 (Pa. Super. 1998).

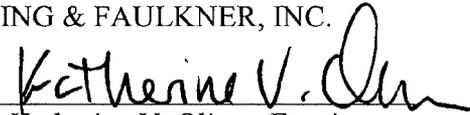
18. Plaintiff Cheyanne Hahn's refusal to sign an authorization allowing the production of her complete file from Cen-Clear Child Services works to the severe prejudice of Defendant by preventing Defendant from obtaining highly pertinent treatment records in this case, violates the Court's February 11, 2009 Order, and will thwart Defendant's ability to move forward with the independent medical and neuropsychological examinations if not remedied by this Court.

19. Defendant submits that the imposition of attorneys fees upon Plaintiffs connected with preparing and presenting the within Motion is appropriate, given that Defendant is clearly entitled to the records sought, and that the refusal to provide consent for release of the complete records violates the Court's February 11, 2009 Order requiring Plaintiffs' full cooperation.

WHEREFORE, Defendant respectfully requests that the minor Plaintiff, Cheyanne Hahn, be compelled to sign an authorization allowing the release of her complete file from Cen-Clear Child Services, Inc. Defendant further requests that the Court grant his request for attorneys fees, and enter an Order requiring Plaintiffs to reimburse Defendant for attorneys fees related to preparation and presentation of the within Motion.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: February 27, 2009

Attorney for Defendant

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

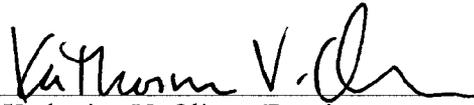
LORRAINE L. HAHN, Mother and : No. 2006-158
Natural Mother of CHEYANNE M. :
HAHN, :
 :
Plaintiff, :
 :
v. :
 :
JEFFREY K. HAHN, :
 :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Defendant's Motion to Compel Plaintiff Cheyanne Hahn to Sign Consent Allowing Release of Complete Counseling Records, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 27th day of February, 2009, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

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

Attorneys for Defendant

EXHIBIT “A”

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926 FAX (814) 234-5620
www.mqblaw.com

January 8, 2009

Via Certified Mail

Cen-Clear Child Services
Attention: Pauline Stout
1633 Philipsburg Bigler Highway
Philipsburg, PA 16866

Re: Cheyanne M. Hahn
Date of Birth: 7/25/1992

Dear Ms. Stout:

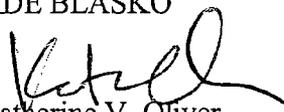
Enclosed is an authorization signed by Lorraine Hahn, parent and natural guardian of Cheyanne M. Hahn, to obtain any and all information from March 20, 2008 to present in your possession with respect to the items referenced on the authorization. We assume that what you send us will be the complete documents requested and that nothing will be omitted. Please complete the enclosed Affidavit and forward it with the documents. If you require advance payment for these records, please notify this office in writing, either by fax or mail, and we will forward the same.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

MCQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/nlc
Enclosure

cc: Theron G. Noble, Esquire
Carol Chiodo (Claim No.: 38-K816-720)

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slinak Mark Righter Daniel E. Bright
Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart
Livia N. Jones Cristin R. Long Anthony A. Simon Dominick J. Muracco Amanda L. Seelye Thomas S. Schrack Aaron T. Brooks Philip K. Miles, III Ashley D. Cooper

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Dragann

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Rutch

**AUTHORIZATION FOR RELEASE OF MEDICAL, PSYCHIATRIC,
PSYCHOLOGICAL AND/OR OTHER COUNSELING RECORDS**

To: Cen-Clear Child Services
Attention: Pauline Stout
1633 Philipsburg Bigler Highway
Philipsburg, PA 16866

You are hereby authorized and requested to furnish to Katherine V. Oliver of McQuaide, Blasko, Fleming & Faulkner, Inc., 811 University Drive, State College, PA 16801, any and all medical records and/or reports, psychiatric, psychological and/or other counseling records, including but not limited to x-rays, slides, other diagnostic studies, correspondence, memorandum, outside records, and other information within your custody or control regarding the treatment, diagnosis and prognosis of **Cheyenne M. Hahn, Date of Birth 7/25/1992** from March 20, 2008 to present. This Authorization may be used to update these records at any time prior to the trial of this matter. A copy of this Authorization may also be presented.

Lorraine Hahn

Lorraine Hahn, parent and natural
guardian of Cheyanne M. Hahn

Sworn to and subscribed

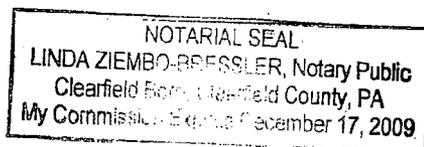
before me this 22 day

of December, 2008.

Linda Ziembo-Bressler

NOTARY PUBLIC

(SEAL)



RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 :SS
COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQUAIDE BLASKO LAW OFFICES, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

1. The records pertain to Cheyanne M. Hahn, DOB: 7/25/92, SS#: 167-74-0733.
2. The records represent all documents to the present date of this Affidavit [unless otherwise specifically requested by McQUAIDE BLASKO].
3. The records submitted under this Affidavit consist of _____ pages. **[If no records exist, please so indicate "No Records," sign and return this Affidavit.]**
4. The copies of records for which this certification/affidavit is made are true and complete reproductions of the original records which are housed by _____ . The original records were made in the regular course of business at or near the time of the matter recorded. This certification/affidavit is given pursuant to 42 Pa. C.S. § 61(e) (relating to medical records) by the custodian of the records in lieu of his personal appearance.

I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2009.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**

EXHIBIT “B”



CEN-CLEAR CHILD SERVICES, INC.

1633 PHILIPSBURG BIGLER HIGHWAY, PHILIPSBURG, PA 16866

"REACHING CHILDREN THROUGH FAMILIES"

January 21, 2009

McQuade Blasko
Attn: Katherine V. Oliver, Esquire
811 University Drive
State College, PA
16801

Re: Cheyenne M. Hahn

Attorney (Kate) Oliver,

In response to your January 8, 2009, request for records on the above-named youth, we need to inform you that in discussing this with Cheyenne, she has asked for the opportunity to review her own file prior to its release. I am enclosing the statute that requires her signature on the consent as well. We will be contacting you again in the near future.

Sincerely,


Tom Flango
Main Office *ext 2594*

Cc: Hahn file
Enclosure (Statute 5100.33 Patient's access to records)
TF;tf

Family Based Mental Health Office
Phone: (814) 342-1666
Fax: (814) 342-2900

Administrative Office
Phone: (814) 342-5678
Fax: (814) 342-2755

Mental Health Office
Phone: (814) 342-5845
Fax: (814) 342-0532

Visit us at www.cenclear.org

§ 5100.33. Patient's access to records and control over release of records.

(a) When a client/patient, 14 years of age or older, understands the nature of documents to be released and the purpose of releasing them, he shall control release of his records. For a client who lacks this understanding, any person chosen by the patient may exercise this right if found by the director to be acting in the patient's best interest. In the event that the client/patient is deceased, control over release of records may be exercised by the client's/patient's chosen executor, administrator or other personal representative of his estate, or, if there is no chosen personal representative, by a person otherwise empowered by court order to exercise control over the records. In the event that the client/patient is less than 14 years of age or has been adjudicated legally incompetent, control over release of the client's/patient's records may be exercised by a parent or guardian of the client/patient respectively.

(b) The term "access" when used in this section refers to physical examination of the record, but does not include nor imply physical possession of the records themselves or a copy thereof except as provided in this chapter.

(c) A person who has received or is receiving treatment may request access to his record, and shall be denied such access to limited portions of the record only:

(1) Upon documentation by the treatment team leader, it is determined by the director that disclosure of specific information concerning treatment will constitute a substantial detriment to the patient's treatment.

(2) When disclosure of specific information will reveal the identity of persons or breach the trust or confidentiality of persons who have provided information upon an agreement to maintain their confidentiality.

(d) A patient may obtain access to his records through the facility, or in the case of those records kept by the county administrator, through the physician or mental health professional designated by the administrator. Any third parties who are granted access to records may discuss this information with the patient only insofar as necessary to represent the patient in legal proceedings or other matters for which records have been released. Discussion of records with patients should be part of the therapeutic process and is not to be undertaken by other than mental health professionals.

(e) The limitations in subsection (c) are applicable to parents, guardians, and others who may control access over records as described in subsection (a) except that the possibility of substantial detriment to the parent, guardian, or other person may also be considered.

(f) If a person wishes to enter a written reaction qualifying or rebutting information in their records which they believe to be erroneous or misleading, they shall have the right to prepare such statement for inclusion as part of their record. The patient's written reaction shall accompany all released records.

(g) The director of the treatment team or the facility director may require that a mental health professional, who is a member of the treatment team, and who has reviewed the record in advance, be present when the patient or other person examines the record to aid in the interpretation of documents in the record. If the records pertain to a former patient, an appropriate mental health professional may be designated by the facility director.

(h) Access to presentence reports, which may be part of the persons' records, is governed Pa.R.Crim.P. No. 1404 (relating to disclosure of reports), and the patient may have access to these records only upon order of the sentencing judge. Any conditions of confidentiality imposed by the sentencing judge must be complied with. Similarly, parole and probation reports shall be released or access to them given only in accordance with 37 Pa. Code Part II (relating to Board of Probation and Parole).

(i) If a person is denied access to all or part of his record, this fact and the basis for the denial shall be noted in the person's record.

(j) When records or information have been forwarded from one agency to another agency, the receiving agency may not refuse the client or patient access to the records received except in accordance with subsection (c). Records received from other agencies become part of the client/patient's active record and are subject to the controls exercised over them by the client, patient, or those with authority over records as defined in § 5100.31 (relating to scope and policy).

Notes of Decisions

Patient access to whatever record was made of commitment hearing, in the form it exists, is a minimal requirement to comport with procedural due process. *In re S.O.*, 492 A.2d 727 (Pa. Super. 1985).

Cross References

This section cited in 55 Pa. Code § 3800.20 (relating to confidentiality of records); 55 Pa. Code § 5100.4 (relating to scope); 55 Pa. Code § 5100.31 (relating to scope and policy); 55 Pa. Code § 5100.34 (relating to consensual release to third parties); 55 Pa. Code § 5200.41 (relating to records); 55 Pa. Code § 5200.47 (relating to other applicable regulations); 55 Pa. Code § 5210.26 (relating to records); 55 Pa. Code § 5210.56 (relating to other applicable regulations); 55 Pa. Code § 5221.52 (relating to notice of confidentiality and nondiscrimination); and 55 Pa. Code § 5320.26 (relating to confidentiality).

EXHIBIT “C”



CEN-CLEAR CHILD SERVICES, INC.

1633 PHILIPSBURG BIGLER HIGHWAY, PHILIPSBURG, PA 16866

"REACHING CHILDREN THROUGH FAMILIES"

February 17, 2009

Katherine V. Oliver
McQuaide Blasko
811 University Drive
State College, PA 16801

RE: Cheyanne Hahn

Dear Ms. Oliver,

We have received your authorization for information on the above named individual. Enclosed you will find copies of records that are being forwarded to you per request. The only limitations placed upon this release were those exercised by Cheyanne herself. However, **please be advised that there were no psychiatric or psychological evaluations performed on this patient.** Treatment was limited to face to face counseling sessions.

If you have any questions or concerns regarding this request, please call Tom Flango at (814)342-5678, ext. 2294. He is available Monday thru Friday from 9AM until 5PM.

Sincerely,

Susan Davis
BH Departmental Assistant

Enclosures

Family Based Mental Health Office
Phone: (814) 342-1666
Fax: (814) 342-2900

Administrative Office
Phone: (814) 342-5678
Fax: (814) 342-2755

Mental Health Office
Phone: (814) 342-5845
Fax: (814) 342-0532

Visit us at www.cenclear.org

CEN-CLEAR CHILD SERVICES, INC.
HIPAA Authorization to Disclose Health Information - AD - 73

A

Client/Consumer Name: Cheyenne Hahn

Date of Birth: 7/25/92

CCS#:21816

- I authorize the use and/or disclosure of the above named individual's health information, which may include Mental Health records, as described below.
- The above named individuals health information may be used and/or disclosed by the following individual(s) or organization:

| | |
|-------------------------------------|---|
| 2-A | CEN-CLEAR CHILD SERVICES, INC. 1633 PHILIPSBURG BIGLER HIGHWAY PHILIPSBURG, PA 16666 |
| <input checked="" type="checkbox"/> | Behavioral Health: PH: 814-342-5845 FAX: 814-342-0532 |
| <input type="checkbox"/> | Family Outreach: PH: 814-342-1666 FAX: 814-342-2900 |
| <input type="checkbox"/> | Main Office: PH: 814-342-5678 FAX: 814-342-2755 |

| | |
|------------|---|
| 2-B | Individual's Name: |
| | Organizations Name: McQuaide, Blasko, Fleming, & Faulkner, Inc |
| | Address: 811 University Drive, State College, PA 16801 |
| | Phone: FAX: |

3. Cen-Clear Child Services, Inc. (#2-A) will disclose the following information: (include dates as appropriate: _____)

| | |
|--|---|
| <input checked="" type="checkbox"/> No psychiatric evaluation(s) exists | <input checked="" type="checkbox"/> Attendance records: |
| <input checked="" type="checkbox"/> No medication record(s) exist | <input checked="" type="checkbox"/> Other: <i>Inquiry/Referral form(MH-17)</i> |
| <input checked="" type="checkbox"/> No discharge summary exists | <input checked="" type="checkbox"/> Ongoing verbal and written progress/status reports <i>only these dates</i> notes: { 3/2/08, 4/2/08, 5/14/08, 6/4/08, 7/17/08 (2), 9/11/08, 9/25/08, 12/31/08 (2) 1/22/0 |
| <input checked="" type="checkbox"/> No Psychological evaluation(s) exist | <input checked="" type="checkbox"/> Treatment plans/recommendations: { <i>only these dates</i> 2/21/08 - 3/21/08 tx period plan 9/26/08 - 12/31/08 tx period plan 1/1/09 - 4/30/09 tx period plan |

4. Individual/organization identified in #2-B above will disclose the following information: (include dates as appropriate: _____)

No information being requested to be disclosed from McQuaide, Blasko, Fleming, & Faulkner, Inc

5. For the expressed, specific purpose(s) of:

Ongoing collaboration Legal Legal Patient Request

6. I understand that this authorization is valid for 365 days or until 2/16/10 (not to exceed 365 days) from 2/16/09 (date authorization signed).

7. I understand that authorizing this disclosure is voluntary. I need not sign this form to obtain treatment. I understand that I may inspect or copy the information to be used or disclosed. I understand that any disclosure of information carries with it the potential for an unauthorized re-disclosure and the information may not be protected by federal confidentiality rules. I understand this authorization may be revoked at any time by notifying the above named provider of information in writing, except to the extent that action has been taken in reliance on this authorization.

8. I have been offered and have (please circle) refused / accepted a copy of this authorization: (Give copy if accepted)

Suzanne B Hahn
SIGNATURE (CLIENT/ REPRESENTATIVE) 2/16/09 DATE

X Cheyenne Hahn 2/16/09 DATE
SIGNATURE (PERSONAL REPRESENTATIVE)

Joanne M. Lewis MEd
SIGNATURE OF WITNESS 2/16/09 DATE

MOTHER
RELATIONSHIP TO CLIENT IF SIGNED BY PERSONAL REPRESENTATIVE

9. For those individuals physically unable to sign this authorization:

I, _____, am physically unable to sign this authorization. My verbal consent to the above authorization and my verbal statement of my understanding of this authorization has been witnessed by the two individuals whose signatures appear below.

Name: _____ Signature: _____ Date: _____
 Name: _____ Signature: _____ Date: _____

RECORDS AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
 :SS
COUNTY OF _____ :

The undersigned does hereby declare that I am the duly authorized custodian of records with authority to certify records. Following a careful search by me or at my direction and under my supervision, I hereby submit the attached records to McQUAIDE BLASKO LAW OFFICES, legal counsel for Defendant(s), and hereby certify that the records so submitted conform to the following:

*all info
sent was
approved by
patient*

1. The records pertain to Cheyanne M. Hahn, DOB: 7/25/92, SS#: 167-74-0733.
2. ~~The records represent all documents to the present date of this Affidavit [unless otherwise specifically requested by McQUAIDE BLASKO].~~
3. The records submitted under this Affidavit consist of _____ pages. [If no records exist, please so indicate "No Records," sign and return this Affidavit.]
4. The copies of records for which this certification/affidavit is made are true and complete reproductions of the original records which are housed by _____ . The original records were made in the regular course of business at or near the time of the matter recorded. This certification/affidavit is given pursuant to 42 Pa. C.S. § 61(e) (relating to medical records) by the custodian of the records in lieu of his personal appearance.

I declare that the foregoing facts as are within my personal knowledge are true and correct and other facts contained herein are true to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 19 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Signature of Records Custodian]

[Print or Type Name of Records Custodian]

Sworn to and subscribed
before me this _____ day
of _____, 2009.

Notary Public
[SEAL]

**PLEASE EXECUTE AND RETURN THIS DOCUMENT
WITH THE REQUESTED RECORDS**

EXHIBIT “D”

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 20, 2009

Via Facsimile & Regular Mail

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

**Re: Lorraine L. Hahn, Mother and Natural Guardian of
Cheyenne M. Hahn v. Jeffrey K. Hahn
Clearfield County No. 2007-244-CD**

Dear Mr. Noble:

I received updated records from Cen-Clear Child Services today, copies of which are enclosed. It seems fairly apparent from the records and accompanying transmittals that Cheyanne has only consented to the release of a portion of her file, so that only partial records have been provided to me. In light of the nature of her claims, I will need the complete counseling file from Cen-Clear to provide to Drs. Kasdan and Petrick.

Please confirm for me that Cheyanne has only provided consent to release a portion of her records, or, alternatively, that this is not correct. If there are additional records that have not been released, please advise me why Cheyanne is withholding consent for their release. I need to clarify this issue immediately so that I can file a motion with the court for production of Cheyanne's complete file if necessary.

On a related note, I forwarded a Notice of Intent for Service of Subpoenas to Clearfield Hospital, Philipsburg Area Hospital and Altoona Regional Health System to permit me to obtain copies of the various diagnostic films so that I can provide them to Drs. Kasdan and Petrick in advance of the independent medical examinations. I asked in my cover letter if you would please waive the 20 day waiting period for service of the subpoenas. My secretary also called yesterday to inquire about a waiver of the 20 day period. I have not had a response to either of these inquiries. Will you please advise whether you will waive the 20 day period on your receipt of this letter so I can move forward?

Very truly yours,

MCQUAIDE BLASKO

By: 
Katherine V. Oliver

KVO/nlc

Enclosures

cc: Carol Chiodo (Claim No. 38-K816-720) – w/o encl.

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart
Livinia N. Jones Cristin R. Long Anthony A. Simon Dominick J. Muracoe Amanda L. Feeley Thomas S. Schrack Aaron T. Brooks Philip K. Miles, III Ashley D. Cooper

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin E. Dragann

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Rutch

EXHIBIT “E”

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

February 23, 2009

Re: Hahn v. Hahn;
07-244-CD
Various Matters

Dear Ms. Oliver:

Please accept this as an update on various issues on going and or raised in your letter (FAX) of February 20th.

UPMC-Children Hospital

Please be advised that Cheyanne is scheduled to be examined tomorrow at UPMC Children's Hospital, in particular by Dr. Inna Vaisleib, from the division of children's neurology. I have asked Ms. Lorraine Hahn while she is there to inquire about the means to have those records available in the shortest time frame possible to assist with your scheduled IMEs and per the Court's Order. It would be my recommendation that you present an appropriate AUTHORIZATION for Ms. Hahn's signature.

Cen-Clear Records

Cheyenne has requested that certain comments she made during therapy sessions be withheld from production. I do not know the contents or the reasoning of this decision, although I have been informed that such statements are rather "benign". Cen-Clear's position, as I understand the matter, is that when a person is of the age of 14 years, it becomes their decision as to whether records are or are not released. As I recall, you have an AUTHORIZATION signed by Ms. Lorraine Hahn, which is why we are facing this issue. Cen-Clear has also informed me that they would produce such records if in fact a court orders as such. It would be my suggestion that these records be produced to the Court for an in camera inspection to determine whether they in fact be released to the defense.

In closing, I will relay Cen-Clear's overall concern. It appears that production of the therapy notes (i.e. Cheyanne's comments) renders therapy useless as even the therapist has concern as to what topics are breached, knowing that disclosure is forthcoming.

Page 2

Re: Hahn v. Hahn

February 23, 2009

Subpoenas

Please consider this as the Plaintiff's authorization to produce the subpoenas as presented without waiting the twenty (20) days.

I believe this addresses all of the open items for discussion at this time.

With regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Noble', with a long horizontal flourish extending to the right.

Theron G. Noble, Esquire

tn/TGN

cc: Mrs. Lorraine L. Hahn

EXHIBIT “F”

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

February 25, 2009

Via Facsimile & Regular Mail

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Re: **Lorraine L. Hahn, Mother and Natural Guardian of**
Cheyenne M. Hahn v. Jeffrey K. Hahn
Clearfield County No. 2007-244-CD

Dear Mr. Noble:

Thank you for your letter of February 23, 2009 in follow-up to our telephone conversation of that same day. I understand from Cen-Clear that the only obstacle to the release of Cheyanne's complete counseling records is Cheyanne's refusal to sign a release for all of the records. If Cheyanne will sign a complete release, then all of the records will be forwarded to me, and there would be no need for a Court Order directed to Cen-Clear.

Under the circumstances, it certainly seems that the most efficient approach would be for Cheyanne to simply sign an authorization allowing her complete counseling records to be released. This would avoid the need to directly involve Cen-Clear in the Court proceedings (as would be necessary if I were to seek an Order of production directly against Cen-Clear), and avoid any negative impact that such involvement might have on Cheyanne's counseling. Proceeding in this fashion would also be consistent with the Court Order entered on February 11, 2009, which requires Plaintiffs to cooperate with respect to production of the Cen-Clear records.

As you know, because of the upcoming independent medical examinations, we will need to resolve these issues as quickly as possible. The Court Order requires production of the Cen-Clear records (and cooperation by Plaintiffs in this regard) by no later than March 10th. I would request that Cheyanne reconsider her position and authorize the release of the complete records immediately. In the meantime, I will prepare a motion to the Court seeking to compel Cheyanne to sign the necessary authorizations. In light of the Court's previous Order, and the fact that the records at issue have direct bearing on the injury claims in this case, I also reserve the right to seek counsel fees related to preparing and presenting the motion.

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slunak Mark Righter Daniel E. Bright
Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart
Livinia N. Jones Cristin R. Long Anthony A. Simon Dominick J. Muracco Amanda L. Seelye Thomas S. Schrack Aaron T. Brooks Philip K. Miles, III Ashley D. Cooper

Hershey Office: Grant H. Fleming Maurice A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Dragann

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

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

Theron G. Noble, Esquire
February 25, 2009
Page 2

Finally, given that the records at issue are treatment records directly related to Cheyanne's mental health, I do not agree that it would be appropriate for the Court to review the records *in camera* and decide which might be pertinent. I am not sure how the Court would even make this determination without the assistance of appropriate experts. Nonetheless, if Cheyanne is willing to have the complete counseling file produced to the Court, as suggested in your February 23rd letter, please make arrangements to have the records ready for review by Judge Ammerman so that, if he believes *in camera* review to be appropriate, resolution of the motion to compel will not be delayed while we wait for this step to occur.

Very truly yours,

MCQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/nlc
cc: Carol Chiodo (Claim No. 38-K816-720)

FILED

MAR 02 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

No. 07-244-CD

Plaintiffs,

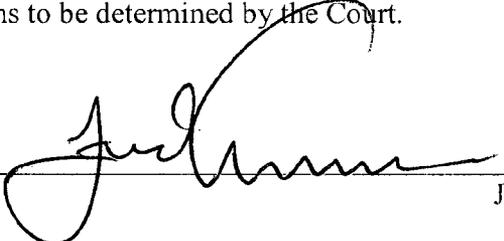
v.

JEFFREY K. HAHN,

Defendant.

ORDER

AND NOW, this 3rd day of March, 2009, on consideration of Defendant's Motion to Compel Plaintiff Cheyanne Hahn to Sign Consent for Release of Complete Counseling Records, Defendant's Motion is hereby GRANTED. It is hereby ORDERED: (1) the minor Plaintiff Cheyanne Hahn shall sign an authorization permitting Cen-Clear Child Services to release her entire file, without exception, to Katherine V. Oliver, Esquire, of McQuaide Blasko Law Offices. The authorization shall be signed and provided to Cen-Clear Child Services within five days of the date of this Order; (2) Plaintiffs shall reimburse Defendant for attorneys fees incurred in preparing and presenting Defendant's Motion; and (3) failure to comply with this Order shall result in further sanctions to be determined by the Court.


J.

FILED *3cc*
W. A. Shaw
MAR 03 2009 *Atty Oliver*

S William A. Shaw
Prothonotary/Clerk of Courts *(60)*

FILED

MAR 03 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/3/09

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 ACTION - LAW

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

5 FILED No CC.
m/12:25um
MAR - 5 2009
LDR

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|-------------------------------|---|--------------|
| LORRAINE L. HAHN, Mother and | : | No. 2006-158 |
| Natural Mother of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court's Order dated March 3, 2009, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 4th day of March, 2009, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



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

Attorneys for Defendant

FILED

MAR - 5 2009

William A. Shaw
Prothonotary/Clerk of Courts

W.A.S. T.A.P. 411-1111

9106-485 1111 6506-1111
6506-1111 1111

Prothonotary/Clerk of Courts

Prothonotary/Clerk of Courts
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

Type of Pleading:

MOTION TO RECONSIDER

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NB CC
M 112 5784
MAR 09 2009 (610)

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

MOTION TO RECONSIDER

NOW COMES, the Plaintiff, Lorraine L. Hahn, mother and natural guardian for Cheyanne M. Hahn, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of her MOTION TO RECONSIDER:

1. On or about February 27, 2009, Defendant filed a MOTION TO COMPEL concerning his attempt to compel Cheyanne Hahn to sign a consent allowing release of her complete counseling records from Cen-Clear.
2. Said MOTION did not contain a notice to plead nor did it contain a Rule to Show Cause as required by Clearfield County Local Rules concerning motion practice.
3. That on March 3, 2009, this Court sua sponte, without benefit of hearing, argument or any reply from the Plaintiff, entered an ORDER, attached hereto as Exhibit "A" granting Defendant's requested relief, including his request for Attorney's fees.
4. That has been documented in previous filings with this Court, the minor child, Cheyanne Hahn suffered a head injury in the automobile accident subject matter of this

lawsuit which has, amongst other issues, effected her "executive function".

5. At issue in Defendant's MOTION TO COMPEL was that the minor child, who has reached the age of 16 years of age, was advised by her therapist at Cen-Clear, from whom she receives counseling, that she has the right to refuse release of her counseling records under Federal law, and temporarily did so, resulting in less than complete disclosure by Cen-Clear of said records.

6. That Plaintiff in this case, Cheyanne's mother and natural legal guardian, had in fact cooperated as per the Court's ORDER, dated February 11, 2009, a true and correct copy of which is attached hereto as Exhibit "B", even signing an AUTHORIZATION permitting Defendant immediate access to said records.

7. That while this matter was on going, Plaintiff's counsel kept Defense Counsel fully abreast of the situation and even communicated that Plaintiff was talking with her daughter about the need, as determined by the Court, for full disclosure of said records, and was in the process of convincing her minor daughter to withdraw her objection to the few records, being private notes from therapy sessions, which had been withheld.

8. That within a few days, Cheyanne Hahn agreed to said complete disclosure, said fact was communicated to Defense Counsel, and on or about March 4, 2009, Cheyanne Hahn communicated to Cen-Clear via FAX that she had released her objection to the withheld records. See Exhibit "C" attached hereto, being a true and correct copy of a letter forwarded to Defense Counsel following the phone conversation in which this fact was so communicated.

9. That upon information and belief, Cen-Clear has, or shortly will, send to Defense Counsel the previously withheld records.

10. That Plaintiff, Lorraine L. Hahn, has at all times fully complied with all Court Orders in this case.

11. That upon information and belief, that defendant will have been provided by March 10, 2009, as per paragraph 7 of the February 11th ORDER, all records from Cen-Clear, including those records that the minor child had not previously consented to release.

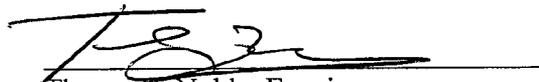
12. That Plaintiff has not violated said ORDER nor engaged in any conduct which even remotely places her in a position to be sanctioned.

13. That Defendant prematurely and hastily drafted and filed his MOTION TO COMPEL.

14. That the granting of sanctions is a deprivation of property and since it was done without benefit of hearing, argument or even a reply violates Ms. Hahn's right to due process, especially since as it turns out (and had turned out prior to notice of the Court's Order of March 3rd which was not received by Plaintiff until March 5th) said ORDER had been fully followed.

WHEREFORE, Plaintiff requests that under the attenuate facts and circumstances, this Honorable Court revoke its Court Order of March 3, 2009, attached hereto as Exhibit "B".

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

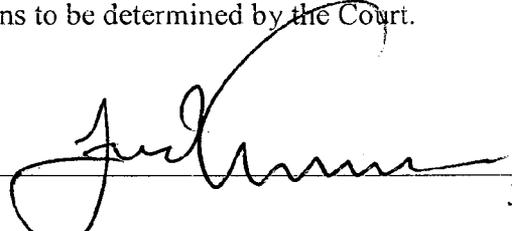
JEFFREY K. HAHN,

Defendant.

