

07-362-CD

CIVIL ACTION

Date		Judge
3/9/2007	New Case Filed.	No Judge
	✓ Filing: Civil Complaint Medical Professional Liability Action and Certificates of Merit regarding the three defendants. Paid by: Gilardi cooper & Lomupo, P.A. Receipt number: 1917971 Dated: 3/9/2007 Amount: \$85.00 (Check) 2 Cert. to Sheriff.	No Judge
	Case Filed.	Fredric Joseph Ammerman
3/28/2007	✓ Praeipce For Entry of Appearance, filed on behalf of Defendant Steven W. Graeca, D.O. Enter appearance of Jeanne Welch Sopher, Esquire. Filed by Jeanne Welch Sopher, Esquire. No CC	No Judge
3/30/2007	✓ Praeipce For Entry of Appearance, filed on behalf of DRMC Primary Care Associates by Atty. John L. McIntyre. no cert. copies.	No Judge
4/9/2007	✓ Praeipce For Entry of Appearance, filed by Atty. Blasko no cert. copies. Enter our appearance on behalf of Defendant, Mary Kruszewski, D.O. in the above captioned matter. s/John Blasko	No Judge
5/1/2007	✓ Answer and New Matter filed. By s/ John W. Blasko, Esquire. No CC	No Judge
5/4/2007	✓ Reply to New Matter of Defendant Mary Kruszewski, D.O., filed by s/ Kevin R. Lomupo, Esquire. No CC	No Judge
5/8/2007	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Interrogatories for Answers by Plaintiffs and Request for Production (set one); Defendant's Request fo Production (set two) directed to Plaintiffs; Defendant's Expert Interrogatories directed to Plaintiffs to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntrye Esq. on the 7th day of May 2007 filed by s/ John W. Blasko Esq. No CC.	No Judge
5/18/2007	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena (regarding Dr. Schachter, Rite-Aid Pharmacy, Dr. Stainbrook and Elk Regional Health Center) in the above-captioned matter on the 10th day of May 2007 to Kevin R. Lomupo Esq. Jeanne Welch Sopher Esq and John McIntrye Esq., filed by s/ John W. Blasko Esq. NO CC.	No Judge
6/4/2007	✓ Answer to Complaint and New Matter, filed by Atty. Welch Sopher no cert. copies.	No Judge
6/8/2007	✓ Reply to New Matter of Defendant Steven W. Graeca, D.O., filed by s/ Kevin R. Lomupo, Esquire. No CC	No Judge
	✓ Notice of Service of Interrogatories And Request For Production of Documents Directed to Plaintiffs, filed by s/ Jeanne Welch Sopher, Esquire. No CC	No Judge
6/14/2007	✓ Stipulation to Amend Complaint, filed by s/ Jeanne Welch Sopher Esq. No CC.	No Judge
7/5/2007	✓ Notice of Service of Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated July 3, 2007, filed by s/John L. McIntyre, Esq. No CC	No Judge
7/6/2007	✓ Sheriff Return, March 16, 2007 at 9:55 am Served the within Complaint and Certificates of Merit on Mary Kruszewski D.O. March 16, 2007 at 10:09 am Served the within Complaint and Certificates of Merit on Steven W. Graeca D.O. March 16, 2007 at 10:06 am Served the within Complaint and Certiificates of Merit of DRMC Primary Care Associates. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Gilardi \$78.43	No Judge

I request a prompt hearing to determine the exemption. Notice of the hearing should be given to me at the following address: _____

() _____
Telephone Number

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

Date: _____

Defendant

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF
OF PHILADELPHIA COUNTY COURT OF COMMON PLEAS
PHILADELPHIA PA 19107