No. 07-244-CD

ORDER

AND NOW, this 3rd day of March, 2009, on consideration of Defendant's Motion to Compel Plaintiff Cheyanne Hahn to Sign Consent for Release of Complete Counseling Records, Defendant's Motion is hereby GRANTED. It is hereby ORDERED: (1) the minor Plaintiff Cheyanne Hahn shall sign an authorization permitting Cen-Clear Child Services to release her entire file, without exception, to Katherine V. Oliver, Esquire, of McQuaide Blasko Law Offices. The authorization shall be signed and provided to Cen-Clear Child Services within five days of the date of this Order; (2) Plaintiffs shall reimburse Defendant for attorneys fees incurred in preparing and presenting Defendant's Motion; and (3) failure to comply with this Order shall result in further sanctions to be determined by the Court.


J.

— Exhibit "A" —

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

MAR 03 2009

Attent.


Prothonotary
Clerk of Courts

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

LORRAINE L. HAHN, Mother and Natural
Guardian of CHEYANNE M. HAHN,
Plaintiff

NO. 07-244-CD

vs.

JEFFREY K. HAHN,
Defendant

*
*
*
*

— Exhibit "B" —

ORDER

AND NOW, this 11th day of February, 2009, upon consideration of Defendant's Motion to Compel Medical and Psychological Examinations of Plaintiff Cheyanne Hahn, and Plaintiff's response thereto, it is hereby ORDERED as follows:

1. Pursuant to Pa. R.C.P. 4010, Plaintiffs shall produce Cheyanne Hahn, for an independent medical examination and an independent neuropsychological examination in the manner set forth herein.
2. The medical examination shall be conducted by Richard Kasdan, M.D., and shall take place on March 24, 2009, at Penn Hills/Monroeville, 665 Rodi Road, Two Rodi Plaza, Suite 103, Pittsburgh, PA 15235. Cheyanne Hahn shall appear at Dr. Kasdan's offices at 9:45 a.m.
3. The neuropsychological examination shall be conducted by James Petrick, PhD., and shall take place on March 24, 2009 beginning at 1:00 p.m. at Dr. Petrick's offices at 607 Washington Road, Suite 302-A, Mount Lebanon, PA 15228.
4. Pursuant to Pa.R.C.P. 4010, Cheyanne Hahn may be accompanied by a representative during the examinations, with the exception that during the psychometrics portion of the neuropsychological examination, a representative may observe the examination, but not be present in the same room during the administration of the testing. During this portion of the neuropsychological examination, arrangements shall be made so that Cheyanne Hahn's representative can observe the examination by visual and auditory means. In the

event it is not possible to arrange for observation by auditory means, then Plaintiffs shall be permitted to create an audio recording of this portion of the examination.

5. Defendant shall provide transportation to and from the examinations through a licensed transportation service, at no cost to Plaintiff.
6. Plaintiff has represented the Cheyanne Hahn is scheduled to have an examination by a pediatric neurologist in the Pittsburgh area on February 24, 2009. Plaintiffs shall produce to Defendant any and all records and reports created as a part of this examination, including results of any testing as may be performed, as soon after the examination as possible, and in any event, by no later than March 16, 2009.
7. Defendant has requested records from Cen-Clear Child Services from March 20, 2008 forward. The Court is advised that Cen-Clear Child Services will not release the records requested without a signed consent by Cheyanne Hahn. Plaintiffs shall fully cooperate so that complete records are provided to Defendant as soon as possible, and in any event by no later than March 10, 2009.
8. If for any reason complete records as referenced in No. 6 and 7 of this Order above are not produced to Defendant by March 10, 2009, Defendant shall have the option of canceling and rescheduling the examinations for a time after the complete records have been secured. This is not intended as a limitation on Defendant's right to seek other relief as may be appropriate.
9. Defendant shall provide Plaintiffs with a copy of the report from Dr. Kasdan and from Dr. Petrick within thirty (30) days of Defendant's receipt of these reports.

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

FEB 12 2009

Attest.



William A. Hahn
Prothonotary/
Clerk of Courts

BY THE COURT,

/S/ Fredric J Ammerman
FREDRIC J. AMMERMAN
President Judge

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

March 4, 2009

Re: Hahn v. Hahn;
07-244-CD

Dear Ms. Oliver:

This letter follows our phone conversation of today.

As to the Cen-Clear records, Cheyanne has signed the release which was FAXED to Cen-Clear. My understanding is that Cen-Clear, through Mr. Tom Flango, has indicated this is satisfactory and they will produce the previously withheld records, which are or shortly should be on their way to you. I anticipate receiving a copy of these records from you. If you encounter any other difficulties, please let me know.

As to Dr. Vasleib's records, or lack thereof, we are still trying to determine, now that Dr. Clark's office confirmed his records have been forwarded, when (i) Dr. Vasleib will generate her record from the consultation of February 24th; and (ii) we might expect a copy of the same. This will confirm I will be in contact with you on Friday concerning the status of this matter.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN
cc: Mrs. Lorraine L. Hahn

Exhibit "C"

FILED

MAR 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING:
**DEFENDANT'S RESPONSE TO
PLAINTIFF'S MOTION TO
RECONSIDER**

TYPE OF CASE: **CIVIL**

FILED ON BEHALF OF:
DEFENDANT

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

⁵ FILED NOCC.
m/11:45 am
MAR 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

3. The Court's Order dated March 3, 2009, being a written document of record, speaks for itself. By way of further response, Defendant received the aforementioned Court Order on March 4, 2009, and served a copy of the Order upon Plaintiffs on that same date.

4. Denied.

5. Denied as stated. After reasonable investigation, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations as to discussions between Cen-Clear and Plaintiff Cheyanne Hahn. It is denied that any advice from Cen-Clear was an issue in Defendant's Motion to Compel. Rather, the issue raised therein was Cheyanne Hahn's refusal to consent to disclosure of her complete records from Cen-Clear, such that Cen-Clear could not release her complete counseling records to Defendant. Given that the partial consent form signed by Cheyanne Hahn was dated February 16, 2009, (see Exh. C to Defendant's Motion to Compel), it appears that this refusal continued even after entry of the Court's February 11, 2009 Order requiring full cooperation by Plaintiffs with respect to the Cen-Clear records.

6. Denied as stated. It is admitted that Lorraine Hahn had provided an authorization permitting the release of Cheyanne Hahn's records, which authorization had been provided to Defendant on or about December 22, 2008. This fact which was specifically acknowledged in Defendant's Motion to Compel at paragraphs 6 through 8. By way of further response, the necessity for Cheyanne Hahn, specifically, to consent to the release of her records was raised during the second argument on Defendant's Rule 4010 Motion seeking to compel independent medical examinations, and paragraph 7 of the Court's February 11, 2009 Order was addressed to the need for Cheyanne Hahn to sign a consent allowing the release of her treatment records.

7. Denied as stated. It is admitted only that counsel communicated regarding the situation after defense counsel had been provided only partial records and had been advised that

Cheyenne Hahn refused to consent to the release of her entire file from Cen-Clear. Any implication that defense counsel was assured that Cheyanne Hahn would be “convinced” to withdraw her objections and allow for release of the complete file is expressly denied. Defense counsel was never given any assurance that the complete file would be released absent another Order from the Court, and certainly was not assured that the records would be released in a timely fashion as required by the Court’s February 11, 2009 Order.

8. Denied as stated. It is admitted, on information and belief, that Cheyanne Hahn ultimately signed a release allowing for complete counseling records from Cen-Clear to be provided to Defendant. However, Cheyanne Hahn did not do so until after Defendant was forced to file a motion to compel, despite the Court’s February 11, 2009 Order specifically requiring cooperation in this regard from Plaintiffs. Please also see paragraph 7, above, incorporated herein by reference. Defendant was not informed that Cheyanne Hahn had agreed to sign the full release before Defendant’s Motion to Compel was filed.

9. Admitted. Defendant received supplemental records from Cen-Clear on or about March 5, 2009. Copies of these records have been provided to Plaintiffs’ attorney.

10. It is admitted only that Plaintiff Lorraine Hahn had signed an authorization allowing for the release of Cheyanne’s records from Cen-Clear, and that this authorization had been provided prior to the Court’s February 11, 2009 Order, as noted in paragraph 6, *supra*. This fact is acknowledged in Defendant’s Motion to Compel, at paragraph 6 through 8.

11. Please see response to paragraph 9, above.

12. Denied for the reasons further stated herein and in Defendant’s Motion to Compel filed on February 27, 2009.

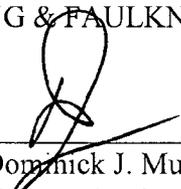
13. Denied. In an attempt to gather all treatment records needed in advance of independent medical and neuropsychological examinations scheduled for March 24, 2009, and in light of Cheyanne Hahn's refusal to sign a complete authorization as of February 16, 2009 and the lack of assurance that the complete authorization would be given, Defendant was forced to file his Motion to Compel. It was only after the Motion to Compel was filed that defense counsel was advised that Cheyanne Hahn would, in fact, sign a release to authorize release of her complete records.

14. Denied for the reasons further stated herein and in Defendant's Motion to Compel filed on February 27, 2009.

WHEREFORE, Defendant respectfully requests that Plaintiffs' Motion to Reconsider be denied.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Dominick J. Muracco, Esquire
I.D. No. 91381
Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

Dated: March 10, 2009

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

LORRAINE L. HAHN, Mother and
Natural Mother of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K HAHN,

Defendant.

No. 2006-158

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Defendant's Response to Plaintiffs' Motion to Reconsider, in the above-captioned matter was served via facsimile and mailed by U.S. 1st Class Mail, postage prepaid, on this 10th day of March, 2009, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Dominick J. Muracco, Esquire
I.D. No. 91381

Katherine V. Oliver, Esquire
I.D. No. 77069

James M. Horne, Esquire
I. D. No. 26908

811 University Drive
State College, PA 16801
(814) 238-4926

Attorneys for Defendant

FILED

MAR 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

64

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

: No. 2007-244-CD
:
:
: TYPE OF PLEADING:
: **MOTION FOR PERMISSION**
: **TO RESCHEDULE**
: **INDEPENDENT MEDICAL**
: **EXAMINATIONS AND**
: **AMEND COURT ORDER**
: **DATED FEBRUARY 11, 2009**

:
:
:
: TYPE OF CASE: **CIVIL**
:
:
: FILED ON BEHALF OF:
: **DEFENDANT**
:
:
: COUNSEL OF RECORD FOR
: THIS PARTY:
: KATHERINE V. OLIVER, ESQ.
: I.D. NO. 77069
: JAMES M. HORNE, ESQ.
: I.D. NO. 26908
: McQUAIDE, BLASKO,
: FLEMING & FAULKNER, INC.
: 811 University Drive
: State College, PA 16801
: Phone: (814) 238-4926

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MAR 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

| | | |
|---------------------------------|---|-----------------|
| LORRAINE L. HAHN, Mother and | : | No. 2007-244-CD |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

**MOTION FOR PERMISSION TO RESCHEDULE
INDEPENDENT MEDICAL EXAMINATIONS AND
AMEND COURT ORDER DATED FEBRUARY 11, 2009**

AND NOW, comes Defendant, Jeffery K. Hahn, by and through his attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., and files the instant Motion for Permission to Reschedule Independent Medical Examinations and Amend Court Order Dated February 11, 2009. In support thereof, Defendant avers as follows:

1. This action sounds in motor vehicle negligence, and arises from a single-vehicle accident that occurred on December 26, 2005. Minor Plaintiff Cheyanne Hahn was a passenger in a vehicle driven by her father, Defendant Jeffrey Hahn. Plaintiffs bring this action seeking damages for injuries allegedly sustained by Cheyanne Hahn in the accident, including a traumatic brain injury that Plaintiffs contend causes ongoing and potentially permanent cognitive, psychological and emotional-behavioral problems, including learning deficits, depression, and self-mutilation behavior.

2. Pursuant to the Court Order dated February 11, 2009, Plaintiff is required to produce Cheyanne Hahn for an independent medical examination and an independent

neuropsychological examination on March 24, 2009. (A copy of the February 11, 2009 Court Order is attached hereto as Exhibit "A").

3. The medical examination and the neuropsychological examination were both scheduled to occur on March 24, 2009 with the anticipation that all necessary records would be produced, including records from Cen-Clear Child Services and records of a consultation with Inna Vaisleib, M.D., a pediatric neurologist in Pittsburgh.¹

4. Various issues arose between the parties with respect to the records from Cen-Clear Child Services, but these issues have since been resolved. However, there remains an issue with the records received from Cheyanne Hahn's consultation with Dr. Vaisleib.

5. In this regard, Defendant acknowledges receipt on March 9, 2009 of a document entitled "Preliminary Report" from Cheyanne Hahn's consultation with Dr. Vaisleib on February 24, 2009. (A copy of the Preliminary Report of Inna Vaisleib, M.D. is attached hereto as Exhibit "B").

6. Dr. Vaisleib's report is preliminary only, and it is clear that she has deferred any opinion relative to Cheyanne Hahn's ostensible brain injury symptoms because she did not have Cheyanne Hahn's prior treatment records and diagnostic test results available to her at the time of the February 24, 2009 visit.

7. It is also apparent that Dr. Vaisleib anticipates doing additional testing to assess the ongoing problems that Cheyanne Hahn reportedly experiences.

¹ This issue was addressed at the time of the second argument on Defendant's Motion to Compel the examinations. At that time, Defendant's counsel suggested that the exams be scheduled further out if that would be necessary to ensure that complete records of the pediatric neurological consultation would be produced. Furthermore, this matter is specifically addressed in the Court Order dated February 11, 2009 at paragraph 6.

8. Moreover, Dr. Vaisleib's report also states that Lorraine Hahn was to contact Dr. Vaisleib's office within a matter of days to ensure that the previous records were received and to finalize the future testing plans.

9. Specifically, Dr. Vaisleib's report states:

"In the meantime, I am hoping that we will receive the medical records from Altoona Hospital, and I would be able to review MRI scan as well as EEG reports and all additional reports to determine if further testing will be necessary. Most likely, we will need to obtain MRI scan of the brain to see the consequences of injury as well as obtain an EEG, as mom reports occasional occurrences of staring episodes. Also, it would be beneficial to obtain an EEG in view of the memory problems to make sure the child does not have subclinical seizures... Mom is to contact us in a couple days to make sure that we received prior medical records and finalize future testing plans."

(See Exhibit B attached hereto, page 4).

10. Due to the preliminary nature of Dr. Vaisleib's report, the need for her additional analysis of records, and the planned course for further testing, Defendant requests permission to reschedule the exams to a later date.

11. After the initial independent medical and neuropsychological examinations take place with Dr. Kasdan and Dr. Petrick, Defendant will not be in a position to seek other exams.

12. Accordingly, it is critical and very important that Defendant has complete information to provide to Drs. Kasdan and Petrick in advance of their examinations.

13. Defendant's counsel discussed with Plaintiff's counsel the possibility of rescheduling the examinations, but an agreement between the parties could not be finalized. (See correspondence dated March 10, 2009 attached hereto as Exhibit "C").

14. If the examinations are rescheduled, Plaintiff will not suffer any prejudice because the same arrangements and accommodations as set forth in the Court Order dated February 11, 2009 will be followed.²

15. Defendant needs to have these examinations rescheduled immediately to avoid incurring substantial, nonrefundable cancellation fees involved with the cancellation of expert exams.

16. Accordingly, Defendant seeks this Court's permission to reschedule the medical examination and neuropsychological examination and amend the Court Order dated February 11, 2009 accordingly.

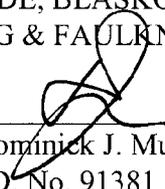
WHEREFORE, Defendant respectfully requests that the Court grant the instant Motion and permit Defendant to reschedule the medical examination and neuropsychological examination to occur on a date and time after Defendant's receipt of a final report from Inna Vaisleib, M.D., as well as her final conclusions, analyses and impressions of Cheyanne Hahn, including any and all results of testing to be performed. Defendant further requests that this Court amend the Order dated February 11, 2009 accordingly.

² This includes, inter alia, having both exams take place on the same day and to have transportation to and from the exams at no cost to Plaintiff.

Respectfully submitted,

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


Dominick J. Muracco, Esquire

I.D. No. 91381

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: March 11, 2009

Attorneys for Defendant

EXHIBIT "A"

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

LORRAINE L. HAHN, Mother and Natural
Guardian of CHEYANNE M. HAHN,
Plaintiff

NO. 07-244-CD

vs.

JEFFREY K. HAHN,
Defendant

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*
*
*
*

ORDER

AND NOW, this 11th day of February, 2009, upon consideration of Defendant's Motion to Compel Medical and Psychological Examinations of Plaintiff Cheyanne Hahn, and Plaintiff's response thereto, it is hereby ORDERED as follows:

1. Pursuant to Pa. R.C.P. 4010, Plaintiffs shall produce Cheyanne Hahn, for an independent medical examination and an independent neuropsychological examination in the manner set forth herein.
2. The medical examination shall be conducted by Richard Kasdan, M.D., and shall take place on March 24, 2009, at Penn Hills/Monroeville, 665 Rodi Road, Two Rodi Plaza, Suite 103, Pittsburgh, PA 15235. Cheyanne Hahn shall appear at Dr. Kasdan's offices at 9:45 a.m.
3. The neuropsychological examination shall be conducted by James Petrick, PhD., and shall take place on March 24, 2009 beginning at 1:00 p.m. at Dr. Petrick's offices at 607 Washington Road, Suite 302-A, Mount Lebanon, PA 15228.
4. Pursuant to Pa.R.C.P. 4010, Cheyanne Hahn may be accompanied by a representative during the examinations, with the exception that during the psychometrics portion of the neuropsychological examination, a representative may observe the examination, but not be present in the same room during the administration of the testing. During this portion of the neuropsychological examination, arrangements shall be made so that Cheyanne Hahn's representative can observe the examination by visual and auditory means. In the

event it is not possible to arrange for observation by auditory means, then Plaintiffs shall be permitted to create an audio recording of this portion of the examination.

5. Defendant shall provide transportation to and from the examinations through a licensed transportation service, at no cost to Plaintiff.
6. Plaintiff has represented the Cheyanne Hahn is scheduled to have an examination by a pediatric neurologist in the Pittsburgh area on February 24, 2009. Plaintiffs shall produce to Defendant any and all records and reports created as a part of this examination, including results of any testing as may be performed, as soon after the examination as possible, and in any event, by no later than March 16, 2009.
7. Defendant has requested records from Cen-Clear Child Services from March 20, 2008 forward. The Court is advised that Cen-Clear Child Services will not release the records requested without a signed consent by Cheyanne Hahn. Plaintiffs shall fully cooperate so that complete records are provided to Defendant as soon as possible, and in any event by no later than March 10, 2009.
8. If for any reason complete records as referenced in No. 6 and 7 of this Order above are not produced to Defendant by March 10, 2009, Defendant shall have the option of canceling and rescheduling the examinations for a time after the complete records have been secured. This is not intended as a limitation on Defendant's right to seek other relief as may be appropriate.
9. Defendant shall provide Plaintiffs with a copy of the report from Dr. Kasdan and from Dr. Petrick within thirty (30) days of Defendant's receipt of these reports.

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

FEB 12 2009

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

BY THE COURT,
/S/ Fredric J Ammerman
FREDRIC J. AMMERMAN
President Judge

EXHIBIT “B”

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

Result Type: Neurology
 Event Date: 24 February 2009 0:00
 Result Status: Preliminary
 Result Title: NU
 Performed By: VAISLEIB M.D., INNA on 25 February 2009 14:21
 Encounter info: 1035585759, CHP, Outpatient Referral, 2/24/2009 - 2/28/2009

*** Preliminary Report ***

NU

*****PRELIMINARY REPORT*****

MEDICAL NEUROLOGY EVALUATION

HAHN, CHEYANNE
 MRN 1257860
 DOB 07/25/1992
 DOS 02/24/2009

Dear Dr Mosch

I had the pleasure to see your patient, Cheyanne, a 16-year-old right-handed Caucasian female for evaluation of numerous complaints including memory loss, depression, and severe headaches. She is here today with her mother who reported to me that child was in motor vehicle accident on December 26, 2005. At that time, according to the mother, she suffered traumatic brain injury and was in Intensive Care in Altoona Hospital for three days. She was unconscious for an undetermined period of time. Accident happened at 5:30, she arrived to the hospital at 6:30 and had zero recollection of the accident including amnesia regarding the fact that the roof was cut off of the truck. She also did not recall ambulance ride either. Mother reports to me that the patient had some degree of temporal bleeding, but I do not have any formal medical records to review at the present time. Since that time, mom reports that depression and memory loss have not been improving despite of the medications. Also, she had some headaches during the time of the accident that subsequently subsided but in the last four months she had severe headaches. They are usually not preceded by any aura. They are associated with photosensitivity and photosensitivity, nausea and occasional vomiting, describing as 8/10, lasting for few hours and up to a week, once or twice per week. The headache improves with sleep and rest, and worsening with light and crying. The headache is usually present on the right side of the head and presents primarily in the afternoons and child did not miss any school because of the headaches.

Printed by: NEFT CRNP, ROBYN A
 Printed on: 3/5/2009 12:18

Page 1 of 6
 (Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

RISK FACTORS FOR DEVELOPMENT OF MIGRAINES

There is a history of maternal niece with the migraines. The patient with motion sickness and ice cream headaches. No seizures in the family.

ANCILLARY STUDIES

Mom reported that numerous imaging studies of the brain were done as well as EEGs, but I do not again have those records to review at the present time.

MEDICATIONS

Celexa 20 mg daily, Exelon patch to improve memory.

ALLERGIES

Penicillin, hives; morphine, emesis and delirium.

IMMUNIZATIONS

Up-to-date.

PAST MEDICAL HISTORY

Traumatic brain injury as above, depression, memory loss, and headaches.

REVIEW OF SYSTEMS

Chest: no shortness of breath or respiratory difficulties. Heart: no chest pain, regular pulse. Abdomen: no abdominal pain or unusual vomiting or diarrhea. Kidneys: no difficulty urinating or abnormal urine. Skin: no unusual rashes. Joints: no joint swelling or pain. Ears, nose, and throat: no chronic disease of ears, nose or throat. Remainder of review of systems is negative.

DEVELOPMENTAL HISTORY

The patient was born to a 38-year-old mother after three prior pregnancies via normal spontaneous vaginal delivery, full term with a birthweight of 5 pounds 13 ounces in Carlisle Hospital in Carlisle, Pennsylvania. Hospital stay was for three days. No problems were found in perinatal period. On the first year of life, she was developing normally and achieved all milestones at the early age. She walked prior to 1 year of age.

FAMILY HISTORY

Positive for migraines in a cousin.

SOCIAL HISTORY

The patient lives at home with 53-year-old mother who is a legal secretary and attends 11th grade of school. She is having some difficulties with math and English. A 53-year-old father working in the Department of Forestry, divorced from the mother.

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

PHYSICAL EXAMINATION

VITAL SIGNS: Height is 158.2 cm, weight is 56.8 kg, blood pressure is 199/55, pulse 105, and respirations 14.

GENERAL: Well-developed, well-nourished, pleasant, and cooperative for the examination.

SKIN: No stigmata of neurocutaneous disorder. No cafe-au-lait spots or hypopigmented lesions.

HEENT: Normocephalic contour. Scalp hair of normal color, texture, and distribution. No cranial, orbital, or cervical bruits. External auditory canals; patent, clear. Mucous membranes, tongue, teeth: normal. Pharynx: non-injected.

NECK: Full range of motion, supple.

HEART: Normal S1 and S2 without murmurs.

CHEST: Normal breath sounds without wheezes or rales.

ABDOMEN: Soft, active bowel sounds. No organomegaly.

ORTHOPAEDIC: No somatic asymmetry. No muscle tenderness. No joint pain or limitation. No midline anomaly. Back straight. Spine: No deformity.

NEUROLOGIC EXAMINATION

MENTAL STATUS: Awake, alert, and oriented to person, place and time. Cooperative with normal comprehension and fluent speech.

CRANIAL NERVES:

I: Not tested.

II: Full visual fields by confrontation. Fundi through the undilated pupil: no abnormal pigmentation, discs of normal color, size and shape, no venous engorgement.

III, IV, VI: Full ocular motility without nystagmus. Pupils equal, round, reactive to light and accommodation.

V: Normal facial sensation bilaterally. Normal strength of mastication muscles.

VII: No facial weakness or asymmetry. Normal expression.

VIII: Hearing grossly normal.

IX, X: Palate elevates symmetrically.

XI: Normal strength of trapezius and sternocleidomastoid muscles. No atrophy.

XII: Tongue protrudes in midline; no fasciculations or atrophy.

MOTOR: Normal muscle bulk, tone, and strength. No adventitious movements.

REFLEXES: Deep tendon reflexes 2+ and symmetric. Plantar responses flexor. No pathological reflexes.

SENSORY: Intact to light touch, vibration, temperature and proprioception.

COORDINATION: No tremor or abnormal movement. Normal finger-to-nose and heel-to-shin. Normal gait. Normal tandem gait. Normal heel and toe walking.

Romberg negative. Rapid alternating and rapid succession movements age appropriate.

Printed by: NEFT CRNP, ROBYN A
Printed on: 3/5/2009 12:18

Page 3 of 6
(Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

IMPRESSION

Cheyenne is a 16-year-old right-handed white female with previous history of motor vehicle accident and reported traumatic brain injury with prolonged, postconcussive syndrome, present itself with depression, memory problems. She also has migraine headaches, and it is impossible to determine if it is related to the traumatic brain injury as they started almost four years after the accident although child did have some headaches during the time of the injury.

We discussed in details nonmedical preventive measures for the migraine headaches including a regular sleep-awake cycle, regular food intake, avoiding overheating, dehydration and food triggers such as monosodium glutamate, artificial sweeteners, nitrates, processed meat, and strong cheeses. I agree with primary doctor approach of trying Imitrex 100 mg at the onset of the migraine. The mother of the patient was advised against using that medication more than twice a week. Although the child has the medication, she has not tried it yet. Because of the side fact, she can go for some period of time without migraines I would advise that for prophylactic measures of the migraines, she would try to use magnesium supplements but this is not the medication that can be obtained in GNC store, one to two tablets a day for a couple of months would be recommended. In the meantime, I am hoping that we will receive the medical records from Altoona Hospital, and I would be able to review MRI scan as well as EEG reports and all additional reports to determine if further testing will be necessary. Most likely, we will need to obtain MRI scan of the brain to see the consequences of injury as well as obtain an EEG, as mom reports occasional recurrence of the staring episodes. Also, it would be beneficial to obtain an EEG in view of the memory problems to make sure child that does not have subclinical seizures. In addition, Child Developmental Unit evaluation with formal cognitive testing most likely will be also recommended. Mom is to contact us in a couple of days to make sure that we received prior medical records and finalize the future testing plans. Due to the fact that the family is living far away from us, we will try to combine all the testing in the minimal amount of visits. Follow up will be as necessary with Neurology. For the communications and test results, mom is to contact my nurse practitioner, Robyn Neft, 412-692-8484.

Thank you very much for allowing me to participate in the care of this young girl. If you have any further questions, please do not hesitate to contact me.

Inna Vaisleib MD
Assistant Professor of Pediatrics

Printed by: NEFT CRNP, ROBYN A
Printed on: 3/5/2009 12:18

Page 4 of 6
(Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

and Neurology

D 02/25/2009 14:21:00/iv
 T 02/26/2009 08:58:56/acu
 R *

pc:
 George C Mosch II MD, Referring Physician

MEDICAL NEUROLOGY EVALUATION
 <start header>Page 4

HAHN, CHEYANNE
 MRN 1257860
 DOS 02/24/2009
 <end header>

<START HEADER>

Ira Bergman MD PhD DIVISION OF CHILD NEUROLOGY Rashida Brookins RN
 Rajiv R Varma MD Day (412) 692-5520 Elaine Buddie RN
 Lisa Abraham MD Night (412) 692-5325 Jennifer Desimone RN
 Hoda Abdel-Hamid MD FAX (412) 692-8787 Jennifer Diserio CRNP CPNP
 Gulay Alper MD Julie Dlugos CRNP
 Miya Asato MD Tammy Eaton RN BSN
 Keith Coffman MD Maria Kicinski RN
 Patricia K Crumrine MD Melanie Lawrence RN
 Robyn Fillpink MD Robin Neft CRNP
 Catherine Foley-D'Agostino MD Emily Oberst PA-C
 Satyanarayana Gadela MD Linda Prepelka RN BSN
 Amy C Goldstein MD Michelle Reitz RN
 Deborah L Holder MD Katie Seibel RN
 Monica R Naik MD Rachel Thiebaud PA-C
 Michael J Painter MD Tammy Tremba RN CDDN
 Robert A Safler MD Terry VanSickle RN
 Inna Vatsleib MD

Printed by: NEFT CRNP, ROBYN A
 Printed on: 3/5/2009 12:18

Page 5 of 6
 (Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

Shelley Williams MD<END HEADER>

Completed Action List:

* Perform by VAISLEIB M.D., INNA on 25 February 2009 14:21

EXHIBIT “C”

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926 FAX (814) 234-5620
www.mqblaw.com

March 10, 2009

Via Facsimile & Regular Mail

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Re: Lorraine L. Hahn, Mother and Natural Guardian of
Cheyenne M. Hahn v. Jeffrey K. Hahn
Clearfield County No. 2007-244-CD

Dear Attorney Noble:

I received a copy of the Preliminary Report from Dr. Vaisleib yesterday, along with Plaintiffs' Motion to Reconsider. Defendant's Response to the Motion to Reconsider will be filed of record, although I am willing to discuss the issue of the attorney fees to see whether that can be resolved. Please accept this letter to address the concerns raised by the Preliminary Report from Dr. Vaisleib with respect to the independent medical examinations scheduled for March 24th.

When the IMEs were scheduled for March 24th with Drs. Kasdan and Petrick, it was anticipated that the UPMC consultation would have effectively taken place. As you know, this issue was addressed at the time of the second argument on Defendant's Motion to Compel the exams, and I suggested at that time that we schedule the exams further out if that would be necessary to ensure that we would have complete records of the anticipated February 24, 2009 consult at UPMC. This matter was also specifically addressed in paragraph 6 of the Court's February 11, 2009 Order pertaining to the IME's and setting the March 24th date.

I understand from your previous communications that Dr. Vaisleib did not have the records necessary for a complete consultation on February 24th as had been expected, and I do appreciate your efforts to obtain a record of what transpired at the visit. It is clear from Dr. Vaisleib's Preliminary Report, however, that she has deferred any opinion relative to Cheyanne's ostensible brain injury symptoms because she did not have Cheyanne's prior treatment records and diagnostic test results available to her at the time of the February 24th visit. It is also apparent from page 4 of the Preliminary Report that Dr. Vaisleib anticipates doing additional testing to assess the on-going problems that Cheyanne reportedly experiences, although that may

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko R. Mark Faulkner David M. Weixel Steven S. Hurvitz James M. Home Wendell V. Courtney Darryl R. Slimak Mark Righter Daniel E. Bright
Janine C. Gismondi John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart
Livinia N. Oluwolé Cristin R. Long Anthony A. Simon Dominick J. Muracco Amanda L. Seelye Thomas S. Schrack Aaron T. Brooks Philip K. Miles, III Ashley D. Cooper

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Dragann

Hollidaysburg Office: Thomas M. Reese J. Benjamin Yeager Sean M. Burke Michael P. Routh

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

Theron G. Noble, Esquire
March 10, 2009
Page 2

be dependent on her review of the prior treatment records when received. The Preliminary Report also states that Lorraine Hahn was to contact Dr. Vaisleib's office within a matter of days to ensure that the previous records were received and to finalize the future testing plans. Please advise me whether this contact has occurred.

As you are aware, Defendant will not be in a position to seek multiple exams for Cheyanne after the initial independent neurological and neuropsychological exams take place with Dr. Kasdan and Dr. Petrick. For this reason, it is very important that we have complete information to provide to Drs. Kasdan and Petrick in advance of the examinations.

In that the record from Dr. Vaisleib is clearly a Preliminary Report expressly anticipating additional analysis of records and potential further testing, I am compelled at this point to reschedule the exams for a later date. I will make the same arrangements as set forth in the Court's Order of February 11, 2009 to have both exams take place on the same day, and to have transportation to and from the exams. As I advised you previously, I am willing to try to reschedule the exams to take place in June after school is out for the summer if that is preferable to Lorraine Hahn and Cheyanne. In any event, I will need to hear from you regarding plans for the future testing with Dr. Vaisleib before setting specific dates so we do not run into an issue with records a second time.

Please contact me to discuss the timeframe for rescheduling the IMEs. In order to avoid incurring nonrefundable cancellation fees involved with the expert exams, I will need to have this matter resolved immediately. I would think we could resolve this issue without involving the Court, but if we cannot, I will need to move head with filing a motion and requesting an expedited ruling. I would, therefore, ask that you please contact me immediately to discuss this issue.

Very truly yours,

McQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/nlc

cc: Carol Chiodo (Claim No. 38-K816-720)

CA

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

RULE TO SHOW CAUSE

Now, this 11th day of March, 2009, upon consideration of the attached MOTION TO RECONSIDER, a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the — day of —, 2009, and hearing will be held on the 17th day of April, 2009, commencing at 2 : 00, p.M., Courtroom No.1, Clearfield County Courthouse. Until said time, the Court's ORDER of March 3, 2009, is hereby revoked.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Judge...

Handwritten signature of Judge

FILED
01113009
MAR 11 2009

Handwritten signature: Any Noble

Handwritten circled number: 610

5
William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/11/09

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:

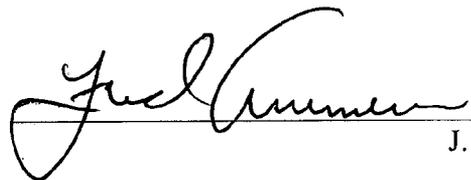
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

| | | |
|---------------------------------|---|-----------------|
| LORRAINE L. HAHN, Mother and | : | No. 2007-244-CD |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

ORDER

AND NOW, this 12th day of March, 2009, on consideration of Defendant's Motion for Permission to Reschedule Independent Medical Examinations and Amend the Court Order Dated February 11, 2009, Defendant's Motion is hereby GRANTED. It is hereby ORDERED that Defendant may reschedule the independent medical examinations of Cheyanne Hahn to be conducted by Richard Kasdan, M.D. and James Petrick, PhD to a date and time after Defendant's receipt of a finalized report from Inna Vaisleib, M.D., as well as her complete and final conclusions, analyses and impressions of Cheyanne Hahn, including any and all results of testing to be performed. It is further ORDERED that the Court Order dated February 11, 2009 is hereby amended accordingly to allow for the rescheduling of the independent medical examinations.


J.

FILED 3cc
01/11/09/01/09
MAR 12 2009
Atty Muracco

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/12/09

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:

1/8. 2
3

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

| | | |
|-------------------------------|---|-----------------|
| LORRAINE L. HAHN, Mother and | : | No. 2007-244-CD |
| Natural Mother of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

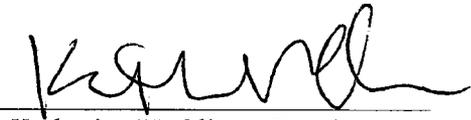
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court's Order dated March 12, 2009, in the above-captioned matter was mailed by U.S. 1st Class Mail, postage prepaid, on this 13th day of March, 2009, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



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

Attorneys for Defendant

*.PK
A

FILED

MAR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.
JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

S **FILED** No CC.
m/11:30 Lm
MAR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING:
**PRAECIPE TO CANCEL
ARGUMENT ON PLAINTIFFS'
MOTION TO RECONSIDER**

TYPE OF CASE: **CIVIL**

FILED ON BEHALF OF:
DEFENDANT

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

FILED No cc.

018:35Lm

APR 17 2009

5

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

JURY TRIAL DEMANDED

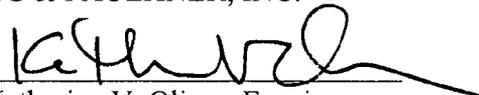
PRAECIPE TO CANCEL ARGUMENT ON PLAINTIFFS'
MOTION TO RECONSIDER

TO THE PROTHONOTARY:

Please cancel argument on Plaintiffs' Motion to Reconsider scheduled for April 17, 2009
at 2:00 p.m. pursuant to a stipulation of the parties filed of record on even date herewith.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By


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

Attorneys for Defendant

Dated: April 16, 2009

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

JURY TRIAL DEMANDED

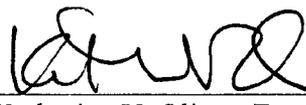
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Defendant's Praecipe to Cancel Argument on Plaintiffs' Motion to Reconsider and Stipulation, in the above-captioned matter was served by U.S. 1st Class Mail, postage prepaid, on this 16th day of April, 2009, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


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

Attorneys for Defendant

FILED

APR 17 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

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

^SFILED *no cc*
m 110:1132
SEP 04 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Mother of CHEYANNE M.
HAHN,

Plaintiff,

v.

JEFFREY K. HAHN,

Defendant.

No. 2006-158

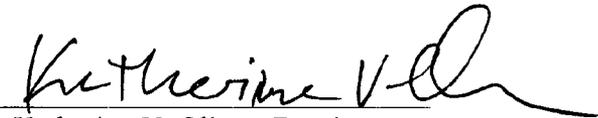
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of our Defendant Jeffrey K. Hahn's
Interrogatories Directed to Plaintiff (Set Two) in the above-captioned matter was mailed by U.S.
1st Class Mail, postage prepaid, on this 3rd day of September, 2009, to the attorney of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

FILED

SEP 04 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

FILED No CC

my 11:07am
MAY 18 2010

4
William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

TYPE OF PLEADING
CERTIFICATE OF SERVICE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE BLASKO
811 University Drive
State College, PA 16801
Telephone: (814) 238-4926

FILED

MAY 18 2010

William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAY 24 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

TYPE OF PLEADING
CERTIFICATE PREREQUISITE

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:
KATHERINE V. OLIVER, ESQ.
I.D. NO. 77069
JAMES M. HORNE, ESQ.
I.D. NO. 26908
McQUAIDE BLASKO
811 University Drive
State College, PA 16801
Telephone: (814) 238-4926

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

COPY

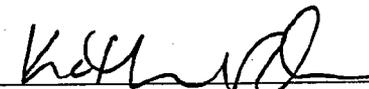
**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to the subpoena 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 any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE BLASKO

By:


Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

Telephone: (814) 238-4926

Dated:

5-17-10

Attorneys for Defendant

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

vs.

JEFFREY K. HAHN,

Defendants.

No. 2007-244-GD

COPY

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

TO: *UPMC/Inna Vaisleib, M.D.*

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

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: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:

William A. Shaw, Prothonotary
[Seal of the Court]

Dated: _____

William A. Shaw
Prothonotary/Clerk of Courts

MAY 24 2010

FILED

FILED

NOV 01 2010

not 1:50/c

William A. Shaw
Prothonotary/Clerk of Courts

no 4/c

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

TYPE OF PLEADING
CERTIFICATE OF SERVICE
(Notice of Intent to Serve Subpoena)

TYPE OF CASE: CIVIL

FILED ON BEHALF OF: DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:

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

Dated: October 29, 2010

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

| | | |
|---------------------------------|---|-----------------|
| LORRAINE L. HAHN, Mother and | : | No. 2007-244-GD |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Notice of Intent* to Serve Subpoenas for Production of Documents and Things directed to West Branch Area School District was served upon counsel/parties of record by United States First Class mail, postage prepaid, on October 29, 2010, addressed as follows:

Theron G. Noble, Esquire
Ferraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE BLASKO, INC.

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

Attorneys for Defendant

10/26

NOTICE OF DEED RECORDATION

NOV 01 2010

FILED

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-^{CD}~~GD~~

TYPE OF PLEADING
**CERTIFICATE PREREQUISITE
TO SERVICE OF SUBPOENA**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF: DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

McQUAIDE BLASKO, INC.

811 University Drive

State College, PA 16801

Telephone: (814) 238-4926

Dated: November 16, 2010

FILED NO
M/10: 36614 CC
NOV 17 2010 (60)

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

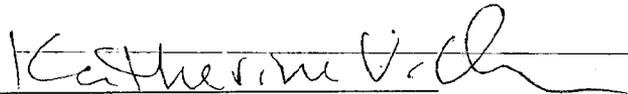
**NOTICE OF INTENT TO SERVE SUBPOENAS TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21**

Defendant intends to serve a subpoena identical to the subpoena 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 any objection to the subpoena. If no objection is made, the subpoena may be served.

McQUAIDE BLASKO, INC.

By: _____



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

Telephone: (814) 238-4926

Dated: October 29, 2010

Attorneys for Defendant

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

LORRAINE L. HAHN, Mother and : No. 2007-244-CD
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
v. :
JEFFREY K. HAHN, :
Defendant. :

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

TO: *West Branch Area School District*
Attention: Records Custodian
444 Allport Cutoff
Morrisdale, PA 16858

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 all special education records, academic records and/or counseling records, including but not limited to transcripts and disciplinary records, in your possession pertaining to Cheyanne M. Hahn (DOB: 7/25/92) for the years 2008 through present.**

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: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

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

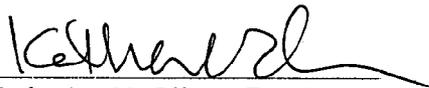
| | | |
|---------------------------------|---|-----------------|
| LCRRRAINE L. HAHN, Mother and | : | No. 2007-244-CD |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Certificate Prerequisite to Service of Subpoena* directed to West Branch Area School District was served on counsel of record on November 16, 2010, by United States First Class mail, postage prepaid, addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE BLASKO, INC.

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

Attorneys for Defendant

FILED

NOV 17 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,
Defendant.

No. 2007-244-GD

TYPE OF CASE: CIVIL

TYPE OF PLEADING

CERTIFICATE OF SERVICE

**(Notice of Intent to Serve Subpoena
for Production of Documents and Things)**

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:

Katherine V. Oliver, Esquire

I.D. NO. 77069

James M. Horne, Esquire

I.D. NO. 26908

McQUAIDE BLASKO

811 University Drive

State College, PA 16801

Telephone: (814) 238-4926

Dated: April 15, 2011

FILED

NO CC
m/10:43/3d
APR 19 2011

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 19 2011

**William A. Shaw
Prothonotary/Clerk of Courts**



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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

TYPE OF PLEADING
**CERTIFICATE PREREQUISITE
TO SERVICE OF SUBPOENA**

TYPE OF CASE: CIVIL

FILED ON BEHALF OF:
DEFENDANT

COUNSEL OF RECORD FOR
THIS PARTY:

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

McQUAIDE BLASKO, INC.

811 University Drive

State College, PA 16801

Telephone: (814) 238-4926

Dated: April 21, 2011

FILED No
MT 10:45 AM CC
\$ APR 25 2011
William A. Shaw
Prothonotary/Clerk of Courts

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lorraine L. Hahn
Cheyanne M. Hahn
Plaintiff(s)

Vs.

Jeffrey K. Hahn
Defendant(s)

No. 2007-00244-CD

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

TO: UPMC/Inna Vaisleib, M.D.

(Name of Person or Entity)

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

SEE ATTACHED

at: McQuaide Blasko Law Offices, 811 University Drive, State College, PA 16801
(Address)

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

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

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

NAME: Katherine V. Oliver, Esquire

ADDRESS: McQuaide Blasko, Inc.

811 University Drive, State College, PA 16801

TELEPHONE: 814-238-4926

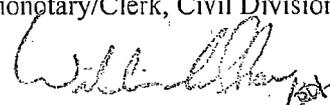
SUPREME COURT ID # 77069

ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy


WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

DATE: Wednesday, April 13, 2011
Seal of the Court

To: UPMC/Inna Vaisleib, M.D

Re: Cheyanne M. Hahn

DOB: 7/25/1992

DOCUMENTS TO BE PRODUCED

Any and all medical records and/or reports, psychiatric, psychological and/or other counseling records **for the period May 5, 2009 to the present**, regardless of treating physician on **CHEYANNE M. HAHN**, including but not limited to treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, and any and all correspondence pertaining to **CHEYANNE M. HAHN'S** health status (regardless of source).

FILED

APR 25 2011

**William A. Shaw
Prothonotary/Clerk of Courts**

444

FILED No. CC.
m/11:32am
4 SEP 12 2011
William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,
Defendant.

No. 2007-244-GD

Type of Case: CIVIL

Type of Pleading

CERTIFICATE OF SERVICE

**(Notice of Intent to Serve Subpoena
to Produce Documents and Things
for Discovery Pursuant to Rule 4009.21)**

Filed on behalf of Defendant

COUNSEL OF RECORD FOR
THIS PARTY:

Katherine V. Oliver, Esquire

I.D. NO. 77069

James M. Horne, Esquire

I.D. NO. 26908

McQUAIDE BLASKO, INC.

811 University Drive

State College, PA 16801-6624

Telephone: (814) 238-4926

Dated: September 9, 2011

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
No. 2007-244-GD
v. :
JEFFREY K. HAHN, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's *Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Rule 4009.21* directed to Blair Medical Associates, Cen-Clear Child Services, Inc., and the Pennsylvania Department of Labor & Industry, Department of Vocational Rehabilitation, was served on counsel of record on September 9, 2011, by Fax and United States First Class mail, postage prepaid, addressed as follows:

Theron G. Noble, Esquire
Ferraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(Fax: 814-765-9377)

McQUAIDE BLASKO, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6624
Telephone: (814) 238-4926

Attorneys for Defendant

FILED

SEP 12 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

Type of Case - CIVIL

Type of Pleading

**CERTIFICATE PREREQUISITE
TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22**

Filed on Behalf of Defendant

Counsel of Record for This Party

Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I.D. No. 26908

McQUAIDE BLASKO, INC.

811 University Drive

State College, PA 16801-6624

Telephone: (814) 238-4926

Dated: September 19, 2011

FILED

NO
M110-50244 CC
SEP 20 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
 : No. 2007-244-GD
v. :
 :
JEFFREY K. HAHN, :
Defendant. :

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

Defendant intends to serve subpoenas identical to the subpoenas 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 any objection to the subpoenas. If no objection is made, the subpoenas may be served.

McQUAIDE BLASKO, INC.

By: 

Katherine V. Oliver, Esquire
I.D. No. 77069
James M. Horne, Esquire
I. D. No. 26908
811 University Drive
State College, PA 16801-6624
Telephone: (814) 238-4926

Dated: September 9, 2011

Attorneys for Defendant

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

LORRAINE L. HAHN, Mother and : No. 2007-244-CD
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
v. :
JEFFREY K. HAHN, :
Defendant. :

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

TO: Blair Medical Associates
Attention: Medical Records Custodian
1414 9th Avenue
Altoona, PA 16602

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

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: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:

Dated: September 8, 2011



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

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

TO: Blair Medical Associates

RE: Cheyanne M. Hahn
DOB: 07-25-1992

DOCUMENTS TO BE PRODUCED

Any and all records, regardless of treating physician, pertaining to Cheyanne M. Hahn **for the period September 1, 2008 to the present**, including but not limited to treatment invoices and/or payment ledgers, treatment notes, reports, history/physical examination, progress notes, laboratory reports, x-ray/CT scan/MRI reports, consultation reports, physical/occupational/rehabilitation therapy progress notes (inpatient and outpatient), prognosis for future care and treatment, prescription records, any and all correspondence pertaining to Ms. Hahn's health status (regardless of source), etc.

We reserve the right to obtain copies of radiology films using this subpoena after we have had an opportunity to review any records or radiology reports that are received in response to this request.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,
Plaintiffs,

No. 2007-244-CD

v.

JEFFREY K. HAHN,
Defendant.

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

TO: Cen-Clear Child Services, Inc.
Attention: Medical Records Custodian
1633 Philipsburg Bigler Highway
Philipsburg, PA 16666

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

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.

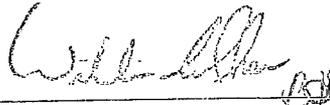
If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:

Dated: September 8, 2011



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

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

TO: Cen-Clear Child Services, Inc.

RE: Cheyanne M. Hahn
DOB: 07-25-1992

DOCUMENTS TO BE PRODUCED

Any and all records, regardless of treating physician/therapist, pertaining to Cheyanne M. Hahn **for the period August 1, 2010 to the present**, including but not limited to ongoing verbal and written progress/status reports, psychological evaluations, psychiatric evaluations, treatment plans/recommendations, medical records, counseling records, discharge summary, attendance records, medication records, and any and all correspondence.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,
Plaintiffs,

No. 2007-244-CD

v.

JEFFREY K. HAHN,
Defendant.

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

TO: Pennsylvania Department of Labor & Industry
Office of Vocational Rehabilitation
Attention: Pamela Montgomery
1130 12th Avenue, Suite 500
Altoona, PA 16601

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

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.

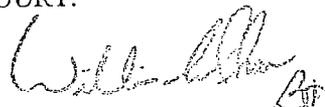
If you fail to produce the documents or things required by this subpoena, within twenty (20) days after its service, the party serving this subpoena may seek a court ordering compelling you to comply with it.

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

NAME: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID#: *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:

Dated: September 8, 2011



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

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

TO: Pennsylvania Department of Labor & Industry
Office of Vocational Rehabilitation

RE: Cheyanne M. Hahn
DOB: 07-25-1992

DOCUMENTS TO BE PRODUCED

Any and all records pertaining to services sought and/or provided to Cheyanne M. Hahn
from **for the period January 1, 2009 to the present.**

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
 : No. 2007-244-GD
v. :
 :
JEFFREY K. HAHN, :
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* directed to Blair Medical Associates, Cen-Clear Child Services, Inc., and Penna. Dept. of Labor & Industry, Office of Vocational Rehabilitation, was served upon counsel of record by United States First Class mail, postage prepaid, on September 19, 2011 addressed as follows:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

McQUAIDE BLASKO, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6624
Telephone: (814) 238-4926

Attorneys for Defendant

FILED

SEP 20 2011

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

Type of Pleading:

Notice of Service

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

5 FILED NO
mjl:03/21 CC
DEC 28 2011
William A. Straw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

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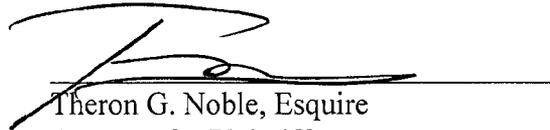
No. 07- 244 -CD

NOTICE OF SERVICE

I, Theron G. Noble, Esquire, counsel for the Plaintiff, does hereby certify this 27th day of December, 2010, that I did mail via United States Mail, postage pre-paid, first class delivery, Plaintiff's Second Discovery Requests to the below indicated person, being counsel of record for the Defendant, addressed as follows:

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

FILED

DEC 28 2011

**William A. Shaw
Promotory/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN;

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

Type of Case: Civil

Type of Pleading: **Certificate of Service**

Filed on behalf of: Defendant

Counsel of Record for this Party:

Katherine V. Oliver, Esquire

I.D. No. 77069

McQUAIDE BLASKO, INC.

811 University Drive

State College, PA 16801-6624

Phone: (814) 238-4926

Fax: (814) 238-9624

5
FILED NO
M10:50AM CC
JAN 26 2012
William A. Shaw
Promotory/Clerk of Courts

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

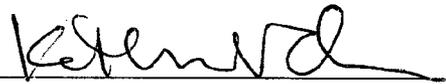
LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
v. : No. 2007-244-GD
JEFFREY K. HAHN, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Answers/Objections to Plaintiff's Second Set of Discovery Requests (Requests for Admission with Interrogatories), in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 25th day of January, 2012, to the attorney/parties of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(Fax: 814-765-9377)

McQUAIDE BLASKO, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6624
(814) 238-4926

Attorneys for Defendant

FILED

JAN 26 2012

**William A. Straw
Prothonotary/Clerk of Courts**

4. Written discovery has been exchanged, and Defendant has subpoenaed records from Cheyanne's medical providers and counselors, and educational and vocational rehabilitation records concerning Cheyanne Hahn.

5. Medical records from the time period shortly after the accident reflect that Cheyanne Hahn sustained a small temporal lobe contusion and facial lacerations in the accident, but that she was recovering well from any accident-related injuries very shortly after the accident.

6. Indeed, Cheyanne was released from follow-up care with the neurosurgeon who had initially evaluated her injuries, Dr. James Burke, as of January 17, 2006. It was noted at that time that the temporal lobe contusion was resolved. (A true and correct copy of Dr. Burke's visit record, dated February 22, 2006, is attached hereto as Exhibit A).

7. Almost eleven months later, Cheyanne began treatment with various providers for claimed physical and psychological/behavioral problems that Plaintiffs contend are the result of an accident-related injury, including headaches, depression, memory and judgment problems, and behavioral problems, including self-mutilation.

8. Evidence adduced through discovery, including records and reports from Cheyanne Hahn's providers, has revealed numerous potential sources for Cheyanne's claimed symptoms and problems.

Expert Discovery Requests

9. Defendant served Interrogatories and Requests for Production of Documents on Plaintiffs on July 11, 2007, seeking, inter alia, to establish the identity of any experts to be called in support of Plaintiffs' claims and requesting reports from any such experts. (See Exhibits B and C hereto, Interrog. Nos. 18-21, and RFP No. 4).

10. Plaintiffs responded to Defendant's expert interrogatories by stating: "This answer will be supplied separately." (See id.)

11. Despite the fact that discovery has been ongoing for nearly four years and despite Defendant's repeated requests, Plaintiffs have not identified the medical witnesses they will call at trial to meet their *prima facie* burden of proof as to Cheyanne Hahn's condition and the cause of any claimed problems.

12. Cheyanne Hahn has seen multiple providers and counselors over the years for her alleged physical and cognitive/psychological/emotional deficits.

13. Records and reports produced from Cheyanne Hahn's providers do not set forth consistent competent opinions that the December 26, 2005 vehicle accident caused the cognitive, emotional and/or behavioral deficits allegedly experienced by Cheyanne Hahn, or that she suffered an injury in the accident that has continued to cause her any physical or psychological problems.

14. To date, Plaintiffs have produced reports from the following providers who ostensibly support Plaintiffs' claims in this litigation: Wayne D'Agaro, Psy.D. (neuropsychologist); Dr. Joseph Clark (neurologist); Dr. Inna Vasleib (pediatric neurologist); Hillary Feldman, Ph.D. (neuropsychologist); and Dr. Laura Harvatine (psychiatrist).²

15. Defendant retained a neurologist, Dr. Richard Kasdan, and a neuropsychologist, Dr. James Pettrick, for assistance in evaluating Plaintiffs' claims in this case. Independent medical examinations took place on October 24, 2011.³

² Records from other providers and counselors have also been exchanged in discovery.

³ Plaintiffs refused to voluntarily present Cheyanne for these examinations, and Defendant filed a motion to compel medical examinations on or about December 1, 2008. The Court granted Defendant's motion, with the condition that Defendant provide transportation and have both examinations conducted on the same day. Shortly

16. As summarized in paragraphs 17 through 35, below, the reports produced by Plaintiffs contain conflicting and inconsistent opinions as to the cause of any physical, cognitive and emotional problems that Plaintiffs contend were caused by the accident, opinions which do not meet the reasonable certainty standard required under Pennsylvania law, and in some instances opinions clearly lacking in adequate factual foundation.

Wayne D'Agaro, Psy.D.

17. Plaintiffs initially produced reports from a neuropsychologist, Wayne D'Agaro, Psy.D., reflecting opinions that Cheyanne Hahn had various cognitive, emotional and behavioral problems stemming from the December 2005 motor vehicle accident. True and correct copies of Dr. D'Agaro's reports dated March 30, 2007; April 16, 2008; and, December 5, 2008 are attached hereto as Exhibits D-1 through D-3.

18. Significantly, in a letter written to Attorney Noble dated January 23, 2009, Dr. D'Agaro retracted these opinions. In the January 23, 2009 letter, Dr. D'Agaro states:

. . . with respect to the issue of (a) previous sexual assault, (b) experimental street drug use, (c) adolescence, (d) sexual orientation, and/or (e) anger brought on by her parents separation and father's subsequent remarriage playing a role in Cheyanne's cognitive, emotional and/or behavioral difficulties, any of these issues could, indeed, be possible factors. These same issues, alone or in any combination could equally account for the obtained test scores noted in the prior paragraph, especially given the fact that these scores reflected no more than borderline to mild compromise.

after the Court's initial Order and after the examinations were scheduled, Plaintiffs informed Defendant that Cheyanne Hahn was going to consult with Dr. Inna Vasleib, a pediatric neurologist in Pittsburgh, with respect to her claimed accident-related injuries. Only a preliminary report was available from Dr. Vasleib as of the time the IMEs were originally scheduled. On motion of Defendant, the Court entered an Order permitting the IMEs to be postponed until Dr. Vasleib could complete the consultation. (See Order dated March 12, 2009). This did not occur until September of 2010, and Defendant was not provided with Dr. Vasleib's "final" report until April 4, 2011. Dr. Vasleib's final report is not supportive of Plaintiffs' claims in this lawsuit. See paragraphs 23-26 of the within motion, and Exhibit G, hereto.

(See Exhibit E hereto, January 23, 2009 letter of Dr. Wayne D'Agaro, at 2)(emphasis added).⁴

Dr. Clark

19. Plaintiffs also produced a report from a neurologist, Dr. Joseph Clark, dated June 28, 2008. A true and correct copy of Dr. Clark's report is attached hereto as Exhibit F.

20. In that report, Dr. Clark set forth opinions regarding Cheyanne Hahn's symptoms which appear to be premised entirely upon Dr. D'Agaro's opinions described in his 2008 reports. (See Exh. F).

21. Significantly, Dr. Clark could not have been aware of the January 23, 2009 letter to Plaintiffs' lawyer in which Dr. D'Agaro retracted his causation opinions, because that letter had not yet even been written.

22. Given Dr. Clark's almost complete deference to Dr. D'Agaro, and given that Dr. D'Agaro has retracted his previous causation opinions, it is highly questionable whether Dr. Clark is willing and/or able to testify in support of Plaintiffs' claims at trial.⁵

Dr. Inna Vasleib

23. Plaintiffs also produced reports from Dr. Inna Vasleib, a pediatric neurologist from Children's Hospital of Pittsburgh. (See reports dated February 24, 2009 (Preliminary) and September 21, 2010 (Final) attached hereto as Exhibits G-1 and G-2).

24. Dr. Vasleib's reports do not set forth opinions sufficient to support Plaintiffs' claims in this case.

25. In fact, in her "final" report Dr. Vasleib concludes:

⁴ Plaintiffs did not produce Dr. D'Agaro's letter to Defendant until September 2, 2009, nearly nine months after the report was written.

⁵ Although Plaintiffs have recently suggested that additional reports might be produced by Dr. Clark, (see ¶¶ 37-39, below, and accompanying exhibits), no further information has been provided by Plaintiffs.

“The causal relationship between [sic] motor vehicle accident and history of the conditions outlined is unclear.”

(See Exhibit G-2, p. 4).

26. This opinion clearly would not suffice for Plaintiffs to meet their *prima facie* burden in this case.

Hillary Feldman, Ph.D.

27. A report from Dr. Hillary Feldman from Children’s Hospital of Pittsburgh was produced on August 21, 2009. Dr. Feldman’s evaluation was ordered as part of the data requested by Dr. Vasleib. (See Exhibit G-1, at 4). A true and correct copy of Dr. Feldman’s report is attached as Exhibit H.