(215) 686-3530

CIVIL ACTION

Date		Judge
7/26/2007	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena (regarding Magee Women's Hospital, DRMC Primary Care Associated and DuBois Regional Medical Center), in the above-captioned matter on the 20th day of July 2007 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
8/20/2007	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed. No CC	No Judge
8/21/2007	✓ Order, this 20th day of August, 2007, it is Ordered: 1. At the times relevant to this action, steven W. Graeca, D.O. was an employee of DuBois Regional Medical Center. 2. The caption of this matter shall be amended to replace DRMC Primary Care Associates with DuBois Regional Medical Center. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 4CC Atty. McIntyre	Fredric Joseph Ammerman
9/4/2007	✓ Answer and New Matter to Plaintiffs' Complaint, filed by s/ Laura O. Burke, Esquire. No CC	No Judge
10/8/2007	✓ Plaintiffs' Reply to New Matter of Defendant DuBois Regional Medical Center, filed by s/ Kevin R. Lomupo, Esquire. No CC	No Judge
5/9/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena, in the above-captioned matter was mailed by regular mail on the 2nd day of May 2008 on Kevin R. Lomupo Esq., Jeanne Welsh Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
6/2/2008	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John Blasko, Esquire. No CC	No Judge
7/2/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Dr. Graeca was mailed by regular mail this 1st day of July 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Plaintiff wife, was mailed by regular mail this 1st day of July 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John E. Blasko Esq. No CC.	No Judge
8/6/2008	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John Blasko, Esquire. NO CC	No Judge
10/6/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Rescheduled Oral Deposition of Plaintiff wife was mailed by regular mail first class this 3rd day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
10/21/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Lorie Natoli was mailed by regular mail, first class this 20th day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Rose M. Campbell was mailed regular mail, first class this 20th day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

NO. 2009-281

v.

RUSSEL MORRIS

Defendant(s)

S & T BANK

Garnishee

CLAIM FOR EXEMPTION
TO THE SHERIFF

I, the above named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my \$300 statutory exemption be

___ (i) set aside in kind (specify the property to be set aside in kind): _____

___ (ii) paid in cash following the sale of the property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption): _____

(2) From my property which is in the possession of a third party, I claim the following exemptions:

(a) my \$300 statutory exemption be ___ in cash; ___ in kind (specify the property to be set aside in kind): _____

(b) other (specify the amount and the basis of the exemption): _____

CIVIL ACTION

Date		Judge
10/21/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Greg J. Volpe was mailed regular mail, first class this 20th day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Laura L. Adams was mailed by regular mail, first class this 20th day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Laura Fossler was mailed by regular mail, first class this 20th day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Terri Sherry was mailed by regular mail, first class this 20th day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Neha Shah was mailed by regular mail first class this 20th day of October 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
11/12/2008	✓ Certificate of Service, a copy of Defendant's Notice of Intent to Serve a Subpoena (regarding subpoena directed to Dr. Gary Ott) was mailed by regular mail, through the MCS Group, Inc., on the 17th day of Oct., 2008, to: Kevin R. Lumupo, Esquire; John McIntyre, Esquire; and Jeanne Welch Sopher, Esquire. filed by s/ John W. Blasko, Esquire. No CC	No Judge
11/14/2008	✓ Return of Service, filed. I Charles Knoer served the Medical Records Dept at Magee Women's Hospital with the foregoing Subpoena by handing to Julia Rickard, signed s/ Charles Knoer. (11/6/08)	No Judge
11/17/2008	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22, filed by s/John Blasko, Esq. No CC	No Judge
11/24/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Oral Deposition of Rose M. Campbell by regular mail this 21st day of November 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Oral Deposition of Laura L. Adams was mailed first class mail on this 21st day od November 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Oral Deposition of Greg J. Volpe by regular mail this 21st day of November 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge

MAJOR EXEMPTIONS UNDER
PENNSYLVANIA AND
FEDERAL LAW

- A. \$300 statutory exemption
- B. Bibles, school books, sewing machines, uniforms and equipment
- C. Most wages and unemployment compensation
- D. Social Security Benefits
- E. Certain retirement funds and accounts
- F. Certain veteran and armed forces benefits
- G. Certain insurance proceeds
- H. Such other exemptions as may be provided by law