28. With respect to the alleged relationship between Cheyanne’s cognitive and psychological/emotional difficulties and the December 2005 accident, at best, Dr. Feldman’s report contains opinions that it is “likely” that there is some relation to the accident:

It was discussed that difficulties that Cheyanne is experiencing are likely related to her motor vehicle accident; however, it is felt that there may also be premorbid factors and stresses which have exacerbated difficulties. In particular, there is a history of sexual molestation which occurred prior to the motor vehicle accident and there is a history of significant family conflict. However, based on information received, it is likely that at least some factors are related to the motor vehicle accident and has exacerbated problems that may have been evident prior to the time of the accident.

(See Exhibit H, at pp. 9-10).

29. Dr. Feldman’s statements as to a “likely” relationship between Cheyanne’s symptoms and the accident are not sufficient to carry Plaintiffs’ *prima facie* burden with respect to causation.

30. Plaintiffs have not produced any reports or records from Dr. Feldman expressing an opinion that an injury from the accident did, in fact, cause any of Cheyanne's problems, either in whole or in part.

Dr. Laura Harvatine

31. Records of several visits Cheyanne had with Dr. Laura Harvatine, a psychiatrist at SunPointe Health, were also produced by Plaintiffs.

32. Cheyanne began seeing Dr. Harvatine in September of 2009, almost four years after the accident.

33. There is no indication from the records produced that Dr. Harvatine had any medical records or other information pertaining to Cheyanne's treatment history following the accident beyond information provided by Plaintiffs themselves.

34. Defendant submits that it is highly questionable whether an adequate foundation exists with respect to any opinions set forth in Dr. Harvatine's records.

35. Plaintiffs have not at any time produced an expert report from Dr. Harvatine with respect to Plaintiffs' claims in this lawsuit.

**Supplemental Request for Identification of Experts and
Plaintiffs' Refusal to Cooperate**

36. Defendant has repeatedly requested that Plaintiffs provide supplemental responses to his expert discovery requests, and that Plaintiffs identify the name(s) of all persons to be called as witnesses to support the injury claims in this case and provide a report from all such individuals. (See e.g. letters from defense counsel dated April 28, 2011; May 23, 2011, and December 14, 2011, attached hereto as Exhibit I-1 through I-3).

37. Defendant most recently requested the identity of physicians and experts to be called on behalf of Plaintiffs by letter dated December 14, 2011. (See Exh. I-3).

38. Plaintiffs' counsel responded by referring vaguely to an unidentified "vocational rehabilitation specialist," and by stating that he would try to contact Dr. Harvatin, who has apparently since left the area, "to see if she has interest in testifying about Cheyanne's care, diagnosis, prognosis and causative factors." (See Correspondence of Attorney Noble dated December 27, 2011, attached hereto as Exhibit J). Plaintiffs' counsel also advised of a plan for additional testing to be done by Dr. Clark. (Id.).

39. Although Plaintiffs' counsel stated an ostensible willingness to work toward a case management scheduling order, (see id.), counsel has refused to acknowledge Plaintiffs' obligation in the first instance to provide complete responses to the expert discovery requests served over four years ago, and has continually refused to identify who will be called to testify to meet Plaintiffs' *prima facie* burden at trial.

40. In light of the nature of Cheyanne Hahn's claimed injuries, identification of any experts Plaintiffs will call to support Plaintiffs' claims of ongoing and potentially permanent problems and deficits from the December 26, 2005 vehicle accident is essential so that Defendant can prepare to defend the claims against him, and can assess whether any additional defense experts will be necessary in this case, and whether supplemental review by Drs. Kasdan and Pettrick will be necessary to address any new information and/or theories.

41. Plaintiffs, as the parties with the burden of proving a causal relationship between any claimed injuries/conditions and the December 26, 2005 motor vehicle accident, must be required to come forward with reports from any experts to be called at trial so as to apprise

Defendant of those injuries and/or conditions that Plaintiffs can actually support with competent testimony at trial.

42. Particularly in light of the nature of Cheyanne's claimed injuries, and the conflicting and speculative opinions in the reports produced to date, Defendant cannot meaningfully assess the extent of any further expert evaluation as may be necessary to a proper defense until Plaintiffs provide expert reports identifying those injuries/conditions for which Plaintiffs can meet their *prima facie* burden of proof.

43. Until such time as Plaintiffs have identified the witnesses to be called to support the claimed injuries and damages at trial, and have produced reports of any such experts, Defendant will be virtually forestalled in completing trial preparation and moving ahead toward resolution of this case, or even determining whether a trial listing is appropriate.

44. Accordingly, pursuant to Pennsylvania Rule of Civil Procedure 4003.5, 4007.4, and 4019, Defendant hereby respectfully requests that his Motion to Compel Expert Discovery be granted, and that Plaintiffs be required to identify all physician(s), counselor(s), or other expert(s) to be called by Plaintiffs at the trial of this case, and to provide report(s) from any such expert(s), within 30 days from the date of the Order.

Respectfully submitted,

McQUAIDE BLASKO, INC.

By: 

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

Attorneys for Defendant

Dated: February 2, 2012

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

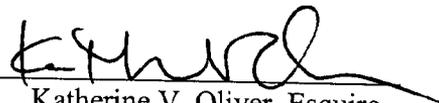
CERTIFICATE RE: DISCOVERY MOTIONS
PER LOCAL RULE 208.2(e)

I, Katherine V. Oliver, hereby certify that as counsel for Defendant, a good faith effort was made to resolve the issues raised in Defendant's Motion to Compel Expert Discovery without intervention of the Court.

McQUAIDE BLASKO, INC.

Dated: February 2, 2012

By:



Katherine V. Oliver, Esquire

I.D. No. 77069

811 University Drive

State College, PA 16801

(814) 238-4926

Attorneys for Defendant

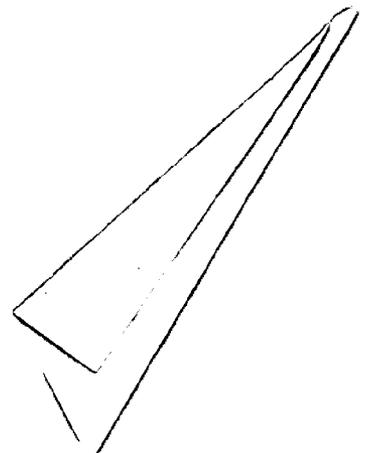


EXHIBIT A

EXHIBIT A

Defendant's Motion to Compel Expert Discovery (*Hahn*)

ALLEGHENY BRAIN AND SPINE SURGEONS
CARROLL P. OSGOOD, M.D.
JAMES P. BURKE, M.D., PH.D.
501 HOWARD AVENUE - BUILDING F3
ALTOONA, PENNSYLVANIA 16601

February 22, 2006

George Mosch, M.D.
502 Park Avenue
Clearfield, PA 16830

RE: CHEYANNE HAHN
DATE OF BIRTH: 7/25/92
DATE OF EXAM: 1/17/06

Dear Dr. Mosch:

I had the opportunity to see Ms. Cheyanne Hahn in neurosurgical follow-up. As you know, she is a 13-year-old female who was an unrestrained front seat passenger in motor vehicle accident with partial rollover on 12/26/05. She was taken to the Altoona Hospital and where a head CT revealed a small right temporal contusion. Today, she denies any headaches. She states that her vision, hearing and sense of taste are okay. She denies any gait disturbance or balance problems.

Review of Systems: Positive for drug allergies; joint and knee pain; ear infection; sore throat; swollen glands. All others negative.

Past Medical History: Small right temporal contusion secondary to MVA on 12/26/05.

Medications: None.

Allergies: Penicillin.

Family History: Mitral valve prolapse, sinus problems, clotting disorder.

Social History: She is an eighth grade student. She denies any tobacco or alcohol use.

Vital Signs: Pulse 78. Resp. 16. BP 102/62. Height 5' ½". Weight 109 pounds.

Physical Exam: Chest: Clear to auscultation. Cardiac -- Regular rate and rhythm. Abdomen is soft, non-tender and non-distended.

Dr. Mcsch
Page 2
February 22, 2006

Re: Cheyanne Hahn

Neurologic: Ms. Hahn is awake, alert and oriented x 3. Her pupils are equal, round and reactive to light. Cranial nerves 2 through 12 were sequentially tested and found to be within normal limits. Her speech is clear and fluent. She has 5/5 strength throughout the upper and lower extremities with normal light touch and pin prick sensation. Deep tendon reflexes are 2+ and symmetric. Toes are down going bilaterally. There is no clonus. There is no drift.

Radiographic Studies: I reviewed the head CT dated 1/10/06 and compared this with the head CT dated 12/29/05 which revealed a resolved right temporal lobe contusion.

Recommendations: Ms. Hahn has radiographic evidence of a resolved right temporal lobe contusion. She is not allowed to participate in any gym classes for the next month. Currently, no bicycling or skateboarding is allowed during that period. I have asked the patient and her parents to call our office in one month to update us on her progress. If she has had no problems in this month, at that time, she may be released back to participating in gym.

Thank you for allowing me to participate in Ms. Hahn's care. If I can be of any further assistance, please do not hesitate to contact me.

Sincerely,



James P. Burke, M.D., Ph.D.

JPB/kws

EXHIBIT B

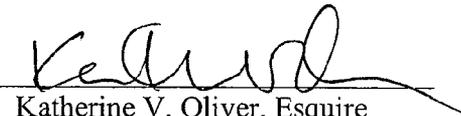
EXHIBIT B

Defendant's Motion to Compel Expert Discovery (*Hahn*)

information not contained in your answers, you shall promptly furnish said information to the undersigned by supplemental answers.

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:



Katherine V. Oliver, Esquire

I.D. No. 77069

James M. Horne, Esquire

I. D. No. 26908

811 University Drive

State College, PA 16801

(814) 238-4926

Dated: July 11, 2007

Attorneys for Defendant

- (d) The names and addresses of the persons having custody of such statements;
- (e) Whether such statements were written, by recording device, by court reporter or stenographer.

ANSWER:

N/A

18. For each expert witness you intend to call at the trial of this case, please list:
- (a) Name, business address, and home address;
 - (b) Date of birth, technical schools attended, dates of attendance, date of graduation and degree attained;
 - (c) The specialties in which the witness has received certification by and board or professional organization, the date of such certification, and the identity of the board issuing such certification;
 - (d) All professional societies, academies, associations or other organized professional groups of which this expert is a member;
 - (e) All states in which the witness has ever been licensed and the states in which the witness is currently licensed;
 - (f) Whether any state board of licensure has ever revoked or suspended the witness's license and if so, the date of such revocation or suspension and the name of the state board of licensure imposing such revocation or suspension;
 - (g) Whether any professional or governmental agency or body has ever had occasion to investigate the witness pursuant to any complaint calling into question the professional conduct or professional ethics of the witness and if so, the name of such investigative body, the date of investigation, and the outcome or disposition of such investigation;

- (h) All lawsuits in which this expert has ever testified as an expert witness, and for each, whether he testified on behalf of the Plaintiff or Defendant, the Court term and number of each action, and the area of expertise to which this expert testified in each case;
- (i) All textbooks, treatises, papers, articles, or other writings which this witness has ever authored, and for each, the name of the article, publication, citation of the publication and date of publication;
- (j) If the witness is not self-employed, state each address where the witness is employed.

ANSWER:

This will be supplied separately.

19. For each such expert witness you intend to call at the trial of this case, state the subject matter on which the expert is expected to testify.

ANSWER:

This will be supplied separately.

20. For each such expert witness, state the substance of each and every fact which each expert is expected to utilize during his/her testimony.

ANSWER:

This will be supplied separately.

21. For each such expert witness, state the substance of each and every opinion to which the expert is expected to testify and for each opinion give a complete statement of the ground for such opinion.

ANSWER:

This will be supplied separately.

22. If you received any treatment with respect to the injuries allegedly suffered state:
- (a) The name and address of each hospital at which you were treated or admitted;
 - (b) The dates on which said treatment was rendered, including the dates of entry into and discharge from said hospital or hospitals;
 - (c) Itemize the charges rendered by each of the hospitals listed above;
 - (d) State the name and address of each doctor or medical practitioner of any type whatsoever who has examined or treated Plaintiff or conferred with you with respect to the injuries alleged;
 - (e) Itemize the cost and expenses of such examinations or treatments by the doctors listed above.

ANSWER:

Moshannon Valley EMS - 12/26/05 - \$615.00
P.O. Box 289
Philipsburg, PA 16866

Philipsburg Hospital - 12/26/05 - \$1,100.50
Lochlomond Road
Philipsburg, PA 16866

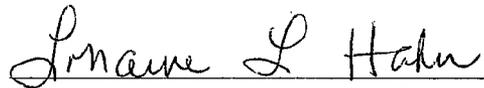
Stat MedEvac - 12/26/05 - \$1,470.00
10 Allegheny County Airport
West Mifflin, PA 15122

Altoona Hospital - 12/26/05 - 12/29/05 \$19,604.98
620 Howard Avenue
Altoona, PA 16601

see attached

VERIFICATION

I verify that the statements made in these Answer to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN

EXHIBIT C

EXHIBIT C

Defendant's Motion to Compel Expert Discovery (*Hahn*)

4. All expert opinion, expert reports, expert summaries, or other writings of experts in the possession, custody or control of Plaintiff, or her attorneys or insurers, which relate to the subject matter of this litigation and the incident in question.

ANSWER:

None at this time.

5. All documents prepared by Plaintiff or by any insurers, representatives, agents or anyone acting on behalf of Plaintiff, except her attorneys, during an investigation of any aspect of the incident in question. Such documents shall include any documents made or prepared up through the present time, with the exclusion of the mental impressions, conclusions, or opinions respecting the value or merit of a claim or defense or respecting strategy or tactics.

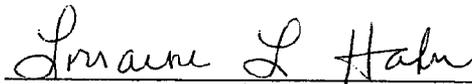
(NOTE: As referred to herein, "documents" includes written, printed, typed, recorded, or graphic matter, however produced or reproduced, including correspondence, telegrams, other written communications, data processing storage units, tapes, contracts, agreements, notes, memoranda, analyses, projections, indices, work papers, studies, reports, surveys, diaries, calendars, films, photographs, diagrams, drawings, minutes of meetings or any other writing (including copies of the foregoing, regardless of whether the parties to whom this request is addressed is now in the possession, custody or control of the original) now in the possession, custody or control of Plaintiff, her former or present counsel, agents, employees, officers, insurers, or any other person acting on Plaintiff's behalf.)

ANSWER:

None at this time.

VERIFICATION

I verify that the statements made in this Request for Production of Documents are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN

EXHIBIT D-1

EXHIBIT D-1

Defendant's Motion to Compel Expert Discovery (*Hahn*)

WAYNE R. D'AGARO, PSY.D

622 PEACHDALE LANE
DUNCANSVILLE, PA 16635
TELEPHONE (814) 889-3601

March 30, 2007

Joseph Clark, M.D.
Blair Medical Associates (Neurology)
Station Medical Center
1414 Ninth Avenue
Altoona, PA 16602

RE: Hahn, Cheyanne (DOB: 07/25/92)

Dear Joe:

Per your request for neuropsychological consultation, I completed a clinical interview with Cheyanne Hahn and her mother, Ms. Lorraine Hahn, on March 16, 2007 and followed up with the following procedures that same date: Luria-Nebraska Neuropsychological Battery, Children's Version (LNNB-C), Visual and Motor Scale items; Speech Sounds Perception Test (SSPT); Seashore Rhythm Test (SRT); Trail Making Test (TMT); Neurobehavioral Cognitive Status Examination, Auditory Comprehension and Oral Repetition subtests; Boston Naming Test (BNT); Controlled Oral Word Association Test (COWAT); Rey Auditory-Verbal Learning Test (RAVLT); Children's Memory Scale (CMS), Stories and Family Picture subtests; Rey-Osterrieth Complex Figure Test (ROCFT); Wechsler Intelligence Scale For Children - IV (WISC-IV), Coding, Symbol Search, Digit Span, Letter-Number Sequencing, Vocabulary, Similarities, Comprehension, Picture Concepts, Matrix Reasoning, and Block Design subtests; Wide Range Achievement Test - 3 (WRAT-3); Children's Category Test (CCT); Beck Youth Inventories (BYI).

The purpose of this evaluation was to delineate Cheyanne's cognitive and behavioral strengths and weaknesses, functional implications of the same, and recommendations for treatment (including academic interventions) secondary to a closed head injury.

BACKGROUND INFORMATION:

Cheyanne is a 14-year-old, right-hand dominant female who sustained a traumatic brain injury on December 26, 2005 when the automobile that she was a passenger in was involved in a partial rollover accident. She was not wearing a seatbelt at the time. Cheyanne was evaluated at the Altoona campus of Altoona Regional Health System where a CT-scan revealed evidence of a "small right temporal contusion". She remained hospitalized for three to four days before being discharged with no

recommendation for follow-up rehabilitation.

Cheyanne's medical history was otherwise unremarkable and free of any other neurological disorders or symptoms, including prior blows to the head. There no psychiatric or substance abuse histories.

Cheyanne was an 8th grade student in the West Branch Area School District at the time of her accident. She had no grade repetitions or special education involvement. She is currently a 9th grade student in the same school district. Cheyanne continues to report headaches that were not present prior to her December of 2005 accident, as well as periodic dizziness. Cognitively, she has experienced "confusion" as she has gone from her home to a friend's home, and vice versa, but has never gotten so disoriented or lost to the degree that she was unable to reach her destination. Cheyanne will also forget conversations that she has had with others, will experience easy distractibility while in classroom settings, has had difficulty completing class examinations, and doesn't always write coherent or complete class notes. Her academic averages the first and second nine-week marking period were 88.2% both times. Emotionally, Cheyanne also noted increased "moodiness" and "depression", and was recently prescribed an unknown antidepressant. Within this same context, Cheyanne stated that she has engaged in subtle self-mutilation (cutting) and has had suicidal thoughts without any intentions or plans of acting on these ideations.

Cheyanne and her parents are divorced. She reported having a "good, normal" relationship with her mother, with whom she resides, but acknowledged having difficulty "getting along" with her father, who is undependable and prone to break promises and "change his mind". In discussing her future, Cheyanne stated that she plans on attending college following high school. She is currently interested in possibly studying Criminal Justice.

BEHAVIORAL OBSERVATIONS:

Cheyanne was on time for her evaluation session, accompanied by her mother who was responsible for his transportation. She was appropriately dressed for the weather and neatly groomed, alert and oriented in all spheres, and fully cooperative with the evaluation process. Although initially only responsive to my questions, as the evaluation progressed and she became more relaxed, Cheyanne became more spontaneous. Her affect was generally stable, except for a brief period when she began to tear up while discussing her depression and mood swings. Her affect also reflected at least a mild decrease in range and intensity that would be consistent with a depressive process. There was no evidence of gross distraction during the evaluation. Cheyanne also demonstrated no lower or upper extremities and was capable of

(2)

completing manual-dependent tasks. Her vision and hearing were within functional limits. Her speech was articulate and characterized by a normal amplitude and a constant rate of speed.

TEST RESULTS:

Age, gender, and/or education corrected normative values were used to compare Cheyanne's test performance against estimated premorbid abilities. Her test scores are summarized in the attached addendum.

Sensory-Perceptual, Spatial-Constructional and Motor Functions. Cheyanne demonstrated no apparent visual or auditory limitations when presented with stimuli requiring primary sensory-perceptual processing and secondary sensory-perceptual integration.

Simple and more complex visuo-perceptual and visuospatial organization, conceptualization, and reasoning were appropriate. Cheyanne's constructional abilities were borderline compromised for an object assembly task but within expected limits for a graphomotor task.

Cheyanne's manual strength was within expected limits as were her results on screening measures designed to assess unimanual sequencing and bimanual coordination, motor planning and execution (praxis), and the ability to regulate simple motor actions in response to equally simple oral commands.

Attention, Concentration and Mental Tracking. Cheyanne experienced mild difficulty when required to attend to, register and immediately recall auditory stimuli. She had an equal degree of difficulty with both the passive storing and the active processing of this information. Cheyanne also demonstrated borderline difficulty on a more sustained measure of auditory attention that involved verbal stimuli. On a similar measure of auditory attention that required more rapid processing of nonverbal stimuli, Cheyanne had a mild to moderate degree of difficulty.

Cheyanne's psychomotor processing speed was within expected limits. So too was her basic visuomotor attention, scanning and sequencing. On a similar visuomotor measure that required her to mentally shift and alternate attention between equally demanding cognitive tasks, Cheyanne had borderline difficulty; she needed to work at a slower rate to avoid making an error (as she did when presented with a sample trial immediately prior to the actual administration of this task).

New Learning and Memory. Cheyanne's ability to encode, retain and retrieve

(2)

auditory-verbal information was below expectations. On an unstructured, 15-item word list presented five consecutive times, Cheyanne demonstrated a positive but slow-to-develop learning curve that reflected an overall learning efficiency that was borderline compromised. Her recalls for this same word list immediately following both the presentation of an interference task (another but similar 15-item word list), and a delay of approximately 25 to 35 minutes, were mildly impaired. On a more structured, prose task involving the presentation of paragraph-length material, Cheyanne's initial learning was mildly impaired but her 25 to 35 minute delayed recall was within expected limits.

Cheyanne's ability to encode, retain and retrieve visual-nonverbal information was also below expectations. On a "concrete" task involving the presentation of four separate pictures of individuals engaged in various activities, each picture exposed for only 10 seconds, Cheyanne's initial learning was borderline compromised. Her delayed free recall for these same pictures 25 to 35 minutes following their initial presentation was equally compromised. Cheyanne had more difficulty on a more "abstract" task that first required the pencil-and-paper reproduction of a complex, two-dimensional pattern with the stimulus figure present and then immediately following the removal of her drawing and this stimulus figure. Moderate to severe difficulty was evident during both the immediate recall phase and following a delay of 25 to 35 minutes.

Language and Communication. Cheyanne's auditory comprehension of simple and complex language, oral repetition, and expressive vocabulary level were within expected limits. Despite this, her confrontation naming for pictorial representations of objects was borderline impaired, with more mild impairment noted on a measure of phonemic (e.g., word) verbal fluency.

Conceptual Reasoning and Executive Abilities. Cheyanne's verbal abstract reasoning was within expected limits as was her nonverbal abstract reasoning, conceptual formation and cognitive flexibility. Cheyanne also demonstrated good social judgment and reasoning.

General Intelligence and Academic Skills. Cheyanne's estimated auditory-verbal and visual-nonverbal intellectual abilities clearly fell within the Average classification range, with a slightly significant (.15), 8-point difference, in favor of the former. Measures of academic achievement that assessed Cheyanne's word recognition and word attack skills, spelling, and written arithmetic (without the use of a calculator) were below expectations and approximated a functional level equivalent to that of the average 5th to 6th grade student. These findings were also inconsistent with her grades during her current academic year. When permitted the use of a calculator to complete the same mathematical operations, Cheyanne's score significantly improved,

minimally consistent with her current academic standing.

Emotional and Behavioral Status. Cheyanne's result on a screening measure of depression and anxiety, minimally revealed a mild degree of both depression and anxiety.

CLINICAL IMPRESSIONS:

The results of this evaluation revealed a number of problem areas, both cognitive and emotional-behavioral. These would primarily include borderline to mild difficulty with visual confrontation naming and phonemic verbal fluency, attention and information processing, and new learning and memory. Her reading, spelling and arithmetic results on a screening measure of academic achievement were also lower than expected but inconsistent with her grades the first and second nine weeks of her freshman year. Emotionally, Cheyanne is also experiencing a moderate degree of depression and anxiety, as well as cutting behavior. These collective problems, in my professional opinion, were not present prior to Cheyanne's closed head injury.

DIAGNOSIS:

Per the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders and the Ninth Edition of the International Classification of Diseases (ICD-9), the following diagnoses are appropriate at this time:

- Axis I = Cognitive Disorder Not Otherwise Specified (294.9), secondary to Axis III; Major Depressive Disorder, Single Episode, Moderate (296.22); Anxiety Disorder Not Otherwise Specified (300.00).
- Axis II = No Diagnosis (V71.09) at this time.
- Axis III = Mild Traumatic Brain Injury (850.9), sustained 12/26/05.

RECOMMENDATIONS:

1. Cheyanne needs to continue with all medical interventions prescribed by those physicians who remain involved in her care. This would specifically include the continued use of her recently prescribed antidepressant medication or other psychotropic medication regime to ensure emotional and behavioral stability. I also question if a psychostimulant medication may be appropriate on a trial basis to assess its effectiveness, if any, on Cheyanne's attentional matrix.
2. I would strongly recommend, especially given her cutting behavior and suicidal ideation, that Cheyanne also involve herself in individual counseling.

3. Within school, Cheyanne should have the opportunity to take class examinations in quieter settings, should be permitted extra time to complete such examinations, should be provided with lecture notes or study outlines to ensure that the material that she is studying is appropriate and complete. Cheyanne should also be permitted the use of a calculator to complete mathematical calculations.

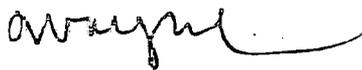
4. A copy of this report is being provided to Cheyanne's mother so that she may share it with school personnel, who ultimately have the responsibility for improving the academic accommodations recommended above. They may also wish to complete more comprehensive academic testing to determine if the results that I obtained are truly an accurate representation of her current standing.

5. Given that she is still within the 24-month recovery period expected for traumatic brain injury, Cheyanne should be re-evaluated in 6 months to compare results against the baseline neuropsychological data that is now available for this purpose.

6. Some during her junior year of high school, Cheyanne should be referred for an evaluation by the Office of Vocational Rehabilitation, who may be able to assist Cheyanne in obtaining funding for a higher education and, if still necessary, academic accommodations.

If there are any questions regarding the content of this report or if additional information is required, Joe, please do not hesitate to contact me at (814) 889-3601. Thank you for your referral.

Sincerely,



Wayne R. D'Agaro, Psy.D.
Clinical Psychologist/Neuropsychologist
Licensed Psychologist (PA); Certified School Psychologist (NCSP)

cc: Ms. Lorraine Hahn
P.O. Box 23
Kylertown, PA 16847

PSYCHOLOGICAL EVALUATION ADDENDUM

Test scores are reported as T-scores (mean = 50, standard deviation = 10), deviation IQ's (mean = 100, standard deviation = 15), scaled scores (mean = 10, standard deviation = 3) and/or percentiles (0 to 100). For tests where quantitative scores could not be provided, only interpretive summaries are provided.

LNNB-C Visual Scale items = Within Normal Limits
LNNB-C Motor Scale items = Mild Impairment

SSPT = Borderline Impairment
SRT = Mild to Moderate Impairment

TMT Part A (0 errors) = No Impairment
TMT Part B (0 errors) = Borderline Impairment

RAVLT A1 = 7/15
RAVLT A2 = 10/15
RAVLT A3 = 11/15
RAVLT A4 = 12/15
RAVLT A5 = 12/15
RAVLT Total (A1 - A5) = 44T (Borderline Impairment)
RAVLT Trial B1 = 7/15
RAVLT Trial A6 = 39T (Mild Impairment)
RAVLT Trial A7 = 38T (Mild Impairment)

CMS Stories Immediate Recall = 37T (Mild Impairment)
CMS Stories Delayed Recall = 47T (Within Normal limits)
CMS Family Pictures Immediate Recall = 43T (Borderline Impaired)
CMS Family Pictures Delayed = 40T (Borderline Impaired)

ROCFT Direct Copy = 50T (Within Normal Limits)
ROCFT Immediate Recall = 16T (Severe Impairment)
ROCFT Delayed Recall = 31T (Mild to Moderate Impairment)

NCSE Language: Auditory Comprehension = Within Normal Limits
NCSE Language: Oral Repetition = Within Normal Limits

BNT = 42T (Borderline Impairment)

COWAT Phonemic version = 38T (Mild Impairment)

WISC-IV Full Scale = 96; 39th percentile (Average)
WISC-IV Verbal Comprehension Index = 104; 61st percentile (Average)

Vocabulary = 10

Similarities = 12

Comprehension = 11

WISC-IV Perceptual Reasoning Index = 96; 39th percentile (Average)

Picture Concepts = 11

Matrix Reasoning = 9

Block Design = 8

WISC-IV Working Memory Index = 83; 13th percentile (Low Average)

Digit Span = 6

Letter-Number Sequencing = 8

WISC-IV Processing Speed Index = 100; 50th percentile (Average)

Coding = 10

Symbol Search = 10

WRAT-3 Reading = 88; 21st percentile (Low Average)

WRAT-3 Spelling = 92; 30th percentile (Average)

WRAT-3 Arithmetic (no calculator) = 83; 13th percentile (Low Average)

WRAT-3 Arithmetic (with calculator) = 112; 79th percentile (High Average)

CCT = 54T (Within Normal Limits)

BYI Anxiety Scale = 56T

BYI Depression Scale = 55T

EXHIBIT D-2

EXHIBIT D-2

Defendant's Motion to Compel Expert Discovery (*Hahn*)

WAYNE R. D'AGARO, PSY.D.
REHABILITATION PSYCHOLOGY AND NEUROPSYCHOLOGY

Neuropsychological, Psychoeducational and Vocational Evaluations
Cognitive Remediation and Medical Psychotherapy
Forensic Consultation

622 PEACHDALE LANE * DUNCANVILLE, PA 16635 * TEL 814-889-3601 * FAX 814-889-4369

April 16, 2008

Joseph Clark, M.D.
Blair Medical Associates (Neurology)
Station Medical Center
1414 Ninth Avenue
Altoona, PA 16602

COPY

RE: Hahn, Cheyanne (DOB: 07/25/92)

Dear Joe:

I completed a clinical interview with Cheyanne Hahn and her mother, Ms. Lorraine Hahn, on April 10, 2008, and followed up with the administration of the following tests that same day: Luria-Nebraska Neuropsychological Battery, Children's Version (LNNB-C), Visual and Motor Scale items; Speech Sounds Perception Test (SSPT); Seashore Rhythm Test (SRT); Trail Making Test (TMT); Neurobehavioral Cognitive Status Examination, Auditory Comprehension and Oral Repetition subtests; Boston Naming Test (BNT); Controlled Oral Word Association Test (COWAT); Rey Auditory-Verbal Learning Test (RAVLT); Wechsler Memory Scale - III (WMS-III), Logical Memory and Family Picture subtests; Rey-Osterrieth Complex Figure Test (ROCF); Wechsler Intelligence Scale For Children - IV (WISC-IV), Coding, Symbol Search, Digit Span, Letter-Number Sequencing, Vocabulary, Similarities, Comprehension, Picture Concepts, Matrix Reasoning, and Block Design subtests; Wide Range Achievement Test - 3 (WRAT-3), Reading, Spelling and Arithmetic subtests; Children's Category Test (CCT); Brown Attention Deficits Disorder Scale (BADD'S).

The purpose of this evaluation was to compare Cheyanne's current cognitive and behavioral status against baseline data that was obtained when I first assessed her on March 16, 2007.

BACKGROUND INFORMATION: Cheyanne is a now 15-year-old, right-hand dominant female who sustained a traumatic brain injury on December 26, 2005 when the automobile that she was a passenger in was involved in a partial rollover accident. Additional information regarding that accident and the treatment that she received can be found in the initial neuropsychological evaluation, dated March 30, 2007.

59

At the time of her injury, Cheyanne was an 8th grade student in the West Branch Area School District. She is now a 10th grade student in that same school district.

Since my last contact with her, Cheyanne reported a full resolution of the headaches and periodic dizziness that were not present prior to her December of 2005 accident. Cognitively, however, she continues to experience "confusion" that prevents her from following class/subject directions in general and mathematics specifically. She equally remains easily distracted in class, especially large classes (currently biology and algebra) where others are talking, tapping or dropping pencils, and so on. She also experiences anxiety during class examinations, "pressured" to not be the last one to complete testing. Her academic averages the first and second nine-week marking period were 87% and 85.6%, respectively. Cheyanne also remains "moody" but denied depression and more specific self-mutilation (cutting) and suicidal thoughts.

Cheyanne is currently taking Citalopram (40mg per day) for depression and initiated individual counseling approximately one month ago at Cen-Clear Child Services, Inc. Such counseling takes place every two weeks. From a more cognitive perspective, Cheyanne was recently prescribed the Exelon Patch (4.6mg per 24 hours). She was previously prescribed Aricept (5mg per day) but this was discontinued secondary to sleep disturbance. Since my last contact with Cheyanne, she was involved in a dirt bike accident the Fall of 2007 but denied hitting her head; she also denied any additional blows to the head since December of 2005, seizure activity or other neurological issues. She denied any substance abuse.

Cheyanne continues to reside with her mother, with whom she reported a "normal" teenager-mother relationship. As before, she acknowledged ongoing difficulty "getting along" with her father, who is undependable, prone to break promises, and "uncaring" secondary to believing that "nothing is wrong" with her. In discussing her future, Cheyanne stated that she would like to become a paramedic following high school so that she can "help people".

BEHAVIORAL OBSERVATIONS: Cheyanne was on time for her evaluation session, accompanied by her mother who was responsible for her transportation. She was appropriately dressed for the weather and neatly groomed, alert and oriented in all spheres, and fully cooperative with the evaluation process. Cheyanne fully cooperated with the evaluation process by responding to questions and engaging in spontaneous conversation, and putting forth her best effort on the testing that was presented. Her affect was stable. Compared to my last contact with her when she began to tear up while discussing her mood swings, Cheyanne demonstrated no lability. Cheyanne remained capable of completing manual-dependent tasks. Her vision, hearing and speech were functionally intact.

56

TEST RESULTS: Age, gender, and/or education corrected normative values were used to compare Cheyanne's test performance against estimated premorbid abilities. Her test scores are summarized in the attached addendum.

Sensory-Perceptual, Spatial-Constructional and Motor Functions

Cheyanne demonstrated no apparent visual or auditory limitations when presented with stimuli requiring primary sensory-perceptual processing and secondary sensory-perceptual integration.

Simple and more complex visuoperceptual and visuospatial organization, conceptualization, and reasoning were appropriate. Cheyanne's constructional ability for an object assembly task remained borderline compromised but was within expected limits for a graphomotor task.

Cheyanne's manual strength was within expected limits as were her results on screening measures designed to assess unimanual sequencing and bimanual coordination, motor planning and execution (praxis), and the ability to regulate simple motor actions in response to equally simple oral commands.

Attention, Concentration and Mental Tracking

Cheyanne experienced borderline to mild difficulty when required to attend to, register and immediately recall auditory stimuli, demonstrating an equal degree of difficulty with both the passive storing and the active processing of this information. Cheyanne did well on a sustained measure of auditory attention that involved verbal stimuli but, consistent with her initial evaluation, still had mild to moderate difficulty on a similar measure of auditory attention that required more rapid processing of nonverbal stimuli.

Cheyanne's psychomotor processing speed was within expected limits. So too was her basic visuomotor attention, scanning and sequencing. On a similar visuomotor measure that required her to mentally shift and alternate attention between equally demanding cognitive tasks, Cheyanne had borderline difficulty; she produced no errors but her response speed was below normative expectations.

New Learning and Memory

Cheyanne's ability to encode, retain and retrieve auditory-verbal information was within expected limits except for mild difficulty on the initial trial of an unstructured, 15-item word list presented five consecutive times. Her overall learning efficiency and recalls this same word list immediately following both an interference task (another but

similar 15-item word list), and a delay of approximately 25 to 35 minutes, were within expected limits. Cheyanne did equally well on a structured, prose task involving the presentation of paragraph-length material.

Cheyanne's ability to encode, retain and retrieve visual-nonverbal information was also better and grossly within expected limits.

Language and Communication

Cheyanne's auditory comprehension, oral repetition, and expressive vocabulary level were within expected limits. Her confrontation naming for pictorial representations of objects, however, remained borderline impaired, with mild impairment noted on a measure of phonemic (e.g., word) verbal fluency.

Conceptual Reasoning and Executive Abilities

Cheyanne's verbal abstract reasoning was within expected limits as was her nonverbal abstract reasoning, conceptual formation and cognitive flexibility. Cheyanne also demonstrated good social judgment and reasoning.

General Intelligence and Academic Skills

Cheyanne's estimated auditory-verbal and visual-nonverbal intellectual abilities fell within the central limits of the Average to the lowest limit of the High Average classification ranges, with a 16-point difference, in favor of the former.

Measures of academic achievement that assessed Cheyanne's word recognition and word attack skills, spelling, and written arithmetic (without the use of a calculator) were below expectations and approximated a functional level equivalent to that of the average 7th to 8th grade student. When permitted the use of a calculator to complete the same mathematical operations, Cheyanne's score significantly improved, consistent with her current academic standing.

Emotional and Behavioral Status

Cheyanne's results on a screening measure of attention deficit disorder symptomatology inferred the presence of attention and memory problems.

CLINICAL IMPRESSIONS: The results of this evaluation revealed improvement in Cheyanne's ability to learn and retain new information, although her auditory attention and information processing, and visual confrontation naming and phonemic verbal

(60)

fluency, remain impaired. Intellectually, Cheyanne's auditory-verbal and visual-nonverbal intellectual abilities are consistent with her estimated premorbid ability level. Her reading, spelling and arithmetic results on a screening measure of academic achievement were also lower than expected but inconsistent with her grades the first and second nine weeks of her sophomore year. From an emotional-behavioral perspective, Cheyanne is experiencing no depression, anxiety or cutting behavior.

These collective problems, from the information that I had available, were not evident prior to Cheyanne's traumatic brain injury.

DIAGNOSIS: Per the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders and the Ninth Edition of the International Classification of Diseases, the following diagnoses are justified at this time:

- Axis I = Cognitive Disorder Not Otherwise Specified (294.9), secondary to Axis III; Major Depressive Disorder, Single Episode, Moderate (296.22) + Anxiety Disorder Not Otherwise Specified (300.00), currently in partial to full remission.
- Axis II = No Diagnosis (V71.09) at this time.
- Axis III = Mild Traumatic Brain Injury (850.9), sustained 12/26/05.

RECOMMENDATIONS:

1. Cheyanne needs to continue with all medical interventions prescribed by those physicians who remain involved in her care. This would specifically include the ongoing use of her antidepressant medication to ensure continued emotional and behavioral stability, as well as Exelon to stabilize and improve her cognitive status. I also question if a psychostimulant medication may be appropriate on a trial basis to assess its effectiveness, if any, on Cheyanne's attentional matrix.
2. Cheyanne should remain involved in individual counseling through Cen-Clear Child Services, Inc.
3. Within school, Cheyanne should have the opportunity to take class examinations in a quieter setting to improve her mental focus, should be permitted extra time to complete such examinations, and should be provided with lecture notes or study outlines to ensure that the material that she is studying is appropriate and complete. Cheyanne should also be permitted the use of a calculator to complete mathematical calculations.
4. A copy of this report is being provided to Cheyanne's mother so that she may share

61

NEUROPSYCHOLOGICAL EVALUATION
RE: Hahn, Cheyanne (DOB: 07/25/92)
04/16/08

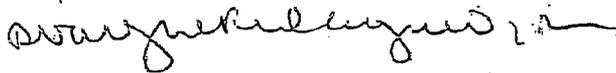
PAGE 6

it with school personnel, who ultimately have the responsibility for approving the academic accommodations recommended above. They may also wish to complete more comprehensive academic testing to determine if the results that I obtained are truly an accurate representation of her current standing.

5. Some during her junior year of high school, Cheyanne should be referred for an evaluation by the Office of Vocational Rehabilitation, who may be able to assist Cheyanne in obtaining funding for a higher education and, if still necessary, academic accommodations.

If there are any questions regarding the content of this report or if additional information is required, Joe, please do not hesitate to contact me at (814) 889-3601. Thank you for your referral.

Sincerely,



Wayne R. D'Agaro, Psy.D.
Clinical Psychologist/Neuropsychologist
Licensed Psychologist (PA); Certified School Psychologist (NCSP)

cc: Ms. Lorraine Hahn
P.O. Box 23
Kylertown, PA 16847

62

PSYCHOLOGICAL EVALUATION ADDENDUM

Test scores are reported as T-scores (mean = 50, standard deviation = 10), deviation IQ's (mean = 100, standard deviation = 15), or scaled scores (mean = 10, standard deviation = 3). For tests where quantitative scores could not or be provided, only interpretive summaries are provided.

LNNB-C Visual Scale items = Within Normal Limits
LNNB-C Motor Scale items = Within Normal Limits

SSPT = 3 errors
SRT = 7 errors
TMT Part A (0 errors) = 20 seconds; Part B (0 errors) = 60 seconds

RAVLT A1 = 6/15; A2 = 11/15; A3 = 13/15; A4 = 13/15; A5 = 15/15
RAVLT Trial B1 = 7/15
RAVLT Trial A6 = 14/15
RAVLT Trial A7 = 13/15

WMS-III Logical Memory I ss = 10; Logical Memory II ss = 9
WMS-III Family Pictures I ss = 8; Logical Memory II ss = 9

ROCFT Direct Copy = Within Normal Limits

NCSE Auditory Comprehension = Within Normal Limits; Oral Repetition = Within Normal Limits
BNT = 48/60
COWAT Phonemic version = 37T (Mild Impairment)

WISC-IV Full Scale = 94
WISC-IV Verbal Comprehension Index = 110
Vocabulary = 9; Similarities = 13; Comprehension = 14
WISC-IV Perceptual Reasoning Index = 94
Picture Concepts = 11; Matrix Reasoning = 9; Block Design = 7
WISC-IV Working Memory Index = 77
Digit Span = 5; Letter-Number Sequencing = 7
WISC-IV Processing Speed Index = 97
Coding = 9; Symbol Search = 10

WRAT-3 Reading = 89
WRAT-3 Spelling = 92
WRAT-3 Arithmetic (no calculator) = 32
WRAT-3 Arithmetic (with calculator) = 112

CCT = 63T (Within Normal Limits)

BADDS Total Score = 63T
Activation = 62T; Attention = 70T; Effort = 55T; Affect = <50T; Memory = 69T

63

EXHIBIT D-3

EXHIBIT D-3

Defendant's Motion to Compel Expert Discovery (*Hahn*)

WAYNE R. D'AGARO, PSY.D.
REHABILITATION PSYCHOLOGY AND NEUROPSYCHOLOGY

Neuropsychological, Psychoeducational and Vocational Evaluations
Cognitive Remediation and Medical Psychotherapy
Forensic Consultation

3701 BURGOON ROAD * ALTOONA, PA 16602 * TEL 814-944-8505 * FAX 814-944-0419

December 5, 2008

Mr. Thomas G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

COPY

RE: Hahn vs Hahn

Dear Mr. Noble:

Per your request, I am submitting a narrative report regarding Ms. Cheyanne Hahn, a now 16-year-old (DOB: 07/25/92), right-hand dominant female whom I have seen on two separate occasions to complete neuropsychological evaluations. These evaluations, completed March 16, 2007 and April 10, 2008, were ordered by Joseph Clark, M.D., a neurologist in Altoona, Pennsylvania. I will structure this narrative report according to the specific questions that you presented, namely, "Cheyanne's (a) injuries, (b) causation thereof, (c) diagnosis, (d) treatments to date, (e) prognosis, (f) reasonably anticipated future medical needs related to her injuries from this accident, and (g) any limitations on Cheyanne related to her injuries".

INJURIES and ONGOING LIMITATIONS RELATED TO INJURIES: Cheyanne sustained a traumatic brain injury that was responsible for a number of physical, cognitive and emotional-behavioral injuries.

As of my last contact with her on April 10, 2008, Cheyanne reported a full resolution of the headaches and periodic dizziness that were not present prior to her December of 2005 accident. Cognitively, however, she was continuing to experience "confusion" that prevented her from following class/subject directions in general and mathematics specifically. She equally remained easily distracted in class, especially large classes (currently biology and algebra) where others are talking, tapping or dropping pencils, and so on. Follow-up neuropsychological testing, which validated continued impairment in her auditory attention and information processing, correlated with Cheyanne's subjective complaints. From an emotional-behavioral perspective, Cheyanne was experiencing anxiety during class examinations, "pressured" to not be the last one to complete testing. She also remained "moody" but believed that she was less depressed. She also denied any self-mutilation (cutting) or suicidal thoughts.

64

CAUSE THEREOF: The aforementioned difficulties are the direct or the indirect result of the traumatic brain injury that Cheyanne sustained on December 26, 2005 when the automobile that she was a passenger in was involved in a partial rollover accident. Indeed, prior to this motor vehicle accident, Cheyanne was demonstrating none of these difficulties and, from a functional perspective, was doing well in school.

The direct injury would be Cheyanne's diagnosed traumatic brain injury. The indirect injuries would be more symptomatic and include, from a cognitive perspective, the "confusion" that prevents her from following class/subject directions in general and mathematics specifically, as well as neuropsychological test findings that continue to validate the existence of impairment in her auditory attention and information processing. An additional indirect result of her injury is Cheyanne's emotional-behavioral presentation. She is fully cognizant of the fact that she is now struggling more in school to achieve academic success. It is this struggling that is now responsible for her anxiety during class examinations and her ongoing "moodiness" (depression).

DIAGNOSIS: As of my last contact with her on April 10, 2008, per the Fourth Edition of the Diagnostic and Statistical Manual of Mental Disorders and the Ninth Edition of the International Classification of Diseases, the following diagnoses were judged to be most appropriate for Cheyanne:

- Axis I = Cognitive Disorder Not Otherwise Specified (294.9), secondary to Axis III; Major Depressive Disorder, Single Episode, Moderate (296.22) + Anxiety Disorder Not Otherwise Specified (300.00).
- Axis II = No Diagnosis (V71.09) at this time.
- Axis III = Mild Traumatic Brain Injury (850.9), sustained 12/26/05.

TREATMENTS TO DATE: I completed two neuropsychological evaluations but have not been directly involved in any treatment with Cheyanne. She has, however, continued treatment with Dr. Clark that has included the monitoring of both antidepressant and cognitive enhancing medications. Per my last contact with her, Cheyanne also remained involved in individual counseling with Cen-Clear Child Services, Inc., to further address her emotional-behavioral issues.

PROGNOSIS: Given that her traumatic brain injury occurred over two years and three months prior to my last neuropsychological evaluation, I do not believe that Cheyanne will experience any additional spontaneous improvement. She is at the point where any residual physical, cognitive and emotional-behavioral deficits need to be symptomatically treated.

FUTURE NEEDS: First and foremost, Cheyanne needs to continue with all medical

(65)

interventions prescribed by those physicians who remain involved in her care, especially Dr. Clark. Specific interventions should include the ongoing use of Citalopram or another antidepressant medication to ensure continued emotional and behavioral stability, as well as Exelon to stabilize and improve her cognitive status.

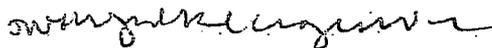
In addition to any medications, Cheyanne should also remain involved in individual counseling, whether through Cen-Clear Child Services, Inc. or another channel.

Within school, Cheyanne should have the opportunity to take class examinations in a quieter setting to improve her mental focus, should be permitted extra time to complete such examinations, and should be provided with lecture notes or study outlines to ensure that the material that she is studying is appropriate and complete. Cheyanne should also be permitted the use of a calculator to complete mathematical calculations.

Sometime during her junior year of high school, Cheyanne should be referred for an evaluation by the Office of Vocational Rehabilitation, who may be able to assist Cheyanne in obtaining funding for a higher education and, if still necessary, academic accommodations. Such an evaluation would require updated testing that would permit additional comparison against current baseline data from the two neuropsychological evaluations that have already been performed.

If there are any questions regarding the content of this narrative or if additional information is required, Mr. Noble, please do not hesitate to contact me at (814) 944-8505 or (814) 935-0720.

Sincerely,



Wayne R. D'Agaro, Psy.D.
Clinical Psychologist/Neuropsychologist
Licensed Psychologist (PA); Certified School Psychologist (NCSP)

(166)

EXHIBIT E

EXHIBIT E

Defendant's Motion to Compel Expert Discovery (*Hahn*)

WAYNE R. D'AGARO, PSY.D.
REHABILITATION PSYCHOLOGY AND NEUROPSYCHOLOGY

Neuropsychological, Psychoeducational and Vocational Evaluations
Cognitive Remediation and Medical Psychotherapy
Forensic Consultation

3701 BURGOON ROAD * ALTOONA, PA 16602 * TEL 814-944-8505 * FAX 814-944-0419

01/23/09

Thomas G. Noble, Esquire
301 East Fine Street
Clearfield, PA 16830

RE: Hahn, Cheyanne

Dear Mr. Noble:

This is in response to your correspondence, dated 12/16/08.

First, you are correct in assuming that the statement "Follow-up neuropsychological testing, which validated continued impairment in her auditory retention and information processing, correlated with Cheyanne's subjective complaints" is an objective finding primarily based on (a) the Working Memory Index from the Wechsler Intelligent Scale for Children and the two subtests [Digit Span and Arithmetic] comprising this Index, (b) the Seashore Rhythm Test, and (c) the initial learning trial of the Rey Auditory Verbal Learning Test. These scores reflected borderline to mild compromise when compared against normative samples similar to Cheyanne in chronological age at the time this testing was administered.

Second, with respect to the issue of (a) previous sexual assault, (b) experimental street drug use, (c) adolescence, (d) sexual orientation, and/or (e) anger brought on by her parents separation and father's subsequent remarriage playing a role in Cheyanne's cognitive, emotional and/or behavioral difficulties, any of these issues could, indeed, be possible factors. These same issues, alone or in any combination, could equally account for the obtained test scores noted in the prior paragraph, especially given the fact that these scores reflected no more than borderline to mild compromise.

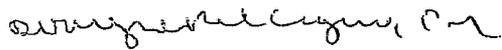
Any factor or situation that can cause stress, anxiety or depression can negatively impact such cognitive processes as attention and concentration, motor and cognitive processing speed, and new learning and memory. There is, unfortunately, no way to definitively clarify what may or may not be due to a traumatic brain injury versus what may or may not be due to the above, more psychological issues.

RE: Hahn, Cheyanne
01/23/09

Page 2

Although this letter may not provide you with the information that you were seeking, I hope I answered your questions. If, however, you still have other questions or otherwise wish to discuss my evaluation results, please do not hesitate to contact me at (814) 944-8505.

Sincerely,



Wayne R. D'Agaro, Psy.D.
Clinical Psychologist/Neuropsychologist
Licensed Psychologist (PA); Certified School Psychologist (NCSP)

(68)

EXHIBIT F

EXHIBIT F

Defendant's Motion to Compel Expert Discovery (*Hahn*)

Blair Medical Associates, Inc.

1414 Ninth Avenue Altoona, PA 16602 (814) 946-1655 Fax: (814) 949-7616

June 28, 2008

Ferraraccio and Noble, Attorneys at Law
301 East Pine Street
Clearfield, PA 16830

COPY

RE: CHEYANNE M HAHN
DOB: 07/25/1992
MRN: 126973

Dear Sir or Sirs:

My narrative concerns Ms. Cheyanne Hahn. I saw Ms. Hahn in my Neurology Clinic for the first time January 23, 2007. The patient, at that point, was a 14-year-old right-handed female who was having blackout spells, headaches, memory loss, and dizziness. She was having these spells so they were actually lost time episodes and no loss of consciousness. The patient states she had headaches over her whole head again several times a week. Motrin was helping but she could not take it every day. She also had dizziness with a spinning sensation in her head feeling like she could fall over and this happened several times a week. She also describes short-term memory loss, forgetting things that she was told, forgetting who she had seen in the past. She relates all this back to a motor vehicle accident in 2005 when she struck her head, all of these have been since then. The patient did have a right temporal contusion at the time and was cared for by Dr. Burke; no surgery was required. Therefore, the patient was evaluated in my Clinic for the other symptoms she was having.

I follow her at this time because of her symptomatology that she had, post-concussive syndrome. At that point, I took the liberty of ordering a CT of her head. I did not do an MRI as the patient had braces, and this would cause too much artifact, an EEG and neuropsychological testing, and I treated the patient with Pamelor 10mg at bedtime for the headaches and for the dizziness. The patient had a CT scan of her head completed, which showed an essentially normal study with resolution of the area of hematoma. The patient also had an electroencephalogram done, which was normal.

The patient was seen by Dr. Wayne D'Agaro, a neuropsychologist, for neuropsychological testing. His results showed a diagnosis of cognitive disorder

June 28, 2008
Ferraraccio and Noble, Attorneys at Law
RE: Cheyanne M. Hahn

not otherwise specified secondary to major depressive disorder, anxiety disorder, and traumatic brain injury.

The patient was next seen by me on May 10, 2007. At that point, the findings of the neuropsychological testing were explained to the patient showing there was a great deal of depression causing most of her current symptomatology, although again this all stemmed back to the motor vehicle accident. She was having side effects of the Pamelor that was stopped and Lexapro was added, 10mg by mouth q day.

The patient was seen back next on September 27, 2007. We could not get insurance to pay for the Lexapro so I gave her a trial of Celexa which is a generic family member of Lexapro. The patient was started on 20mg and was feeling sleepy, therefore, she decreased to 10mg.

She was next seen on January 10, 2008. She was tolerating the Celexa at 10mg a day, and her headaches seemed to be better at that point. The patient, at that point, was started on Aricept due to the memory loss.

She was next seen on April 10, 2008. The Aricept was stopped due to the drowsiness. She was having more trouble with school since stopping it, and her Celexa was increased back to 20mg and then 40mg a day. Because the patient has stopped the Aricept, she was started on an Exelon patch.

The patient had a follow up with Dr. D'Agaro on April 10, 2008, and basically, he reiterated the diagnoses as before. Further elaboration should be gleaned from Dr. D'Agaro.

So my final diagnosis of this patient is post-concussive syndrome sustained due to a motor vehicle accident on December 26, 2005. I believe at this point all her symptomatology is related back to that accident to include the depressive-type symptoms.

Page 3

June 28, 2008
Ferraraccio and Noble, Attorneys at Law
RE: Cheyanne M. Hahn

If there are any questions regarding this, please feel free to contact me at (814) 946-1655. Thank you very much for your time and consideration.

Sincerely,

Electronically signed by Joseph D. Clark, M.D.
Blair Medical Associates
Department of Neurology

JDC/cnova

D: June 28, 2008
T: June 30, 2008

(2)

EXHIBIT G-1

EXHIBIT G-1

Defendant's Motion to Compel Expert Discovery (*Hahn*)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

Result Type: Neurology
Event Date: 24 February 2009 0:00
Result Status: Preliminary
Result Title: NU
Performed By: VAISLEIB M.D., INNA on 25 February 2009 14:21
Encounter info: 1035585759, CHP, Outpatient Referral, 2/24/2009 - 2/28/2009

* Preliminary Report *

NU

***** PRELIMINARY REPORT *****

MEDICAL NEUROLOGY EVALUATION

HAHN, CHEYANNE
MRN 1257860
DOB 07/25/1992
DOS 02/24/2009

Dear Dr Mosch

I had the pleasure to see your patient, Cheyanne, a 16-year-old right-handed Caucasian female for evaluation of numerous complaints including memory loss, depression, and severe headaches. She is here today with her mother who reported to me that child was in motor vehicle accident on December 26, 2005. At that time, according to the mother, she suffered traumatic brain injury and was in Intensive Care in Altoona Hospital for three days. She was unconscious for an undetermined period of time. Accident happened at 5:30, she arrived to the hospital at 6:30 and had zero recollection of the accident including amnesia regarding the fact that the roof was cut off of the truck. She also did not recall ambulance ride either. Mother reports to me that the patient had some degree of temporal bleeding, but I do not have any formal medical records to review at the present time. Since that time, mom reports that depression and memory loss have not been improving despite of the medications. Also, she had some headaches during the time of the accident that subsequently subsided but in the last four months she had severe headaches. They are usually not preceded by any aura. They are associated with photosensitivity and photosensitivity, nausea and occasional vomiting, describing as 8/10, lasting for few hours and up to a week, once or twice per week. The headache improves with sleep and rest, and worsening with light and crying. The headache is usually present on the right side of the head and presents primarily in the afternoons and child did not miss any school because of the headaches.

Printed by: NEFT CRNP, ROBYN A
Printed on: 3/5/2009 12:16

Page 1 of 6
(Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

RISK FACTORS FOR DEVELOPMENT OF MIGRAINES

There is a history of maternal niece with the migraines. The patient with motion sickness and ice cream headaches. No seizures in the family.

ANCILLARY STUDIES

Mom reported that numerous imaging studies of the brain were done as well as EEGs, but I do not again have those records to review at the present time.

MEDICATIONS

Celexa 20 mg daily, Exelon patch to improve memory.

ALLERGIES

Penicillin, hives; morphine, emesis and delirium.

IMMUNIZATIONS

Up-to-date.

PAST MEDICAL HISTORY

Traumatic brain injury as above. depression, memory loss, and headaches.

REVIEW OF SYSTEMS

Chest: no shortness of breath or respiratory difficulties. Heart: no chest pain, regular pulse. Abdomen: no abdominal pain or unusual vomiting or diarrhea. Kidneys: no difficulty urinating or abnormal urine. Skin: no unusual rashes. Joints: no joint swelling or pain. Ears, nose, and throat: no chronic disease of ears, nose or throat. Remainder of review of systems is negative.

DEVELOPMENTAL HISTORY

The patient was born to a 38-year-old mother after three prior pregnancies via normal spontaneous vaginal delivery, full term with a birthweight of 5 pounds 13 ounces in Carlisle Hospital in Carlisle, Pennsylvania. Hospital stay was for three days. No problems were found in perinatal period. On the first year of life, she was developing normally and achieved all milestones at the early age. She walked prior to 1 year of age.

FAMILY HISTORY

Positive for migraines in a cousin.

SOCIAL HISTORY

The patient lives at home with 53-year-old mother who is a legal secretary and attends 11th grade of school. She is having some difficulties with math and English. A 53-year-old father working in the Department of Forestry, divorced from the mother.

Printed by: NEFT CRNP, ROBYN A
Printed on: 3/5/2009 12:18

Page 2 of 6
(Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

PHYSICAL EXAMINATION

VITAL SIGNS: Height is 158.2 cm, weight is 56.8 kg, blood pressure is 199/55, pulse 105, and respirations 14.

GENERAL: Well-developed, well-nourished, pleasant, and cooperative for the examination.

SKIN: No stigmata of neurocutaneous disorder. No cafe-au-lait spots or hypopigmented lesions.

HEENT: Normocephalic contour. Scalp hair of normal color, texture, and distribution. No cranial, orbital, or cervical bruits. External auditory canals: patent, clear, Mucous membranes, tongue, teeth: normal. Pharynx: non-injected.

NECK: Full range of motion, supple.

HEART: Normal S1 and S2 without murmurs.

CHEST: Normal breath sounds without wheezes or rales.

ABDOMEN: Soft, active bowel sounds. No organomegaly.

ORTHOPAEDIC: No somatic asymmetry. No muscle tenderness. No joint pain or irritation. No midline anomaly. Back straight. Spine: No deformity.

NEUROLOGIC EXAMINATION

MENTAL STATUS: Awake, alert, and oriented to person, place and time. Cooperative with normal comprehension and fluent speech.

CRANIAL NERVES:

I: Not tested.