CIVIL ACTION

Date		Judge
11/24/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Oral Deposition of Laura Fossler was mailed by first class mail this 21st day of November 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Oral Deposition of Neha Shah was mailed by first class mail this 21st day of November 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Michelle Smith was mailed by first class this 21st day of November 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
12/4/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Jeanne/Janessa Minton was mailed by first class mail this 2nd day of December 2008 to Kevin R. Lomupo Esq., John McIntyre Esq. and Jeanne Welch Sopher Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
12/23/2008	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena (regarding Dr. Scott McKimm), was mail by regular mail through The MCS Group on the 15th day of December 2008 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
1/26/2009	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.22, filed by s/ John Blasko, Esquire. no CC	No Judge
2/3/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Request for Production (Set Three) was mailed by regular mail, first class this 2nd day of February 2009 to Kevin R. Lomupo Esq. Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
2/26/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Rose M. Campbell was mail by regular mail, first class this 25th day of February 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Laura L. Adams was mailed by regular mail first class mail this 25th day of February 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Laura Fossler was mailed by regular mail first class this 28th day of February 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

NO. 2009-281

RUSSEL MORRIS

v.

Defendant(s)

Garnishee

S & T BANK

**WRIT OF EXECUTION
NOTICE**

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

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.

CLEARFIELD COUNTY COURTHOUSE

DAVID S. MEHOLICK, COURT ADMINISTRATOR 230 EAST MARKET STREET

CLEARFIELD PA 16830

814-765-2641

CIVIL ACTION

Date		Judge
2/26/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Neha Shah was mailed by regular mail first class this 25th day of February 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. NO CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Greg J. Volpe was mailed by regular mail first class this 25th day of February 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Oral Deposition of Michelle Smith was mailed by regular mail, first class this 25th day of February 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Amended Notice of Oral Deposition of Jeanne/Janessa Minton was mailed by regular mail first class this 25th day of February 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
4/20/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Oral Deposition of Jason Swanson was mailed by regular mail, first class this 17th day of April 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. NO CC.	No Judge
5/1/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant Mary Kruszewski D.O. Request to Plaintiff for Production of Expert Reports was mail by regular mail, on this 29th day of April 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
5/18/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant Kruszewski's Interrogatories and Request for Production, Set One, Directed to Defendant Graeca, was mail by regular first class mail this 15th day of May 2009 to Kevin R. Lomupo Esq., Jeanne Welsh Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
6/19/2009	✓ Notice of Service, filed. That on the 18th day of June 2009, DuBois Regional Medical Center, served Response to Defendant Mary Kruszewski, D.O. Request for Production (set three) on the defendant, Mary Kruszewski D.O. via first class mail to John W. Blasko Esq., filed by s/ John L. McIntyre Esq. No CC.	No Judge
6/22/2009	✓ Notice of Service, filed. That the original Interrogatories and Request for Production of Documents Directed to Plaintiffs was sent to John E. Blasko Esq., filed by s/ Jeanne Welch Sopher Esq. No CC.	No Judge
6/25/2009	✓ Notice of Service, filed. That the original Supplemental Answers to Defendant's Kruszewski's Interrogatories and Response to Request for Production (set one) for Answer by defendant Steven W. Graeca D.O. was sent this 22nd day of June 2009 to John W. Blasko Esq., filed by s/Jeanne Welch Sopher Esq. No CC.	No Judge