II: Full visual fields by confrontation. Fundi through the undilated pupil: no abnormal pigmentation, discs of normal color, size and shape, no venous engorgement.

III, IV, VI: Full ocular motility without nystagmus. Pupils equal, round, reactive to light and accommodation.

V: Normal facial sensation bilaterally. Normal strength of mastication muscles.

VII: No facial weakness or asymmetry. Normal expression.

VIII: Hearing grossly normal.

IX, X: Palate elevates symmetrically.

XI: Normal strength of trapezius and sternocleidomastoid muscles. No atrophy.

XII: Tongue protrudes in midline; no fasciculations or atrophy.

MOTOR: Normal muscle bulk, tone, and strength. No adventitious movements.

REFLEXES: Deep tendon reflexes 2+ and symmetric. Plantar responses flexor. No pathological reflexes.

SENSORY: Intact to light touch, vibration, temperature and proprioception.

COORDINATION: No tremor or abnormal movement. Normal finger-to-nose and heel-to-shin. Normal gait. Normal tandem gait. Normal heel and toe walking. Romberg negative. Rapid alternating and rapid succession movements age appropriate.

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Page 3 of 8
(Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

IMPRESSION

Cheyenne is a 16-year-old right-handed white female with previous history of motor vehicle accident and reported traumatic brain injury with prolonged, postconcussive syndrome, present itself with depression, memory problems. She also has migraine headaches, and it is impossible to determine if it is related to the traumatic brain injury as they started almost four years after the accident although child did have some headaches during the time of the injury.

We discussed in details nonmedical preventive measures for the migraine headaches including a regular sleep-awake cycle, regular food intake, avoiding overheating, dehydration and food triggers such as monosodium glutamate, artificial sweeteners, nitrates, processed meat, and strong cheeses. I agree with primary doctor approach of trying Imitrex 100 mg at the onset of the migraine. The mother of the patient was advised against using that medication more than twice a week. Although the child has the medication, she has not tried it yet. Because of the side effect, she can go for some period of time without migraines I would advise that for prophylactic measures of the migraines, she would try to use magnesium supplements but this is not the medication that can be obtained in GNC store, one to two tablets a day for a couple of months would be recommended. In the meantime, I am hoping that we will receive the medical records from Altoona Hospital, and I would be able to review MRI scan as well as EEG reports and all additional reports to determine if further testing will be necessary. Most likely, we will need to obtain MRI scan of the brain to see the consequences of injury as well as obtain an EEG, as mom reports occasional recurrence of the staring episodes. Also, it would be beneficial to obtain an EEG in view of the memory problems to make sure child that does not have subclinical seizures. In addition, Child Developmental Unit evaluation with formal cognitive testing most likely will be also recommended. Mom is to contact us in a couple of days to make sure that we received prior medical records and finalize the future testing plans. Due to the fact that the family is living far away from us, we will try to combine all the testing in the minimal amount of visits. Follow up will be as necessary with Neurology. For the communications and test results, mom is to contact my nurse practitioner, Robyn Neft, 412-692-6484.

Thank you very much for allowing me to participate in the care of this young girl. If you have any further questions, please do not hesitate to contact me.

Inna Valsleib MD
Assistant Professor of Pediatrics

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Printed on: 3/5/2009 12:18

Page 4 of 6
(Continued)

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

and Neurology

D 02/25/2009 14:21:00/iv
T 02/26/2009 08:58:56/acu
R *

pc:
George C Mosch II MD, Referring Physician

MEDICAL NEUROLOGY EVALUATION
<start header>Page 4

HAHN, CHEYANNE
MRN 1257860
DOS 02/24/2009
<end header>

<START HEADER>

Ira Bergman MD PhD DIVISION OF CHILD NEUROLOGY Reshida Brookins RN
Rajiv R Varma MD Day (412) 692-5520 Elaine Buddle RN
Lisa Abraham MD Night (412) 692-5326 Jennifer Desimone RN
Hoda Abdel-Hamid MD FAX (412) 692-6787 Jennifer Diserio CRNP CPNP
Gulay Alper MD Julie Dlugos CRNP
Miya Asato MD Tammy Eaton RN BSN
Keith Coffman MD Maria Kicinski RN
Patricia K Crumrine MD Melanie Lawrence RN
Robyn Filpink MD Robin Neft CRNP
Catherine Foley-D'Agostino MD Emily Oberst PA-C
Satyanarayana Gedela MD Linda Prepelka RN BSN
Amy C Goldstein MD Michelle Reitz RN
Deborah L Holder MD Katie Seibel RN
Monica R Naik MD Rachel Thiebaud PA-C
Michael J Painter MD Tammy Tremba RN CDDN
Robert A Saffler MD Terry VanSickle RN
Inna Vaisleib MD

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Page 6 of 6
(Continued)

5

Neurology

HAHN, CHEYANNE M - 1257860

* Preliminary Report *

Shelley Williams MD<END HEADER>

Completed Action List:

* Perform by VAISLEIB M.D., INNA on 25 February 2009 14:21

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Printed on: 3/5/2009 12:18

Page 6 of 6
(End of Report)

6



Children's | *of* **UPMC**
 Hospital of Pittsburgh

One Children's Hospital Drive
 4401 Penn Avenue
 Pittsburgh, PA 15224

Patient Name: **HAHN, CHEYANNE M**
 Medical Record Number: **1257860**
 Date of Birth: **07/25/1992**
 Financial Number: **1035585759**
 Date of Service: **02/24/2009**

R o o m i n g F o r m

Rooming Form
 02/24/09 11:31 am Performed by Schwartz, Amy I
 Entered on 02/24/09 11:31 am

| | |
|------------------|-----------|
| Measurement | |
| Admission Weight | 56.80 kg |
| Height | 158.20 cm |

ELECTRONIC PRINTOUT: ALL MODIFICATIONS MUST BE MADE INTO THE SOURCE SYSTEMS

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Format: CHP_H3FFD_OUTFT Page 1 of 13 Date/Time Printed: 5/26/2010 11:20 AM
 Chart Request ID: 2534251



Children's | *of* **UPMC**
Hospital of Pittsburgh

One Children's Hospital Drive
4401 Penn Avenue
Pittsburgh, PA 15224

Patient Name: HAHN, CHEYANNE M
Medical Record Number: 1257860
Date of Birth: 07/25/1992
Financial Number: 1035585759
Date of Service: 02/24/2009

O u t p a t i e n t N o t e s

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| Result Status: Final | Result Date/Time: 02/24/2009 11:26:00 |
| Performed By: | Reviewed By: |
| Signed By: | Signed Date/Time: |

8

EXHIBIT G-2

EXHIBIT G-2

Defendant's Motion to Compel Expert Discovery (*Hahn*)



Children's of
Hospital of Pittsburgh | UPMC

One Children's Hospital Drive
4401 Penn Avenue
Pittsburgh, PA 15224

Patient Name: **HAHN, CHEYANNE M**
Medical Record Number: **SMS1257860**
Date of Birth: **07/25/1992**
Financial Number: **1041116292**
Date of Service: **09/21/2010**

O u t p a t i e n t N o t e s

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| Performed By: VAISLEIB, INNA | Reviewed By: |
| Signed By: VAISLEIB MD, INNA | Signed Date/Time: 01/12/2011 11:16:31 |

NU

*****FINAL REPORT*****

MEDICAL NEUROLOGY EVALUATION

HAHN, CHEYANNE
MRN 1257860
DOB 07/25/1992
DOS 09/21/2010

Dear Dr Mosch

I had pleasure to see your patient Cheyanne, 18-year-old right handed Caucasian female for a follow up of her numerous complaints. She was last time in February of 2009. At that time she was evaluated for memory loss, depression, and severe headaches. Mother reported to me that child had been involved in motor vehicle accident in December of 2005.

At that point in time, I diagnosed her with the migraine headache. It was impossible to determine if that was related to the traumatic brain injury as headaches started almost four years later after the accident, although she had some headaches during the time of the injury. Subsequently, we obtained an MRI of the brain to evaluate for possible sequela of the head trauma. That MRI was performed on May 5, 2009 and it was within normal limits without any findings to suggest sequela of trauma. The patient also had an ambulatory three day EEG on November 3, 2009 through November 5, 2009 which was completely within normal limits. Multiple events of headaches recorded during that time without EEG correlation. The patient also had a formal neuropsychological evaluation performed on July 16, 2009 by Dr Hilary Feldman. The results of the evaluation indicated average cognitive abilities with some difficulties with respect to the executive functioning skills. Dr Feldman indicated that these difficulties may be related to residual effects of the motor vehicle accident and head injury. However, additional premorbid factors associated with the difficulties have been identified, in particular history of sexual molestation which occurred prior to the motor vehicle accident and history of significant family conflict. Based on the information received Dr.Feldman concluded that it is

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Page 1 of 4

Date/Time Printed: 5/9/2011 3:06 PM
Chart Request ID: 4223002

58



O u t p a t i e n t N o t e s

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| Result Status: Final | Result Date/Time: 09/21/2010 00:00:00 |
| Performed By: VAISLEIB, INNA | Reviewed By: |
| Signed By: VAISLEIB MD, INNA | Signed Date/Time: 01/12/2011 11:16:31 |

likely that there are some factors related to the motor vehicle accident and perhaps exacerbated problems that may have been evident prior to the time of the accident.

The patient is also followed by the psychiatrist Dr Lora Harvatine in SunPointe Health State College, PA for her psychiatric problems including mood disorder secondary to closed head injury, cognitive impairment, posttraumatic stress disorder, and personality change secondary to closed head injury as indicated on the noted dated on September 4, 2009. Mother reports that current treatment with Lamictal is beneficial for her mood swings and anger management.

Her headaches have resolved.

The family is in litigations regarding the motor vehicle accident in 2005.

MEDICATIONS

Lamictal 200 mg twice a day.

ALLERGIES

1. Penicillin- hives
2. Morphine- emesis and delirium.

REVIEW OF SYSTEMS

Chest: No shortness of breath or respiratory difficulties. Heart: No chest pain, regular pulse. Abdomen: No abdominal pain or unusual vomiting or diarrhea. Kidneys: No difficulty urinating or abnormal urine. Skin: No unusual rashes. Joints: No joint swelling or pain. Ears, nose, and throat: No chronic disease of ears, nose or throat. Remainder of review of systems is negative.

PHYSICAL EXAMINATION

VITAL SIGNS: Height is 159 cm, weight is 54.9 kg, OFC is 54 cm, blood pressure 120/59, pulse 86, and respirations 16.

GENERAL: Well-developed, well-nourished, pleasant, and cooperative for the examination.

SKIN: No stigmata of neurocutaneous disorder. No cafe-au-lait spots or hypopigmented lesions.

HEENT: Normocephalic contour. Scalp hair of normal color, texture, and distribution. No cranial, orbital, or cervical bruits. External auditory canals: patent, clear. Mucous membranes, tongue, teeth: normal. Pharynx: non-injected.

NECK: Full range of motion, supple.

HEART: Normal S1 and S2 without murmurs.

CHEST: Normal breath sounds without wheezes or rales.

ELECTRONIC PRINTOUT: ALL MODIFICATIONS MUST BE MADE INTO THE SOURCE SYSTEM



O u t p a t i e n t N o t e s

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| Result Status: Final | Result Date/Time: 09/21/2010 00:00:00 |
| Performed By: VAISLEIB, INNA | Reviewed By: |
| Signed By: VAISLEIB MD, INNA | Signed Date/Time: 01/12/2011 11:16:31 |

ABDOMEN: Soft, active bowel sounds. No organomegaly.
ORTHOPAEDIC: No somatic asymmetry. No muscle tenderness. No joint pain or limitation. No midline anomaly. Back straight. Spine: No deformity.

NEUROLOGIC EXAMINATION

MENTAL STATUS: Awake, alert, and oriented to person, place and time.
Cooperative with normal comprehension and fluent speech.

CRANIAL NERVES:

- I: Not tested.
- II: Full visual fields by confrontation. Fundi through the undilated pupil: no abnormal pigmentation, discs of normal color, size and shape, no venous engorgement.
- III, IV, VI: Full ocular motility without nystagmus. Pupils equal, round, reactive to light and accommodation.
- V: Normal facial sensation bilaterally. Normal strength of mastication muscles.
- VII: No facial weakness or asymmetry. Normal expression.
- VIII: Hearing grossly normal.
- IX, X: Palate elevates symmetrically.
- XI: Normal strength of trapezii and sternocleidomastoid muscles. No atrophy.
- XII: Tongue protrudes in midline; no fasciculations or atrophy.

MOTOR: Normal muscle bulk, tone, and strength. No adventitious movements.
REFLEXES: Deep tendon reflexes 2+ and symmetric. Plantar responses flexor. No pathological reflexes.
SENSORY: Intact to-light touch, vibration, temperature and proprioception.
COORDINATION: No tremor or abnormal movement. Normal finger-to-nose and heel-to-shin. Normal gait. Normal tandem gait. Normal heel and toe walking. Romberg negative. Rapid alternating and rapid succession movements age appropriate.

SOCIAL HISTORY

The patient completed school and working now at the store as a cashier.

IMPRESSION

Cheyenne is an 18-year-old right handed Caucasian female with previous history of memory loss depression, severe headaches, and motor vehicle accident in December of 2005. Her headaches are resolved at the present time. Her mood instability seems to be managed by the psychiatrist and improving at the present time. Her cognitive dysfunction as evaluated by Dr Hilary Feldman on July 6, 2009, are primarily in the high executive functioning area and otherwise average ability has been identified. The casual relationship between

(60)



Children's | of
Hospital of Pittsburgh | UPMC

One Children's Hospital Drive
4401 Penn Avenue
Pittsburgh, PA 15224

Patient Name: HAHN, CHEYANNE M
Medical Record Number: SMS1257860
Date of Birth: 07/25/1992
Financial Number: 1041116292
Date of Service: 09/21/2010

O u t p a t i e n t N o t e s

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| Result Status: Final | Result Date/Time: 09/21/2010 00:00:00 |
| Performed By: VAISLEIB, INNA | Reviewed By: |
| Signed By: VAISLEIB MD, INNA | Signed Date/Time: 01/12/2011 11:16:31 |

motor vehicle accident and history of the conditions outlined is unclear. No formal neurological follow up is recommended at the present time but I will be happy to see Cheyenne in the future if new problems would arise.

Thank you very much for allowing me to participate in the care of this young girl. If you have any further questions, please do not hesitate to contact me.

Inna Vaisleib MD
Assistant Professor of Pediatrics
and Neurology

D 10/22/2010 12:19:00/iv
T 10/23/2010 09:21:50/acu
R *

pc:
George C Mosch II MD, PCP

This document has been electronically signed by Inna Vaisleib MD on 01/12/2011 11:16:26.

MEDICAL NEUROLOGY EVALUATION

66



Children's | of
Hospital of Pittsburgh | UPMC

One Children's Hospital Drive
4401 Penn Avenue
Pittsburgh, PA 15224

Patient Name: **HAHN, CHEYANNE M**
Medical Record Number: **SMS1257860**
Date of Birth: **07/25/1992**
Financial Number: **1036169165**
Date of Service: **05/05/2009**

R a d i o l o g y

| | | | |
|--------------------------------------|--|--------------------------------|---|
| File Number: 11-158-120017 | Procedure Date/Time: 05/05/2009 16:31:00 | Procedure: MRI Brain | Ordering Provider: VAISLEIB, INNA |
|--------------------------------------|--|--------------------------------|---|

MRI Brain

EXAMINATION PERFORMED:

MR BRAIN WITHOUT CONTRAST 05/05/09 1603 HOURS

CLINICAL HISTORY:

Severe headaches, memory loss and depression. The patient had head injury in December 2005.

TECHNIQUE:

Sagittal short TR/short TE, axial long TR/short TE and MPGR, axial and coronal long TR/long TE and FLAIR images were obtained. The study is performed without intravenous contrast.

COMPARISON:

No comparison studies are available.

FINDINGS:

The ventricles and gyri are normal in appearance and gray-white matter differentiation is unremarkable.

The corpus callosum is fully formed and myelinated and the craniocervical junction is normal. No abnormality of the pituitary hypothalamic axis is present.

No intraaxial foci of abnormal signal are present. There are no anomalies. Flow void is present in all the major intracranial vessels.

There is mild mucosal thickening within the right frontal, bilateral ethmoid and maxillary sinuses and within the patient's right sphenoid air cell. The middle ears and mastoids are clear.

IMPRESSION:

1. UNREMARKABLE UNENHANCED MRI OF THE BRAIN. IN PARTICULAR NO FINDINGS TO SUGGEST THE SEQUELA OF TRAUMA.
2. MILD PARANASAL SINUS DISEASE AS DESCRIBED ABOVE.

END OF IMPRESSION:

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Page 1 of 1

Date/Time Printed: 5/9/2011 3:07 PM
Chart Request ID: 4223003

(62)



Children's | of
Hospital of Pittsburgh | UPMC

One Children's Hospital Drive
4401 Penn Avenue
Pittsburgh, PA 15224

Patient Name: HAHN, CHEYANNE M
Medical Record Number: 1257860
Date of Birth: 07/25/1992
Financial Number: 1035792769
Date of Service: 05/04/2009

O r d e r s

Order Date/Time 03/17/2009 19:31:56

| | | | |
|--|-----------------|------------------------------|-------------------------------|
| Orderable Admission History Assessment | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SYSTEM | | Action Personnel SYSTEM | |
| Review Information N/A | | | |
| Order Details 03/17/09 19:31:56 | | | |

03/17/2009 19:31:56: Ordered by system. (CHP_ADMISSION_INPATIENT)

Order Date/Time 04/29/2009 15:36:59

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|---|-----------------|--|-------------------------------|
| Orderable Admit to | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details Unit: 5STH, Condition: Good, Diagnosis: spells, Service: Neurology, Physician: Dr Vaisleib, 05/04/09 6:00:00, Future Order, Constant Indicator | | | |

Order Date/Time 04/29/2009 15:36:59

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Discharge | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details Status Alive, 05/05/09 5:35:00, Pt may be discharged on the completion of EEG, Resume activities, Resume usual diet, Take Medication as prescribed. Wound care not applicable | | | |

Order Date/Time 04/29/2009 15:36:59

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Up Ad Lib | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details 05/04/09 6:00:00, Future Order | | | |

63



Children's | of
Hospital of Pittsburgh | UPMC

One Children's Hospital Drive
4401 Penn Avenue
Pittsburgh, PA 15224

Patient Name: HAHN, CHEYANNE M
Medical Record Number: 1257860
Date of Birth: 07/25/1992
Financial Number: 1035792769
Date of Service: 05/04/2009

Order Date/Time 04/29/2009 15:36:59

| | | | |
|--|-----------------|--|-----------------------|
| Orderable Regular (4 yrs & >) Diet | Action Order | Order Status Discontinued | Type of Order Diet |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details 05/04/09 6:00:00, Future Order | | | |

Order Date/Time 04/29/2009 15:36:59

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Height | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details ONCE, Routine, On admission, 05/04/09 6:00:00, Future Order | | | |

Order Date/Time 04/29/2009 15:36:59

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Weight | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details ONCE, Routine, On admission, 05/04/09 6:00:00, Future Order | | | |

Order Date/Time 04/29/2009 15:36:59

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Occipital Frontal Circumference | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details ONCE, Routine, On admission, 05/04/09 6:00:00, Future Order | | | |

Order Date/Time 04/29/2009 15:36:59

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Vital Signs | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details ONCE, Routine, On admission, 05/04/09 6:00:00, Future Order | | | |

64



Children's | of
Hospital of Pittsburgh | UPMC

The Children's Hospital Drive
4401 Penn Avenue
Pittsburgh, PA 15224

Patient Name: HAHN, CHEYANNE M
Medical Record Number: 1257860
Date of Birth: 07/25/1992
Financial Number: 1035792769
Date of Service: 05/04/2009

Order Date/Time 04/29/2009 15:37:00

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Vital Signs | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details QAM, Routine, 05/04/09 6:00:00, Future Order | | | |

Order Date/Time 04/29/2009 15:37:00

| | | | |
|--|-----------------|--|---|
| Orderable Precautions Seizure | Action Order | Order Status Discontinued | Type of Order Patient Care/Communication |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details 05/04/09 6:00:00, Future Order | | | |

Order Date/Time 04/29/2009 15:37:00

| | | | |
|---|-----------------|--|----------------------|
| Orderable EEG Video | Action Order | Order Status Discontinued | Type of Order EEG |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details 05/04/09 6:00:00, Routine, ONCE, Spells (Staring or Other), Prolonged digital video EEG monitoring, Future Order | | | |

Order Date/Time 04/29/2009 15:37:00

| | | | |
|--|-----------------|--|-------------------------------|
| Orderable Education Seizure | Action Order | Order Status Discontinued | Type of Order Patient Care |
| Ordering Physician SITWAT M.D., BILAL | | Action Personnel SITWAT M.D., BILAL | |
| Review Information Nurse Review, Accepted - Fischer RN, Gina M, 05/04/2009 19:56:06 | | | |
| Order Details Routine, 05/04/09 6:00:00, Future Order | | | |

Order Date/Time 05/04/2009 18:16:30

| | | | |
|---|-----------------|-------------------------------------|---------------------------|
| Orderable acetaminophen | Action Order | Order Status Completed | Type of Order Pharmacy |
| Ordering Physician Contributor system, PYXISRX | | Action Personnel Pharmacy, Pyxis | |
| Review Information N/A | | | |
| Order Details Cabinet, ONCE, Start: 05/04/09 18:16:37, Physician Stop, Stop: 05/04/09 18:16:37 | | | |

65

EXHIBIT H

EXHIBIT H

Defendant's Motion to Compel Expert Discovery (*Hahn*)

HAHN, CHEYANNE
MRN 1257860
DOB 07/25/1992
DOS 07/16/2009

CHILD DEVELOPMENT UNIT EVALUATION REPORT

LAWRENCEVILLE OFFICE

COPY

IDENTIFYING INFORMATION

Parents: Lorraine and Jeffrey Hahn (divorced)
Address: PO Box 23
Kylertown, PA 16847
Telephone: 814-345-6501
Grade: Entering 12th in 2009-2010 academic year
Physician: George C Mosch II MD
Referral Source: Inna Vaisleib MD (Neurology Department)

CDU Evaluator: Hilary Feldman PhD

REASON FOR REFERRAL

Cheyanne is a 16-year, 11-year-old white female who was referred for the present neuropsychological evaluation by Dr Inna Vaisleib in the Neurology Department for evaluation of her functioning in order to make a diagnosis and make recommendations. Her mother and Cheyanne both question whether Cheyanne will continue to have to live with behavioral and memory impairments as a result of a motor vehicle accident which occurred in December 2005 when she was 13-1/2 years of age. Cheyanne questions whether she will be able to pursue more independent functioning, including attending college. Her mother questions what is wrong and what she needs to do. Her mother also indicated that she presently has a lawyer and that they are pursuing legal action against Cheyanne's father who was driving a car at the time of the motor vehicle accident.

BACKGROUND INFORMATION

Cheyanne and her mother had no reported concerns prior to the MVA in which she was involved in December 2005. At that time her father was driving a car in inclement weather, lost control, and Cheyanne was unconscious and taken to Altoona Hospital. Cheyanne was not wearing a seat belt at the time of the accident. Her father was not significantly hurt. Cheyanne was reportedly unconscious for at least half an hour. She stated that she remembered driving in the car with her father and being concerned about the weather prior to the accident. She remembers waking up several times for brief periods while being taken to the hospital and then remembers waking up in the hospital. Cheyanne remained in the NICU for 3-4 days prior to going to a regular room for a short period of time and then being discharged. She had two brain bleeds and the previous report from the neuropsychologist indicated that a CT scan revealed evidence of a "small right temporal contusion." No specific treatment or rehabilitation was recommended at the time of discharge. She was referred to Dr. Clark, a neurologist in the family's local area, who has continued to follow her. Initially, Cheyanne had no significant problems that were noted and she returned to school as scheduled after the winter holiday. Her mother stated that school staff were not aware of the accident. In April-May 2006, Cheyanne started to complain that she didn't remember how she got from one place to another which resulted in Cheyanne's being referred for further evaluation. At approximately this time, her grades started to drop and one of her teachers reported to her mother that he saw a change in Cheyanne's behavior. Dr. Clark subsequently referred Cheyanne for neuropsychological assessment by Dr. D'Agora in the family's local area who saw her on two occasions in March 2007 and April 2008. Dr. D'Agora did find some deficits with respect to

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

memory and did recommend that some modifications be made within the school setting. (Please see the next section headed "Previous Evaluation" for more detailed information.) The report was reportedly given to the school, but no IEP was obtained until March 2009.

Cheyenne reportedly was able to maintain average grades between 7th and 9th grades, although her performance was not as good as it had been prior to her MVA with her grades dropping from As and Bs to Bs and Cs. There was a marked deterioration in her skills and behavior in 10th grade at which time she had increased frustration. Cheyanne has complained of memory loss. She was noted to have "confusion" initially after the MVA, but this has subsided. During the past academic year, in 11th grade, Cheyanne went to a vo tech program where she took academic classes at the high school for one-half of the day and she attended vo tech classes for the other half of the day. She also obtained an IEP in the spring of this year. She reportedly did well in her vo tech program where she took courses in health occupations and she obtained a 4.0 grade point average. She obtained poor grades in her regular subjects in school and failed math. However, since she has an IEP, she did pass 11th grade and will be a senior for the next academic year.

Behaviorally, Cheyanne has had most difficulty with respect to emotional lability with her becoming easily frustrated and acting out behaviorally. Her mother states that she "panics and cannot express her emotions as she used to" Prior to the time of the MVA, Mrs. Hahn stated that the only behavioral concerns were that Cheyanne would want to hug teachers. Over the past several years, Cheyanne has displayed behavioral difficulties. In 10th grade, she became angry with peers at school and stated that she was going to go home, get a gun, and kill everyone. She also got into trouble for arguing with a bus driver. She previously was a social youngster, but now has fewer friends and often prefers to stay at home and sleep. Cheyanne was referred to the local counseling center in April 2008 and she has obtained counseling services since this time. Services have been provided both at school and in the counseling center. She is presently being seen on a biweekly basis and sessions occur individually with Cheyanne and her mother as well as jointly with both Cheyanne and her mother. Cheyanne previously had a history of depression resulting in self mutilation (cutting), but this is not reportedly occurring at the present time. She has had a history of suicidal ideation and two previous suicidal attempts which she has told her mother about well after the events. She stated that approximately two years ago she sat down in middle of a road waiting for a car to hit her which she disclosed to her mother shortly after another youngster, several years younger than Cheyanne, apparently died as a result of the same behavior. Cheyanne also indicated that she had taken a handful of pills previously, but her mother was not aware of this until well after the time that it occurred and she apparently did not require any medical treatment. Due to depressive symptoms, Cheyanne has been prescribed Celexa (20 mg. tid) by her neurologist which has been helpful in alleviating symptoms of major depression and suicidal ideation. She also had been previously prescribed Aricept and the Exelon patch due to memory loss, but these were discontinued due to negative side effects.

Other emotional and behavioral concerns include attentional problems, distractibility, difficulty starting and completing tasks, and difficulty with sustained attention. Cheyanne complains of continual mood swings and nervousness, as well as depression, excessive sleeping, and concerns about her future. She often feels keyed up and panicky. She tries hard not to act on impulses when frustrated; for instance, she came to the appointment with an ambulatory EEG and verbalized that she felt like taking it off or throwing it. She is very impulsive and will blurt out many things that come to her mind. Cheyanne does have a driver's permit, but her mother does not want her to obtain her license and drive independently due to concerns about her judgment, lack of concentration, and impulsive behavior. However, she reportedly is able to drive a motorcycle when she visits her father.

Cheyenne has a history of migraine headaches which reportedly have become increasingly severe. She was seen by Dr. Vaisleib in the Neurology Department at Children's Hospital in February 2009 and was prescribed Imitrex as well as magnesium supplements. Cheyanne complained that Imitrex made her feel ill so she is not using this medication. She continues to complain of migraines on an intermittent basis. She did complain of one at the time of the current evaluation which she related to her having an ambulatory EEG for the past several days which was bothering her. Her mother stated that she had previously had a migraine approximately one month ago which may have been related to stress, when there was legal action taken against her father.

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

There have been significant psychosocial stresses. Cheyanne's father reportedly was emotionally abusive to Cheyanne and her mother with him belittling them and calling both Cheyanne and her mother names and swearing. He reportedly has significant difficulty with anger control and has smashed objects, including glass objects. Cheyanne's mother denied any concerns about physical or sexual maltreatment toward Cheyanne. When asked, Cheyanne also denied physical or sexual maltreatment by her father. Her mother endorsed one incident of domestic violence. Cheyanne was reportedly sexually molested on an ongoing basis by her friend's older brother who is 3 years older than Cheyanne when Cheyanne was 10-13 years of age. This information was disclosed during the evaluation with Dr. D'Agora and there are presently legal proceedings with a hearing occurring on August 26, 2009. Cheyanne's mother was not aware of any behavioral changes at the time that the maltreatment was occurring. Cheyanne denied any other history of sexually inappropriate behavior toward her. When questioned, Cheyanne presently endorsed some alcohol usage and stated that she had previously gotten drunk on one occasion. She also endorsed smoking marijuana in the past. Cheyanne does smoke cigarettes, particularly during the summer, with her smoking approximately 1 1/2 packs a day. In terms of sexuality, Cheyanne states that she is gay and she has had a relationship with another female.