CIVIL ACTION

Date		Judge
7/7/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Third Amended Notice of Oral Deposition of Laura Fossler was mailed by regular mail, first class this 6th day of July 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Third Amended Notice of Oral Deposition of Laura Adams was mailed by regular mail, first class this 6th day of July 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
7/10/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant Kruszewski's Answers to Plaintiffs' Interrogatories and Request for Production was mail by regular first class mail this 9th day of July 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq. and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
7/21/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Notice of Intent to Serve A Subpoena, and a copy of Subpoena (directed to Paul Swanson) was mailed regular mail, first class this 20th day of July 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	No Judge
8/14/2009	✓ Certificate Prerequisite to Service of a Subpoena Pursuant to Pa.R.C.P. 4009.2, filed by s/ John W. Blasko Esq. No CC.	No Judge
9/24/2009	✓ Motion For Sanctions, filed by s/ Kevin R. Lomupo, Esquire. No CC	No Judge
9/28/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant's Request for Production (set four) was mailed by regular mail, first class postage paid this 25th day of September 2009 to Kevin R. Lomupo Esq., Jeanne Welsh Sopher Esq and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	Fredric Joseph Ammerman
9/29/2009	✓ Scheduling Order, this 29th day of September 2009, upon consideration of the Motion for Sanctions, it is the Order of the Court that argument/hearing has been scheduled for the 30th day of October 2009 at 3:00 pm in courtroom no. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Lomupo.	Fredric Joseph Ammerman
9/30/2009	✓ Motion to Join in Plaintiffs' Motion for Sanctions, filed by Atty. McIntyre no cert. copies.	Fredric Joseph Ammerman
10/23/2009	✓ Praecipe to Withdraw Motion for Sanctions from Argument List, filed by s/ Kevin R. Lomupo Esq. No CC.	Fredric Joseph Ammerman
10/26/2009	✓ Certificate of Service, filed. That a true and correct copy of Defendant Kruszewski's Request for Production (set 5) to DuBois Regional Medical Center was mailed by regular mail, first class this 23th day of October 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	Fredric Joseph Ammerman
10/30/2009	✓ Notice of Deposition of Julie Hecker, filed by s/John L. McIntyre, Esq. No CC	Fredric Joseph Ammerman
11/19/2009	✓ Motion to Compel Defendant Steven W. Gracca, D.O. to Produce a Privilege Log of Documents Forming the Basis of Attorney-Client and Work Product Privilege Objections, filed by s/ John W. Blasko, Esquire. No CC	Fredric Joseph Ammerman

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa.C.S. § 8123? If so, identify each account.

Date: October 26, 2010

Respectfully submitted:

Patenaude & Felix, A.P.C.

Gregg L. Morris, Esquire
213 E. Main Street
Carnegie, PA 15106
(412) 429-7675

CIVIL ACTION

Date		Judge
11/24/2009	✓ Order, this 24th day of Nov., 2009, upon consideration of the foregoing Motion, it is Ordered that a Rule is issued upon Defendant, Dr. Graeca, and his counsel. The Respondent shall file an Answer within 15 days of the date hereof; Argument shall be held on the 7th of Jan., 2010 at 11:00 a.m. in Courtroom No. 1. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Blasko	Fredric Joseph Ammerman
11/30/2009	✓ Certificate of Service, filed. That a true and correct copies of the Court Order with Rule to Show Cause and Defendant Kruszewski's Motion to Compel were mailed by regular mail this 25th day of November 2009 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq and John McIntyre Esq., filed by s/ Darryl R. Slimak Esq. No CC.	Fredric Joseph Ammerman
12/4/2009	✓ Response to Defendant, Mary Kruszewski, D.O.'s Motion to Compel Defendant, Steven W. Graeca D.O. to Respond, filed by s/ Jeanne Welch Sopher Esq. No CC.	Fredric Joseph Ammerman
1/8/2010	✓ Order, this 7th day of Jan., 2010, counsel for both parties have no more than 5 days to submit proposed Order to the Court relative the Motion to Compel. Counsel may submit the proposed Order by fax, if so desired. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Lomupo, Blasko, J. W. Sopher, J. McIntyre	Fredric Joseph Ammerman
1/14/2010	✓ Order, this 13th day of Jan., 2010, Motion to Compel, Defendant Steven W. Graeca, D.O.'s Response is DENIED. It is further Ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: K. Lomupo; J. Blasko; J. Sopher; J. McIntyre.	Fredric Joseph Ammerman
1/19/2010	Transcript of Proceedings, filed. Argument on Defendant's Motion to Compel, held before Fredric J. Ammerman, Pres. Judge, on Jan. 7, 2010.	Fredric Joseph Ammerman
2/4/2010	✓ Notice of Service, filed. That the original Answers to Discovery Set Forth in January 13, 2010 Order was sent to John W. Blasko Esq., filed by s/ Jeanne Welch Sopher Esq. No CC.	Fredric Joseph Ammerman
2/8/2010	✓ Motion for Scheduling Order Pursuant to P.A.R.C.P. 1042.41, filed by s/ John W. Blasko Esq. NO CC.	Fredric Joseph Ammerman
	✓ Certificate of Service, filed. That a true and correct copy of Defendant Mary Kruszewski DO's Motion for Scheduling Order Pursuant to P.A.R.C.P. 1042.41 was mail by regular mail, first class this 4th day of February 2010 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	Fredric Joseph Ammerman
2/12/2010	✓ Order, this 12th of Feb., 2010, it is Ordered that a Status Conference is scheduled for the 29th of March, 2010, at 2:00 p.m. Judges Chambers. (see original). By The Court, /s/ Fredric J. Ammerman, pres. Judge. 2CC Atty. Blasko	Fredric Joseph Ammerman
2/17/2010	✓ Notice of Deposition of Julie Hecker, filed by s/ John L. McIntyre, Esquire. No CC	Fredric Joseph Ammerman
2/19/2010	✓ Certificate of Service, filed. That a true and correct copy of Judge Ammerman's Order dated Febraury 12, 2010 was mil by regular mail, first class this 17th day of February 2010 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq., No CC.	Fredric Joseph Ammerman