PREVIOUS EVALUATIONS

Cheyanne had been previously evaluated by Dr Wayne D'Agaro, a neuropsychologist in the family's local area. She was first evaluated in March 2007 based on referral by her neurologist, Dr Clark, for a neuropsychological consultation in order to clarify her functioning after the motor vehicle accident in December 2005. At that time she was found to meet criteria for a diagnosis of Cognitive Disorder NOS secondary to the motor vehicle accident resulting in a mild traumatic brain injury. She was also diagnosed with a Major Depressive Disorder and Anxiety Disorder NOS. The results of the evaluation revealed a number of problem areas cognitively, emotionally, and behaviorally. This included "borderline-to-mild difficulty with visual confrontation naming and phonemic verbal fluency, attention and information processing, and new learning and memory." She was noted to have some weaknesses with respect to her academic achievement. Emotionally, she was described as "experiencing a moderate degree of depression and anxiety." Dr D'Agaro stated that "these collective problems, in my professional opinion, were not present prior to Cheyanne's closed head injury." Recommendations were made for follow-up medically, individual counseling, modifications within her school program, sharing the report with the school, and referral during her junior year of high school to the Office of Vocational Rehabilitation. Scores on testing indicated average cognitive abilities with average to above average verbal comprehension and perceptual reasoning skills as well as processing speed skills. She displayed a score within the low average range on tasks measuring working memory skills. Scores on academic testing fell within the low average to the lower end of average range on reading, spelling, and math subtests, although Cheyanne was noted to do much better with arithmetic when she was allowed to use the calculator where she obtained a score within the high average range. Cheyanne obtained scores within the average range on testing of visual and verbal memory, auditory comprehension, and oral reception. She was found to have mild-to-moderate impairments in motor skills, sound perception, verbal learning, visual memory, and word naming.

Cheyanne was seen back for a follow-up appointment by Dr D'Agaro in April 2008. At that time the results indicated an "improvement in her ability to learn and retain new information, although her auditory attention and information processing, and visual confrontation naming and phonemic verbal fluency, remain impaired." Intellectually, Cheyanne's auditory/verbal and visual/nonverbal intellectual abilities were consistent with her estimated premorbid ability level. Her reading, spelling, and arithmetic results on the screening measure of academic achievement were also lower than expected, and inconsistent with her grades the first and second nine weeks of her sophomore year. From an emotional-behavioral perspective, Cheyanne was not found to be experiencing depression, anxiety, or cutting behavior. She was diagnosed with Cognitive Disorder Not Otherwise Specified secondary to a mild traumatic brain injury, Major Depressive Disorder, single episode, and Anxiety Disorder Not Otherwise Specified which were considered to be in partial to full remission. Recommendations were for sharing the report with the school, continued medical follow-up, continued individual counseling, continued modifications within the classroom, and referral to the Office of Vocational Rehabilitation.

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

Cheyenne was evaluated through the school district using the Woodcock-Johnson Test of Achievement-III in March 2009. At that time she obtained scores close to age and grade expectancy on phonemic awareness, spatial relations, concept formation, visual matching, incomplete words, and auditory working memory tasks. She displayed relative weaknesses on math calculation, math fluency, and number reasoning tasks. On the Behavior Assessment System of Children, Second Edition, which was completed by Cheyanne's mother, Cheyanne was reported to have significant difficulties (greater than the 95th percentile) on the following scales: Hyperactivity, Depression, Atypicality, and Attention Problems.

DEVELOPMENTAL AND MEDICAL HISTORY

Cheyenne was the 5-pound, 14-ounce product of a full-term pregnancy. There were no difficulties noted during the pregnancy, labor, or delivery. Her mother stated that developmental milestones were attained well within normal limits and there were no concerns about her functioning. Cheyanne did not attend a specific preschool program and did well when she transitioned into a kindergarten program. Cheyanne obtained average to above average grades with no behavioral concerns until after the time of the motor vehicle accident in December 2005. As previously noted in the background information portion of the report, difficulties were not significantly problematic until Cheyanne's 10th grade year when emotional/behavioral issues became more of a significant concern. However, based on the evaluation by Dr D'Agaro in March 2007 when Cheyanne was 14 years of age, Cheyanne was noted to have some deficits with respect to cognitive skills and was diagnosed with a Cognitive Disorder NOS, as well as a major depressive disorder and an anxiety disorder not otherwise specified.

Cheyenne did well medically until the time of the motor vehicle accident. As previously noted, she was hospitalized for three to four days in the ICU and was found to have a small right temporal contusion on a CT scan. She was followed by Dr Clark, a neurologist in the family's local area, who had prescribed Aricept initially and later also prescribed Celexa due to depression. Aricept was subsequently discontinued due to negative side effects. There has been a history of significant headaches. Cheyanne was subsequently referred to Children's Hospital where she was seen by Dr Inna Vaisleib in the Neurology Department in February 2009 who diagnosed migraine headaches. At that time Dr Vaisleib focused on concerns regarding headaches and prescribed Imitrex as needed as well as magnesium supplements. She also recommended that she obtain an MRI and EEG which were found to be normal. However, at the time of the current evaluation Cheyanne had an ambulatory EEG in order to completely rule out any concerns about seizure activity as there had been a history of some staring episodes.

FAMILY HISTORY

Cheyenne presently lives with her mother. Her parents are divorced and Cheyanne does have some, but inconsistent, involvement with her father. Her parents were separated when Cheyanne was approximately 10 years of age. Cheyanne also has a 30-year-old half-sister who lives independently and is married with a family. Cheyanne's mother reported no family history of developmental, learning, or behavioral/emotional difficulties. However, Cheyanne's mother did report that she has obtained counseling services for herself and that that Cheyanne's father has a history of significant anger management difficulties.

ASSESSMENT OF CHEYANNE

The present evaluation included a review of parent and school questionnaires, an interview with Cheyanne and her mother, as well as observation of Cheyanne in a clinical setting. In addition, the following evaluative tests were administered in order to make a diagnosis, address functional concerns, and make recommendations:

1. Wechsler Abbreviated Scale of Intelligence (WASI)
2. Wechsler Memory Scale-Third Edition
3. Wide Range Assessment of Memory and Learning-Second Edition (Design Memory subtest)
4. Delis-Kaplan Executive Function System (selected subtests)
5. Vanderbilt Parent Assessment Scale, Child Behavior Checklist, Behavior Rating Inventory of Executive

HAHN, CHEYANNE
MEN 1257860
DOS 07/16/2009

- Function, and Conners' Parent Rating Scale-Revised (completed by mother)
6. Youth Self Report (completed by Cheyanne)
 7. Vanderbilt Teacher Assessment Scale (completed by teacher)

OBSERVATIONS AND TEST BEHAVIOR

Cheyenne was accompanied to the appointment by her mother. A psychology intern also participated in the evaluation. Cheyanne presented as an attractive, well-developed adolescent who appeared to be her chronological age. She was connected to an ambulatory EEG during the present appointment. She was able to transition along with her mother and the examiners. During the initial interview, Cheyanne was verbal and displayed age appropriate speech and language skills and was able to make appropriate eye contact. She endorsed having difficulties learning and remembering school material, as well as emotional difficulties and frequent headaches and migraines. She complained of distress and headache due to her wearing the ambulatory EEG and indicated her desire for to be taken off which was to occur after the present appointment. During the initial interview, she complained about mood changes and appeared labile. Her affect did not match what she was saying and she did not appear sad or unhappy. She complained of difficulty remembering information and often looked to her mother or asked her mother to clarify information, stating that she had "no clue" about some of the things that were asked of her. However, at other times, she was able to be relatively detailed and able to volunteer and elaborate on information. She indicated most concerns about whether she was always going to feel the way that she was feeling presently with memory problems and mood swings and she indicated concerns about whether she would be able to function normally in the future.

During the open-ended interview, Cheyanne continued to indicate concerns about her memory and mood changes. She was verbal and she was oriented to person and place. She did talk quickly, was often dramatic, smiled as she spoke, and did not appear in any distress, even when talking about difficult issues. When asked about priorities regarding having things get better, she indicated that she wanted help with note taking in school and stated that she did best with both hands-on instruction as well as written instruction. She reported that she felt that she was doing better in her votech program as there was a "hands-on" approach. She reported that the Celexa seemed to help her depression and she did not have suicidal ideation and had not attempted any other self-harm since being prescribed this medication. She related, however, that she did continue to be concerned about mood changes as she often went from one mood to another with at times feeling bored and at other times feeling that she just wanted to die, although she felt that she would not act on these feelings. She indicated becoming angry easily with her screaming and cursing, and particularly calling her father names. She also reported that she felt very keyed-up, like she could jump out of a window. When questioned, she reported having a pretty good relationship with mother, but often becoming angry and having difficulty getting along with her father. As previously noted, she reported that she does smoke approximately 1 1/2 packs of cigarettes during the summer and less during the school year. She did not report significant substance usage, although she had previously used alcohol and marijuana, but did not believe that this was a significant concern. She reported sexual molestation by her friend's brother, but denied any other history of sexual or physical maltreatment. She denied any current suicidal intent.

Cheyenne stated that she was primarily concerned with her difficulty learning and remembering material at school, especially information presented orally because she worries she may not be able to function in a work environment. She also revealed that she is concerned about her emotional difficulties, noting that she experiences mood swings such that she can feel tired one moment and suddenly feel very energetic or extremely angry. Cheyanne did acknowledge depressive symptoms and wanting to kill herself in the past, but that she has not experienced suicidal intents since starting anti-depressants.

Cheyenne was able to separate along with a psychology intern to begin testing. During the evaluation, she was able to be directed to be seated and perform tasks presented. She presented as a pleasant, compliant adolescent during the evaluation, but was dramatic in her presentation and often commented on how she felt about tasks presented. She was able to articulate her learning and emotional difficulties. During formal testing, Cheyanne was generally attentive to tasks presented and persisted even as items became difficult for her. Although Cheyanne endorsed experiencing a headache at the onset of testing and became hungry and irritable as the evaluation progressed,

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

Cheyenne continued to participate until the testing was terminated. It is felt that the evaluation is a valid representation of her skills.

BEHAVIORAL REPORTS

Cheyenne's mother completed standardized behavioral rating forms which are measures of children's attentional, emotional, and behavioral difficulties. Scores greater than the 95th percentile are considered to be statistically significant. On the Child Behavior Checklist, Cheyanne was rated above the clinically significant range on the Internalizing Problems (98th percentile) and the Total Problems (95th percentile) composite scales. She was rated above the clinically significant range (at or above the 97th percentile) on the Withdrawn/Depressed, Somatic Complaints, and Attention Problems scales. She was rated above the clinically significant range on the Affective Problems, the Somatic Problems, and the Attention Deficit/Hyperactivity Problems scales on the DSM-Oriented scales for Girls. On the Conners' Parent Rating Scale-Revised, Cheyanne was rated within the clinically significant range (95th percentile) on the Conners' ADHD Index. On the Behavior Rating Inventory of Executive Function, Cheyanne was rated as having significant difficulty within the Metacognitive Index with scores above the clinically significant range (96th percentile) on the Initiate and Working Memory scales, indicating difficulty beginning tasks and being able to manipulate and remember information required for multitasking. She was also rated as having significant difficulties (96th percentile) on the Emotional Control scale. She was also rated above the clinically significant range (96th percentile) on the Global Executive Composite which is a summary score that incorporates all scales of this measure, indicating significant difficulty with executive dysfunction. She was also rated above the clinically significant range (96th percentile) on the Emotional Control scale which measures the individual's ability to modulate emotional responses. On the Vanderbilt Parent Assessment Scale, Cheyanne was rated as having significant difficulties on the ADHD Predominantly Inattention scale. She was also endorsed as having significant difficulties in math but no other significant difficulties with respect to school performance or relationships.

Cheyenne completed the Youth Self Report which is a measure of emotional and behavioral difficulties endorsed by the individual. On this measure, Scores fell within the clinically significant range (95th percentile) on the Attention Problems scale and on the Attention Deficit/Hyperactivity Problems DSM-Oriented Scales for Girls. She was rated below the clinically significant range on all other scales, although some symptoms of anxiety and depression were endorsed.

One of Cheyanne's teachers completed the Vanderbilt Teacher Assessment Scale. On this measure Cheyanne was rated as having significant difficulties on the ADHD Predominantly Inattentive scale, including difficulty focusing and sustaining attention, difficulties completing school work and following through on instructions, difficulty with organization, losing things, forgetfulness, and distractibility. She was also rated as having four of nine symptoms of hyperactivity, including difficulties with hyperactivity, fidgetiness, talking excessively, blurting out answers before questions have been completed, and interrupting or intruding on others. She was also endorsed as having some depressive features, including feeling worthless and blaming herself for problems. She was endorsed as having difficulty in math, but performing within the average range in reading and written expression. She was endorsed as having "problematic" difficulties with assignment completion and organizational skills and that following directions and disrupting the class were "somewhat of a problem". On the narrative report, Cheyanne was described as friendly and strong-willed. She, however, was found to have difficulty handling stress, having relationship issues, and having academic issues.

COGNITIVE SKILLS

The Wechsler Abbreviated Scale of Intelligence was administered. This is a brief measure of verbal and nonverbal cognitive skills. An IQ score of 100 and a T score of 50 denote average performance.

| AREA/ | (T SCORE)/ | PERCENTILE | DESCRIPTIVE |
|-------|------------|------------|-------------|
|-------|------------|------------|-------------|

HAHN, CHEYANNE
MRN 1257850
DOS 07/16/2009

| SUBTEST | IQ SCORE | | LABEL |
|-------------------|----------|----|----------------------|
| Verbal IQ | 114 | 82 | High Average |
| Performance IQ | 93 | 32 | Average |
| Full-4 subtest IQ | 104 | 61 | Average |
| Verbal Area | | | |
| Vocabulary | (54) | 66 | Average |
| Similarities | (64) | 92 | Superior |
| Performance Area | | | |
| Block Design | (35) | 7 | Borderline |
| Matrix Reasoning | (56) | 73 | Upper end of Average |

There was a significant discrepancy between scores within the Verbal and Performance areas. Cheyanne displayed a relative strength (with a score within the high average range) within the Verbal area where she particularly excelled on a task measuring abstract verbal reasoning when she was required to tell how two words were the same. She obtained a score within the average range on the vocabulary subtest which is a measure of expressive vocabulary where she was required to define words.

Within the Performance area, there was significant variability among subtest scores which ranged between borderline and the upper end of average. Cheyanne displayed a relative strength (with a score at the upper end of the average range) on the Matrix Reasoning subtest which is a measure of nonverbal problem solving where she was required to complete matrix patterns. She displayed a relative weakness (with a score within the borderline range) on the Block Design subtest which is a measure of visual-motor organization.

VERBAL AND VISUAL MEMORY SKILLS

The Wechsler Memory Scale-Third Edition was administered. This is a measure of both verbal and visual memory skills. A scaled score of 10 and an Index score of 100 denote average performance.

| INDEX | INDEX SCORE | PERCENTILE | DESCRIPTIVE LABEL |
|------------------------------|--------------|------------|-------------------|
| Auditory Immediate | 105 | 63 | Average |
| Visual Immediate | 106 | 66 | Average |
| Immediate Memory | 106 | 66 | Average |
| Auditory Delayed | 97 | 42 | Average |
| Visual Delayed | 112 | 79 | High Average |
| Auditory Recognition Delayed | 95 | 37 | Average |
| General Memory | 103 | 58 | Average |
| SUBTEST | SCALED SCORE | PERCENTILE | DESCRIPTIVE LABEL |
| Logical Memory I | 9 | 37 | Average |
| Verbal Paired Associates I | 13 | 84 | High Average |
| Faces I | 13 | 84 | High Average |
| Family Pictures I | 9 | 37 | Average |
| Logical Memory II | 9 | 37 | Average |
| Verbal Paired Associates II | 10 | 50 | Average |
| Faces II | 14 | 91 | Superior |
| Family Pictures II | 10 | 50 | Average |

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

Letter-Number Sequencing 10 50 Average

Cheyenne obtained scores which ranged between average and high average within the auditory and visual immediate and delayed memory areas. Within the Auditory Immediate area, Cheyanne obtained a score within the average range. She also obtained a score within the average range within the Auditory Delayed area. She obtained a score within the average range on the Auditory Recognition Delayed area. Within the Visual area, Cheyanne obtained scores within the average to the upper average range with a score within the upper end of the average range within the Visual Immediate area and a score within the high average range within the Visual Delayed area. She obtained a General Memory score within the average range.

The Design Memory subtest of the Wide Range Assessment of Memory and Learning-Second Edition was administered in order to further evaluate abstract visual memory skills. On this measure, Cheyanne obtained a scaled score of 6 (9th percentile) on a subtest where she was required to remember abstract visual designs.

EXECUTIVE FUNCTION SKILLS

Selected subtests of the Delis-Kaplan Executive Function System were administered. A scaled score of 10 denotes average performance.

| TEST | SCALED SCORE | PERCENTILE | DESCRIPTIVE LABEL |
|------------------------------|--------------|------------|--------------------------|
| Color-Word Interference Test | | | |
| Color Naming | 7 | 16 | Low Average |
| Word Reasoning | 9 | 37 | Average |
| Inhibition | 6 | 9 | Lower end of Low Average |
| Inhibition/Switching | 3 | 1 | Deficient |
| Twenty Questions Test | | | |
| Total Questions | 5 | 5 | Borderline |
| Abstractions | 9 | 37 | Low Average |
| Trail Making Test | | | |
| Visual Scanning | 10 | 50 | Average |
| Number Sequencing | 10 | 50 | Average |
| Letter Sequencing | 11 | 63 | Average |
| Motor Speed | 12 | 75 | High Average |

Cheyenne obtained scores within the average to above average range on the Trail Making test where she was required to sequence numbers and letters, perform a visual scanning task, and perform a motor speed task. She was able to alternate and sequence between numbers and letters rapidly without difficulty. On the Color-Word Interference Test, Cheyanne obtained scores which ranged between deficient and average. She obtained a score within the average range when she was required to read words quickly. She obtained a score within the low average range when she was required to name colors quickly. She obtained a score at the lower end of the low average range on the Inhibition subtest which is a measure of the ability to inhibit verbal responses. She displayed a relative weakness (with a score within the deficient range) on the Inhibition/Switching task which is a measure of cognitive flexibility, indicating difficulties with executive function skills.

On the Twenty Questions Test, Cheyanne obtained a score within the average range with respect to her ability to be abstract initially, but obtained a score within the borderline range with respect to total questions. She was not able to sustain her initial abstract responses and she had difficulty utilizing categorical processing and feedback regarding her responses.



HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

SUMMARY AND RECOMMENDATIONS

Cheyanne is an adolescent who sustained a motor vehicle accident in December 2005 which reportedly resulted in a right temporal contusion. She has had a history of learning, memory, and emotional/behavioral difficulties since the time of the accident and she presently has an IEP, attends counseling services, and is prescribed Celexa. She also has developed migraine headaches since the accident. She was referred for the present evaluation by Dr Inna Vaisleib in the Neurology Department for a neuropsychological evaluation and her mother and Cheyanne wished to understand the nature of her deficits and whether these will be permanent. Cheyanne has complained of significant difficulties with memory, learning, and particularly emotional problems. She is in counseling services and has been diagnosed with a depressive disorder and anxiety related to her head injury. She is presently being prescribed Celexa which has been beneficial to reduce depressive symptoms, but she continues to display significant mood fluctuations. In addition, she complains that learning has been more difficult for her and she is very concerned about her ability to be productive and independent in the future. There have also been significant psychosocial stressors and the family is presently in litigation with respect to both pursuing liability for her father who was driving the car at the time of the motor vehicle accident and a history of previous sexual molestation. Cheyanne has had previous neuropsychological evaluation in 2007 and 2008 as a result of her head injury. Results of the evaluation indicated average cognitive abilities with a relative strength with respect to verbal comprehension skills and a relative weakness with respect to perceptual organization and working memory skills. She also displayed mild weaknesses and deficits with respect to visual memory, motor skills, visual confrontation naming, verbal fluency, attention, and emotional factors. She did do better at the time of the second testing as compared to the time of the first testing with improvements with her mood and behavior, but continued deficits with respect to auditory attention and information processing. She was doing better at the time of the second evaluation appointment with respect to her emotional and behavioral issues. She was diagnosed with Cognitive Disorder NOS secondary to a motor vehicle accident resulting in mild traumatic brain injury, Major Depressive Disorder, Single Episode and Anxiety Disorder NOS, in partial to full remission.

During the present evaluation, Cheyanne displayed a score within the average range on an abbreviated cognitive measure which is consistent with her previous testing. She displayed a relative strength within the verbal reasoning area with a score within the high average range and a relative weakness within the performance area with a score at the lower end of the average range. On testing of verbal and visual memory skills, Cheyanne obtained scores within the average to the above average range with respect to both verbal and visual memory skills, particularly when information was presented in story form or with repetition. She also displayed scores within the average to above average range with respect to remembering faces and elements of pictures. She displayed a relative weakness (with a score at the lower end of the low average range) on an abstract visual memory subtest.

Cheyanne displayed most significant difficulties with respect to executive functioning skills. It is felt that executive dysfunction is significantly negatively impacting on her performance at the present time. Recommendations are for continued therapy services. In addition, recommendations are for medication to be further evaluated by a psychiatrist to determine if she is on the right dosage and whether any additional medication to address attention and mood changes would be beneficial for her. It was discussed with Cheyanne and her mother that some of these difficulties that she has experiencing may continue, but she should be able to learn to manage them better with the use of medication as well as continued behavioral counseling. Cheyanne should continue to be supported in her vocational and social and functioning with services provided through individual and family counseling and through the Department of Vocational Rehabilitation. Cheyanne does display a number of strengths and these should continue to be supported. In particular, she is an adolescent with well-developed understanding skills and she has good verbal and visual memory skills with respect to information that is meaningful and repeated. She does display more difficulty with respect to visual and perceptual organization skills. Previous testing through her school recently indicated most difficulties with respect to math with scores suggestive of a specific math disability and she should have continued supports in this area.

It was discussed that difficulties that Cheyanne is experiencing are likely related to her motor vehicle accident;

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

however, it is felt that there may also be premorbid factors and stresses which have exacerbated difficulties. In particular, there is a history of sexual molestation which occurred prior to the motor vehicle accident and there is a history of significant family conflict. However, based on information received, it is likely that at least some factors are related to the motor vehicle accident and has exacerbated problems that may have been evident prior to the time of the accident.

DIAGNOSIS

- Axis I: 310.1 Personality Change Due to Motor Vehicle Accident (including attentional problems and mood fluctuations)
296.90 Mood Disorder Not Otherwise Specified
294.9 Cognitive Disorder Not Otherwise Specified
315.1 Mathematics Disorder
Depressive Disorder, Single Episode and Anxiety Disorder NOS (by history)
V61.21 Sexual Abuse of a Child
V61.20 Parent-Child Relational Problem (with father)
- Axis II: Deferred
- Axis III: History of Motor Vehicle Accident resulting in mild traumatic brain injury; migraine headache
- Axis IV: Severe family stressors including divorce of parents, family conflict, litigation, and previous sexual molestation
- Axis V: GAF= 50

Based on the evaluation, the following recommendations are being made:

1. School Placement: Recommendations are for continued support services with an IEP within the school program. Modifications should be made to the program. This report should also be shared with the school.
2. Vocational Planning: Recommendations are for services provided through the Office of Vocational Rehabilitation.
3. Behavioral Services: Recommendations are for continued intensive counseling services. Recommendations may also be to include a cognitive behavioral approach as part of the therapy in order to address current and future oriented concerns.
4. Instructional Strategies: Additional attentional and listening strategies may include:
 - a. Provide structure.
 - b. Be sure that Cheyanne is paying attention to the speaker during instructions and is not distracted by other sources.
 - c. Make eye contact when giving directions.
 - d. Break tasks into components.
 - e. Prepare Cheyanne to listen by stating, "Are you ready? I am going to tell you one (two) things now."
 - f. Allow time for Cheyanne to process instructions and complete tasks.
 - g. Verbalizations and directions to Cheyanne should be in small "chunks." Speak slowly and clearly, using short, simple sentences when directing Cheyanne. Likewise, directions should be brief, containing no more than one or two parts at a time.
 - h. Supplement oral directions with visual aids.
 - i. Use behavioral contracts that are specific and can be backed up with reinforcers at school or at home.
 - j. Help Cheyanne with motivation by providing rewards, interesting material, and frequent praise.

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

Educational Strategies may include:

- a. When working with Cheyanne, informational chunks should be kept small and manageable. The size of the chunks may vary according to Cheyanne's interest and knowledge base of the material.
- b. In order to determine if Cheyanne is understanding information being presented, it will be helpful to utilize on-line comprehension techniques at selected times. This may involve having Cheyanne provide an interpretation of a small unit of information prior to addressing the entire problem-solving task.
- c. It will be important for there to be multiple repetition of material and information, particularly when new material is being introduced as Cheyanne learns better with repetition. Trying to link new information with prior knowledge will also be beneficial in helping Cheyanne to acquire new information. Previewing information prior to the time that it is formally introduced in the classroom may be beneficial. New information should be reviewed regularly and comprehension of these materials should be frequently monitored.
- d. Information provided should be reviewed regularly and comprehension of materials should be frequently monitored.
- e. Cheyanne does better when information is presented more meaningfully and when there are contextual cues. Cheyanne may have more difficulty remembering a series of directions. Cheyanne will do better with repetition of information and when contextual cues are provided to aid with learning.
- f. Cheyanne may be better able to demonstrate knowledge of a topic/subject if provided with response formats that tap recognition memory. These might include matching, short answer and multiple choice test formats.
- g. It will be important to find strategies to support organizational skills. This may include providing charts and checklists which will enable Cheyanne to follow routines and multi-step directions. Providing encouragement and reinforcement for their use may strengthen their effectiveness.
- h. Provide specific and explicit instruction for reading which may include phonemic awareness activities with explicit instruction in segmenting and blending speech sounds, sight word drill and practice, daily writing activities, using a kinesthetic approach to letters which can be manipulated (e.g. magnetic letters for use in segmenting), and word building activities and application.
- i. Cheyanne will need help with math reasoning and calculation skills.

Additional adaptations for problems may include:

- a. Provide opportunities for Cheyanne to check over her work.
- b. Reduce workload and homework load.
- c. Provide a structured study guide.
- d. Have Cheyanne keep an assignment book.
- e. Help Cheyanne prepare a work plan for long range assignments.

Writing modifications may include:

- a. Written formulation should be taught explicitly starting with single sentences and later teaching paragraph writing.
 - b. When possible, lengthy written output should be kept to a minimum as writing is difficult for Cheyanne. If lengthy written assignments are required, they should be staged over time with instructional guidance.
5. Psychiatry Services: Recommendations are for Cheyanne to be evaluated specifically by a psychiatrist who can address medication issues, including concerns about mood lability and attention.
6. Follow-Up Services: Cheyanne should continue to be closely monitored regarding her skills. She should continue to obtain medical follow-up services as needed. At this time there is no specific follow-up appointment in the Child Development Unit; however, Cheyanne and her mother may contact this examiner in the future if

Page 12

HAHN, CHEYANNE
MRN 1257860
DOS 07/16/2009

needed.

It was a pleasure working with Cheyanne and her mother. Please contact Hilary Feldman at 412-692-6531 if there are additional questions.

This evaluation included one hour of diagnostic interview as well as five hours of neuropsychological testing, feedback, and report preparation.

Hilary Feldman PhD
PA Licensed Psychologist
Child Development Unit

D 07/17/2009 15:22:00/hf
T 07/19/2009 11:43:58/acu
R *

cc:

Mrs Hahn

Joseph Dale Clark MD

Inna Vaisleib MD

George C Mosch II MD, Referring Physician

This document has been electronically signed by Hilary Feldman PhD on 07/30/2009 12:15:01.

Parental Copy

12

EXHIBIT I-1

EXHIBIT I-1

Defendant's Motion to Compel Expert Discovery (*Hahn*)

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

FAX (814) 234-5620
www.mqblaw.com

April 28, 2011

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Re: Hahn v. Hahn
Clearfield County Case No. 2007-244-GD

Dear Attorney Noble:

Thank you for your letter of April 21, 2011. I will provide you with any records I receive from Dr. Vaisleib, assuming you agree to pay reasonable copying costs.

On a related note, I have now had a chance to review the report from Dr. Vaisleib that you forwarded to me on April 14, 2011. It is fairly clear from the report that Dr. Vaisleib will not provide the medical support needed for Cheyanne's claims.

You also indicated in your April 4, 2011 letter that Dr. Harvatine is no longer in the State College area, and that Cheyanne is now seeing Dr. Candace Good. Please provide me with any records from Dr. Good on your receipt of this letter. Please also identify for me any medical providers you will be calling in support of Cheyanne's claims. I need to be sure that I have the records or reports from any such providers to provide to the IME physicians.

Please note that I will be on a medical leave for the next several weeks. I will, however, be in contact with my office during most of that time. If you would please provide me with the information on Dr. Good and any other physicians or providers who will support Cheyanne's claims, I will work toward getting the defense evaluations rescheduled so that we can move this matter to resolution.

Thank you for your anticipated courtesy and cooperation.

Very truly yours,

MCQUAIDE BLASKO

By: 
Katherine V. Oliver

KVO/ms
cc: Ms. Carol Chiodo (#38-K816-720)

MCQUAIDE BLASKO, INC.

State College Office: John W. Blasko David M. Weisel Steven S. Hurvitz James M. Horne Wendell V. Courtney Darryl R. Slimak Daniel E. Bright Janine C. Gismondi
John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart
Livinia N. Ouwolé Cristin R. Long Anthony A. Simon Thomas S. Schrack Aaron T. Brooks Philip K. Miles, III Ashley D. Cooper
Suzette V. Sims Julia Cronin Rater Katherine E. Garren

Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Dragann Carolyn E. Moser

Hollidaysburg Office: J. Benjamin Yeager Sean M. Burke Michael P. Rutch Christopher T. Michclone

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

EXHIBIT I-2

EXHIBIT I-2

Defendant's Motion to Compel Expert Discovery (*Hahn*)

MCQUAIDE BLASKO

ATTORNEYS AT LAW

811 University Drive, State College, Pennsylvania 16801-6699
Additional offices in Hershey and Hollidaysburg

(814) 238-4926

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www.mqblaw.com

May 23, 2011

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Re: Hahn v. Hahn
Clearfield County Case No. 2007-244-GD

Dear Attorney Noble:

Enclosed please find copies of the records received from Dr. Vaisleib in response to my most recent subpoena.

Are you able to provide the records from Dr. Good as requested in my letter of April 28, 2011? Also, please identify any and all medical providers and/or therapists you will be calling in support of Cheyanne's claims. I would like to be sure that I have all updated records to send to the IME physicians.

Please advise relative to the records from Dr. Good and the identity of any medical/therapy witnesses to be called at trial on your receipt of this letter.

Very truly yours,

MCQUAIDE BLASKO

By: 
Katherine V. Oliver

KVO/ms
Enclosures
cc: Ms. Carol Chiodo (#38-K816-720) (no encs.)

MCQUAIDE BLASKO, INC.

State College Office: John W. Blasko David M. Weixel Steven S. Hurvitz James M. Home Wendell V. Courtney Darryl R. Slimak Daniel E. Bright Janine C. Gismondi
John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Aller Wayne L. Mowery, Jr. Chena L. Glenn-Hart
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Hershey Office: Grant H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Dragann Carolyn E. Moser

Hollidaysburg Office: J. Benjamin Yeager Sean M. Burke Michael P. Rutch Christopher T. Michelone

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

EXHIBIT I-3

EXHIBIT I-3

Defendant's Motion to Compel Expert Discovery (*Hahn*)

December 14, 2011

Via Fax and U.S. Mail

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(Fax: (814) 765-9377)

Re: Hahn v. Hahn, Clearfield County Case No. 2007-244-GD

Dear Attorney Noble:

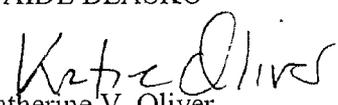
I have requested several times that you identify the physicians and/or other experts who will be called to support your clients' claims at the trial of this case. You last responded on May 31, 2011, by simply stating that you reserved "the right to call as witnesses at time of trial all of Cheyanne's medical providers who would be expected to testify in accordance with the records." You also stated a reservation of the "right to identify and call any experts that I fell[sic] is in Cheyanne's best interests."

Discovery is winding down and it appears that we will soon be in the position to place this case on the trial list. Accordingly, I would ask that you at this time identify all of the physicians and experts who will be called in support of Plaintiffs' claims at trial, and that you provide me with any reports that have not yet been produced in the discovery process. If I do not have satisfactory information from you on this issue within the next 10 days, I will proceed with preparation and filing of a Motion to Compel.

Very truly yours,

McQUAIDE BLASKO

By:


Katherine V. Oliver

KVO/sap

cc: Ms. Carol Chiodo (#38-K816-720)

EXHIBIT J

EXHIBIT J

Defendant's Motion to Compel Expert Discovery (*Hahn*)

FERRARACCIO & NOBLE

**301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377**

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

December 27, 2011

Re: Hahn v. Hahn;
07-244-CD

Dear Ms. Oliver:

As per my phone message of last week, I was able to meet and discuss this matter with the Hahns. In the event you want to follow up my message, return my call and discuss overall resolution of this case, please feel free to do so.

One of the topics which was discussed also concerned your last letter, which we all agreed was rather misguided and out of place, bordering on rude, considering it took you nearly 1 and 3/4 years to produce your expert reports. Although I concur that if we are not able to amicably resolve this matter along fair and equitable terms, then we do not proceed to get our ducks in a row for trial. This includes Cheyanne's treatment and condition being able to be explained. Given the findings of your neurologist, I am certain you understand the potential impact of Dr. Clark's impending testing.

One of those tasks will include Dr. Clark's findings from his nerve conduction testing scheduled on January 10th. As to other experts, I wanted to await your IME's prior to making final determinations and incurring those additional expenses. Besides a vocational rehab specialist, I will also try to contact Dr. Harvatine, whom as you know has left this area, to see if she has interest in testifying about Cheyanne's care, diagnosis, prognosis, and causative factors. Since it was Dr. Harvatine's care that seems to have provided Cheyanne with the most significant improvement. I feel it best to work with Dr. Harvatine in this regards if at all possible. If not, I will need to make other arrangements in this regards.

With all of this in mind, I am certainly willing to work with you towards a case management scheduling order of you want to proceed in that direction. If not, feel free to file any motion you like and we can trouble the judge to sort this out.

Please also find a relatively simple discovery request concerning a few issues.

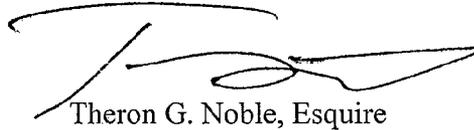
Page 2

Re: Hahn v. Hahn

December 27, 2011

With regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read 'Theron G. Noble', with a large, sweeping flourish above the name.

Theron G. Noble, Esquire

t1/TGN w.encl.

cc: Ms. Lorraine L. Hahn w.encl.

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

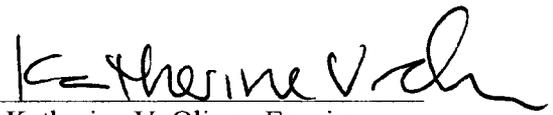
LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
 : No. 2007-244-GD
v. :
 :
JEFFREY K. HAHN, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Motion to Compel Expert Discovery in the above-captioned matter was served by U.S. 1st Class Mail, postage prepaid, on this 2nd day of February, 2012, to the attorneys/parties of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(F&X: 814-765-9377)

McQUAIDE BLASKO, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6624
Phone: (814) 238-4926

Attorneys for Defendant

FILED
FEB 08 2012
WILLIAM A. STINE
PROCLERK OF COURT

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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
 : No. 2007-244-GD
v. :
 :
JEFFREY K. HAHN, :
Defendant. :

ORDER

AND NOW, this ____ day of _____, 2012, upon consideration of Defendant's Motion to Compel Expert Discovery, Defendant's Motion is hereby GRANTED. Within 30 days from the date of this Order, Plaintiffs shall identify any physicians, counselor(s) and/or trial experts to be called at the trial of this matter in support of their injury claims, and shall provide expert reports for any such witnesses to be called. No extensions of this deadline shall be granted absent compelling circumstances demonstrated by Plaintiffs. Plaintiffs shall be precluded from calling any witnesses at trial who are not identified in accordance with the terms of this Order and for whom reports are not produced.

BY THE COURT

J.

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-GD

Type of Case: Civil

Type of Pleading: **Certificate of Service**

Filed on behalf of: Defendant

Counsel of Record for this Party:

Katherine V. Oliver, Esquire

I.D. No. 77069

McQUAIDE BLASKO, INC.

811 University Drive

State College, PA 16801-6624

Phone: (814) 238-4926

Fax: (814) 238-9624

S
FILED *No*
012:13/04 *cc*
FEB 07 2012
William A. Shaw
Prothonotary/Clerk of Court

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

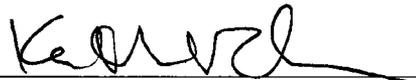
LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
 :
v. : No. 2007-244-GD
 :
JEFFREY K. HAHN, :
Defendant. :

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve Subpoenas to Produce Documents and Things for Discovery Pursuant to Rule 4009.21, in the above-captioned matter was served via U.S. 1st Class Mail, postage prepaid, on this 21 day of February, 2012, to the attorney/parties of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(Fax: 814-765-9377)

McQUAIDE BLASKO, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6624
(814) 238-4926

Attorneys for Defendant

FILED

FEB 07 2012

**William A. Shew
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

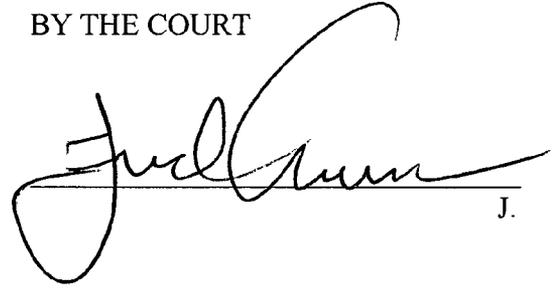
No. 2007-244-GD

RULE TO SHOW CAUSE

AND NOW, this 7 day of February, 2012, Plaintiffs are requested to show cause why Defendant's Motion to Compel Expert Discovery should not be granted.

Rule returnable the 7th day of March, 2012, at 9:00 a.m. in Courtroom 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



FILED 1cc
014:00301
FEB 07 2012
Atty Oliver

William A. Shaw
Prothonotary/Clerk of Courts

62

FILED

FEB 07 2012

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 2/7/12

You are responsible for serving all appropriate parties.

The Embroidery's office has provided service to:

Plaintiff(s) Attorney

Defendant(s) Attorney

Defendant(s) Attorney

Special Instructions:

FILED

FEB 10 2012

**William A. Shaw
Prothonotary/Clerk of Courts**

FILED

07/11:03
FEB 14 2012

NO CC

William A. Shaw
Prothonotary/Clerk of Courts

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

Type of Case: Civil

Type of Pleading: **Certificate Prerequisite
to Service of Subpoenas pursuant to
Rule 4009.22**

Filed on behalf of: Defendant

Counsel of Record for this Party:
Katherine V. Oliver, Esquire
I.D. No. 77069
McQUAIDE BLASKO, INC.
811 University Drive
State College, PA 16801-6624
Phone: (814) 238-4926
Fax: (814) 238-9624

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

| | | |
|---------------------------------|---|-----------------|
| LORRAINE L. HAHN, Mother and | : | |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | No. 2007-244-GD |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| 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 medical records and billings for October 8 2007 to present only in your possession pertaining to Cheyanne M. Hahn, SS# 167-74-0733, Birthdate: 07-25-1992.***

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: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
ATTORNEY FOR: *Defendant*

BY THE COURT:

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

Dated: _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

| | | |
|---------------------------------|---|-----------------|
| LORRAINE L. HAHN, Mother and | : | |
| Natural Guardian of CHEYANNE M. | : | |
| HAHN, | : | No. 2007-244-GD |
| | : | |
| Plaintiffs, | : | |
| | : | |
| v. | : | |
| | : | |
| | : | |
| JEFFREY K. HAHN, | : | |
| | : | |
| Defendant. | : | |

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

TO: Blair Medical Associates

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 for April 8, 2009 to present only in your possession pertaining to Cheyanne M. Hahn, SS# 167-74-0733, Birthdate: 07-25-1992.***

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: *Katherine V. Oliver, Esquire*
ADDRESS: *811 University Drive, State College, PA 16801*
TELEPHONE: *(814) 238-4926*
SUPREME CT ID# *77069*
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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
 : No. 2007-244-CD
v. :
 :
JEFFREY K. HAHN, :
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 13th day of February, 2012, to the attorney/parties of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(Fax: 814-765-9377)

McQUAIDE BLASKO, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6624
(814) 238-4926

Attorneys for Defendant

FILED

FEB 14 2012

**William A. Shaw
Prothonotary/Clerk of Courts**

5. In December, Plaintiff received a copy of Dr. Kasdan's report.
6. Based upon Dr. Kasdan's report and the facts as averred in averments 1- 4, Plaintiff sent its second discovery request, a true and correct copy of the relevant portion, as well as Defendant's objection to the same is attached hereto as Exhibit "A", essentially raising "work product" privilege to further disclosure.
7. Based upon the facts and circumstances, upon information and belief, Plaintiff believes that Dr. Kasdan and Defendant's attorney had a phone conversation during Dr. Kadan's IME of Cheyenne.
8. The work product privilege does not protect disclosure of whether or not this event occurred as is reasonably believed under such facts and circumstances and Defendant should be compelled to so disclose in response to Interrogatory 1.
9. If in fact such a conversation did occur, then Plaintiff also believes it is entitled to know the substance of such phone conversation while the Court may protect Defense Counsel's "mental impressions" or other similar privileged information while compelling the disclosure of facts which have bearing on Dr. Kasdan's findings, examination and subsequent opinion

WHEREFORE, Plaintiff request this Honorable Court to compel Defendant to answer Plaintiff's Interrogatories.

Respectfully Submitted,

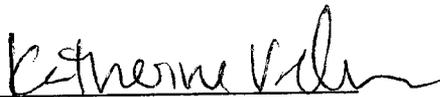


Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

2. That Defendant informed Ann Kyler that he though Cheyanne Hahn had died as a result of the automobile accident.

Response:

Objection. This Request for Admission is objected to on the basis that the discovery sought is not relevant or reasonably calculated to lead to the discovery of admissible evidence regarding any matter in dispute in this case, and on the basis that it appears that this request was issued in bad faith and for the purpose of harassing Defendant.


Katherine V. Oliver

Subject to, and without waiving those objections, and expressly reserving the right to object to the introduction of this discovery at trial, Defendant responds as follows: Jeff Hahn cannot at this time recall any such communication with Ann Kyler. Accordingly, after reasonable investigation, Jeff Hahn is unable to either admit or deny this request.

INTERROGATORIES

1. While Cheyanne M. Hahn was in the office of Dr. Richard B. Kasdan during the independent medical neurological examination, did Dr. Kasdan speak with Defendant's counsel or any other person acting on Defendant's behalf?

2. In the event your response to Interrogatory 1 hereof is in the affirmative, please state all persons who were party to the conversation with Dr. Kasdan as well as identify what was discussed and what each party to the conversation stated.

Answer:

1. and 2. Objection. Defendant objects to Interrogatories 1 and 2 of Plaintiff's Second Set of Discovery Requests on the basis that the information sought is beyond the scope of expert discovery permitted by Pennsylvania law, specifically Pennsylvania Rules of Civil Procedure 4003.3 and 4003.5, and is protected from discovery by the work product doctrine.

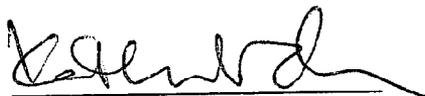

Katherine V. Oliver

Exhibit "A"

FILED

FEB 16 2012

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

| | | |
|--------------------------------------|---|------------------------|
| LORRAINE L. HAHN, Mother and Natural |) | |
| Guardian for CHEYANNE M. HAHN |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | No. 07- <u>244</u> -CD |
| v. |) | |
| JEFFERY K. HAHN, |) | |
| |) | |
| DEFENDANT. |) | |

RULE TO SHOW CAUSE

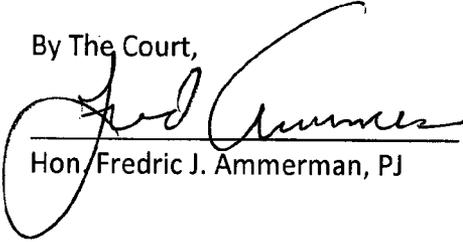
Now, this 21 day of February, 2012, upon consideration of the attached MOTION TO COMPEL a RULE is hereby issued upon the Defendant to SHOW CAUSE why the MOTION should not be granted. Argument will be held on the 7th day of March, 2012, commencing at 9:00, A.M., Courtroom No.1, Clearfield County Courthouse.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Hon. Fredric J. Ammerman, PJ

FILED 100
01/4/00/01 Atty Noble
FEB 21 2012
William A. Shaw
Prothonotary/Clerk of Courts
612

FILED

FEB 21 2012

**William A. Shaw
Promotory/Clerk of Courts**

NAME: *alavia*

You are responsible for serving all appropriate parties.

The Promotory's office has provided service to _____

_____ Plaintiff(s) Attorney _____ Other

Defendant(s) _____ Defendant(s) Attorney _____

Special Instructions:

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

Type of Case: Civil

Type of Pleading: **Response in Opposition
to Plaintiffs' Motion to Compel**

Filed on behalf of: **Defendant**

Counsel of Record for this Party:

Katherine V. Oliver, Esquire

I.D. No. 77069

kvoliver@mqblaw.com

McQUAIDE BLASKO, INC.

811 University Drive

State College, PA 16801-6624

Phone: (814) 238-4926

Fax: (814) 238-9624

FILED No
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FEB 27 2012 cl

William A. Shaw
Solicitor General/Clerk of Courts

same are therefore denied. Defendant further denies Plaintiffs' characterization of any alleged comments that Plaintiffs claim were made by Dr. Kasdan.

5. It is admitted that Defendant produced a copy of Dr. Kasdan's report to Plaintiffs. The report was forwarded to Plaintiffs on November 16, 2011.

6. Admitted in part and denied in part. It is admitted only that Plaintiffs issued an interrogatory requesting information pertaining to communications with Dr. Kasdan and defense counsel or others acting on behalf of Defendant, and that the interrogatories and Defendant's response are included within Exhibit A. It is denied that the objection was based only upon the work product privilege. To the contrary, please see the objection attached as Exhibit A to Plaintiffs' Motion. Defendant objects on the basis that the interrogatories seek information that is beyond the scope of expert discovery permitted by the rules of procedure, and specifically Rules 4003.3 and 4003.5. The Pennsylvania Superior Court has recently affirmed that discovery requests regarding communications between an opposing party's attorney and expert retained for trial falls outside of the language of 4003.5 and is not discoverable. See Barrick v. Holy Spirit Hosp., 32 A.3d 800 (Pa. Super. 2011). Defendant denies the averment that Plaintiffs' interrogatories were issued "based upon Dr. Kasdan's report and the facts as averred in averments 1-4."

7. Denied. After reasonable investigation, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations regarding what Plaintiff believes to have occurred. By way of further response, Defendant objects to Plaintiffs' request for discovery regarding communications, if any, between counsel and Dr. Kasdan, for the reasons set forth in Defendant's discovery objection and in paragraph 6, above.

8. Denied. The averments of paragraph 8 constitute legal conclusions to which no response is required. By way of further response, as set forth in response to paragraph 6, above, Defendant does not rest his position solely upon the work product doctrine. Defendant incorporates by reference paragraphs 1 through 7, above, and particularly to paragraph 6, herein by reference as though set forth in full.

9. Denied for the reasons set forth above.

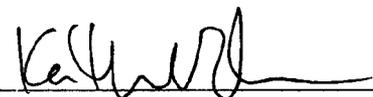
WHEREFORE, Defendant respectfully requests that Plaintiffs' Motion to Compel be denied.

Respectfully submitted,

McQUAIDE BLASKO, INC.

Dated: February 24, 2012

By: _____



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

LORRAINE L. HAHN, Mother and :
Natural Guardian of CHEYANNE M. :
HAHN, :
Plaintiffs, :
 :
v. :
 :
JEFFREY K. HAHN, :
Defendant. :

No. 2007-244-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Response in Opposition to Plaintiffs' Motion to Compel in the above-captioned matter was served by U.S. 1st Class Mail, postage prepaid, on this 24th day of February, 2012, to the attorneys/parties of record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(Fax: 814-765-9377)

McQUAIDE BLASKO, INC.

By: 
Katherine V. Oliver, Esquire
I.D. No. 77069
811 University Drive
State College, PA 16801-6624
Phone: (814) 238-4926

Attorneys for Defendant

FILED

FEB 27 2012

**William A. Shaw/
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

Type of Pleading:

CERTIFICATE OF SERVICE

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

5 FILED No cc
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William A. Shaw
Prothonotary/Clerk of Courts

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

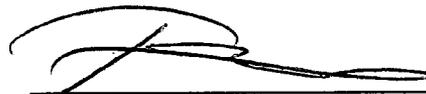
LORRAINE L. HAHN, Mother and Natural)
Guardian for CHEYANNE M. HAHN)
)
)
 PLAINTIFF,)
) No. 07- 244 -CD
)
 v.)
)
 JEFFERY K. HAHN,)
)
)
 DEFENDANT.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for the Plaintiff, does hereby certify this 28th day of February, 2012, that I did mail via United States Mail, postage pre-paid, first class delivery, a true and correct copy of the RULE issued upon Plaintiff's MOTION TO COMPEL to the below indicated person, being counsel of record for the Defendant, addressed as follows:

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

FILED

FEB 29 2012

**William A. Shaw
Prothonotary/Clerk of Courts**

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

LORRAINE L. HAHN, Mother and Natural
Guardian for CHEYANNE M. HAHN

PLAINTIFF,

v.

JEFFERY K. HAHN,

DEFENDANT.

No. 07- 244 -CD

Type of Pleading:

**REPLY TO MOTION TO COMPEL
EXPERT DISCOVERY**

Filed By:

Plaintiff

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED ^{RE}
MAR 07 2012
1:15 PM
William A. Shaw
Prothonotary/Clerk of Courts
no 46

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

| | | |
|---|---|------------------------|
| LORRAINE L. HAHN, Mother and Natural Guardian for CHEYANNE M. HAHN |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | |
| v. |) | No. 07- <u>244</u> -CD |
| JEFFERY K. HAHN, |) | |
| |) | |
| DEFENDANT. |) | |

REPLY TO MOTION TO COMPEL EXPERT DISCOVERY

AND NOW, comes, Lorraine L. Hahn, Mother and Natural Guardian for Cheyanne M. Hahn, Plaintiff, by and through her counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, avers as follows in response to Defendant's MOTION TO COMPEL EXPERT DISCOVERY:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted. By way of further response, Plaintiff has also fully cooperated in this process by signing AUTHORIZATIONS as well as waiving the twenty (20) day period prior to service of the such subpoenas when requested to do so
5. Denied. Plaintiff disagrees that any traumatic brain injury is aptly described as "small" or that one is recovering "well" from such type of injury. In candor, such records could be construed to support what the defendant asserts but he fails to mention that within a few months other symptoms started to appear and be recognized related to the traumatic brain injury.
6. Admitted. By way of further response, Cheyanne continued to treat with other health care professionals directly related to such traumatic brain injury.
7. Denied. It was within a few months that Cheyanne started to have symptoms related to the traumatic brain injury, which at first thought, the headaches were not related, however as other symptoms became apparent such as short term memory loss, executive function deficit,

and some periods of confusion, further medical treatment was sought which then took some months to get scheduled.

8. Admitted in part, denied in part. It is admitted that the defense has different theories to explain some of Cheyanne's symptoms and injuries but this averment is denied in that the most plausible explanation covering all of Cheyanne's ills seems to be the traumatic brain injury.

9. Admitted.

10. Admitted.

11. Admitted. By way of further response, Plaintiff foremost has fully cooperated in the discovery process and has not only given all requested and required information to defense counsel but has also fully cooperated in the defendant's investigation. However, it took the defendant nearly 21 months to complete its IMEs, providing the last of such reports to Plaintiff just two (2) months ago. Plaintiff does not disparage defense counsel for this delay as a large part of such delay, which is all prevalent in Plaintiff's present inability to provide the requested information at this time, is that Dr. Inna Vaisleib¹ took over a year to produce her final report and it seems all health care providers in this field report to be extremely busy.

In any event, since Plaintiff has received the defense IME²s, which do support the defendant's claim of other sources for Cheyanne's problems, along with the traumatic brain injury, Plaintiff's counsel has been in contact with those medical providers, namely Dr. Laura Harvatine, a psychiatrist, and Dr. Hilary Feldman, a pediatric psychologist, and Pauline Stout, her therapist, each of whom have played a significant part in Cheyanne's progress³, to determine their willingness, competency and ability to testify.

Dr. Harvatine saw Cheyanne while Dr. Harvatine practiced in the State College area. She now practices in Virginia but is on maternity leave (and has been for approximately a month). In that Dr. Harvatine is in her early 40s, she told counsel that any such pregnancy is "complicated" and counsel awaits word from her as to her return.

Dr. Feldman⁴, whose report is attached as Defendant's Exhibit "H", is extremely busy and therefore hesitant to get involved. Dr. Feldman indicated on March 5, 2012, that she is not able to so participate given that Cheyanne has now reached majority and she specializes in pediatric issues.

¹ Dr. Vaisleib was not an expert retained by Plaintiff for purposes of litigation but was a treating physician referred to Cheyanne by Dr. Clark.

² It was hoped that they would concur with Plaintiff's medical reports and therefore eliminate the need to do as Plaintiff must now do.

³ Cheyanne has made positive progress given the care of these named medical providers.

⁴ Dr. Feldman's office reports that she is so busy that they are now scheduling incoming appointments for September but has now at least confirmed she will not so participate.

Plaintiff's best interests in this litigation are served by those who set forth a path of treatment which has helped Cheyanne, be the ones who testify as to their opinions, each of which did relate Cheyanne's issues to her traumatic brain injury. If they do not cooperate, then Plaintiff must and will seek experts like the defense obtained. Once there is testimonial support which Plaintiff can rely upon then the only task needed is for a vocational rehab expert to quantify the economic losses suffered by Cheyanne from her injuries. However, this does seem prudent to do so until the link between the injuries and damages can be met, again through reliable testimonial evidence.

Plaintiff does not dispute that (i) defense is entitled to what it has requested; or (ii) that Plaintiff has such burden. Plaintiff simply asks for reasonable time to accomplish her requirements within the frame of these concerns as herein presented.

12. Admitted. By way of further response, Plaintiff takes issue with "alleged" as the same is and has been documented.

13. Admitted when you take into account the defense IME reports.

14. Admitted.

15. Admitted.

16. Each such averment will be addressed as further herein detailed.

17. Admitted.

18. Admitted.

19. Admitted.

20. Denied. It is believed that Dr. Clark as a physician who treated Cheyanne would base his report on all tools available to him, including his own findings and thoughts.

21. Denied. Although defense counsel might call Dr. D'Agaro's letter of 2009 a "retraction", it is more accurately quantified as an elaboration as he did not "retract" the significance of the traumatic brain injury only acknowledged that other stressors were present as well.

22. Denied. It is strictly denied that Dr. Clark gave "Dr. D'Agaro almost complete deference".

23. Admitted. By way of further response, Dr. Vaisleib saw Cheyanne as Dr. Vaisleib specializes in pediatric migraine headaches, a symptom Cheyanne was experiencing at the time.

24. Admitted. By way of further response, given Dr. Vaisleib's education, training and experience, it would be unusual for her to render the opinion suggested by defense counsel that Dr. Vaisleib did not give.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Denied. Foremost, Dr. Feldman's diagnosis, "Personality change due to motor vehicle accident (including attentional problems and mood fluctuating" certainly relates injuries to the accident.

30. Denied. For the reasons set forth in 29 above, this is DENIED.

31. Admitted.

32. Admitted.

33. Denied. Dr. Harvatine had access to all of Cheyanne's records to the best of Plaintiff's knowledge, information and belief.

34. Denied. Dr. Harvatine given her treatment and care of Cheyanne would be in position to render such an opinion.

35. Admitted.

36. Admitted.

37. Admitted.

38. Admitted. By way of further response, counsel has located Dr. Harvatine and spoken with her as relayed herein.

39. Denied. Counsel is still willing to work towards a case management order and has fully cooperated as detailed herein but has done so with Plaintiff's best interests in mind which may conflict with defendant's interests.

40. Admitted.

41. Admitted.

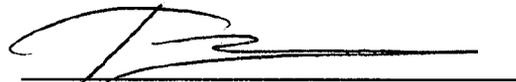
42. Denied. Defense is fully prepared except if Plaintiff does produce a vocational rehab expert then possibly the defense might want to also retain such expert as well.

43. Admitted. By way of further response, as was Plaintiff while the defense completed its IMEs.

44.. Denied. For the reasons herein set forth, Plaintiff requests a case management order which more fully adopts the circumstances which confront her and permits her reasonable time to obtain testimony of causation, and if so obtained, then a vocational rehab expert.

WHEREFORE, Plaintiff respectfully requests that the same be DENIED and in place an appropriate case management order be issued which balances all of the rights and interests of the parties.

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

LORRAINE L. HAHN, Mother and Natural)
Guardian for CHEYANNE M. HAHN)
)
 PLAINTIFF,)
) No. 07- 244 -CD
)
 v.)
 JEFFERY K. HAHN,)
)
 DEFENDANT.)

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, counsel for the Plaintiff, does hereby certify this 6th day of March, 2012, that I did mail via United States Mail, postage pre-paid, first class delivery, a true and correct copy of the Plaintiff's REPLY TO MOTION TO COMPEL EXPERT DISCOVERYL to the below indicated person, being counsel of record for the Defendant, addressed as follows:

Katherine V. Oliver, Esquire
McQuaide Blasko
811 University Dr.
State College, PA 16801-6699

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiff
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

William A. Shaw
Prothonotary/Clerk of Courts

MAR 07 2012

FILED

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

LORRAINE L. HAHN, Mother and
Natural Guardian of CHEYANNE M.
HAHN,

Plaintiffs,

v.

JEFFREY K. HAHN,

Defendant.

No. 2007-244-CD

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Please mark all claims in the above-captioned matter SETTLED, DISCONTINUED and ENDED, with prejudice.


Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830

Dated: 7/23/12

Attorneys for Plaintiffs

FILED 2 CCa
d/10:0461 2 Cert. of Disc.
JUL 23 2012 to Atty Noble
S
William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 23 2012

**William A. Shaw
Prothonotary/Clerk of Courts**

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

CIVIL DIVISION

**Lorraine L. Hahn, Mother and
Natural Guardian of Cheyanne M. Hahn**

Vs.

No. 2007-00244-CD

Jeffrey K. Hahn

CERTIFICATE OF DISCONTINUATION

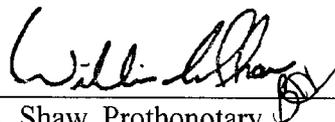
Commonwealth of PA
County of Clearfield

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 July 23, 2012, marked:

Settled, Discontinued, and Ended with Prejudice

Record costs in the sum of \$92.00 have been paid in full by Lorraine L. Hahn, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of July A.D. 2012.



William A. Shaw, Prothonotary