5. At any time before or after you were served, did the Defendant(s) transfer or deliver any property to you, or to any person, or place pursuant to your directions or consent? If yes, what was the consideration therefore?

6. At any time after you were served, did you pay, transfer, or deliver any money or property to the Defendant(s) or to any person or place pursuant to their direction, or otherwise discharge any claim of the Defendant(s) against you.

7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or Federal law? If so, identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis.

CIVIL ACTION

Date		Judge
3/2/2010	✓ Certificate of Service, filed. That a true and correct copy of Objection to Plaintiffs' Request for Production of Documents directed to Mary Kruszewski DO was mailed be regular mail, first class this 1st day of March 2010 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	Fredric Joseph Ammerman
3/12/2010	✓ Notice of Service, filed. That on the 11th day of March 2010, defendant DuBois Regional Medical Center served Response to Defendant, Mary Kruszewski D.O.'s Request for Production (set five) to DuBois Regional Medical Center on defendant, Mary Kruszewski D.O. via first class mail to John W. Blasko Esq., filed by s/ John L. McIntyre Esq. No CC.	Fredric Joseph Ammerman
4/7/2010	✓ Order, this 5th of April, 2010, following status conference among the Court and counsel; it is Ordered: (see original). Pre-trial Conference, in Chambers, is scheduled for Oct. 8, 2010 at 1:30. By The Court, /s/ Fredric J. Ammerman, Pres. Judge.	Fredric Joseph Ammerman
4/27/2010	✓ Notice of Service, filed. That on the 26th day of April 2010, Defendant, DuBois Regional Medical Center served Interrogatories Directed to Plaintiffs by mailing via first class mail to Kevin R. Lomupo Esq., filed by s/ Laura O. Burke Esq. No CC.	Fredric Joseph Ammerman
4/28/2010	✓ Certificate of Service, filed. That a true and correct copy of the foregoing Interrogatories and Request for Production of Documents Directed to Defendant Steven W. Graecahas has been sent by fascimile and regular mail first class this 27th day of April 2010 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	Fredric Joseph Ammerman
	✓ Notice of Service, filed. That the Interrogatories and Request for Production of Documents Directed to Defendant, Mary Kruszewski D.O. were sent to John E. Blasko Esq this 26th day of April via facsimile and U.S. mail, filed by s/ Jeanne Welch Sopher Esq. No CC.	Fredric Joseph Ammerman
4/30/2010	✓ Certificate of Service, a copy of Defendant Mary Kruszewski, DO's Request of Plaintiffs to Supplement Prior Responses to Interrogatories and Request for Production was served by regular mail, first class, postage prepaid on the 29th of April, 2010, to: Kevin R. Lomupo, Esquire; John McIntyre, Esquire; Jeanne Welch Sopher, Esquire. filed by s/ John w. Blasko, Esquire. No CC	Fredric Joseph Ammerman
	✓ Notice of Service, the Interrogatories and Request For Production Directed to DuBois Regional Medical Center was sent to its attorney, John L. McIntyre, Esquire. on the 29th of April, 2010 via Federal Express. filed by s/ Jeanne Welch Sopher, Esquire. No CC	Fredric Joseph Ammerman
	✓ Notice of Service, the Request For Production of Documents (Second Set) Directed to Plaintiffs was sent to Plaintiffs' attorney, Kevin R. Lomupo, Esquire, this 29th of April, 2010 via Federal Express. filed by s/ Jeanne Welch Sopher, Esquire. No cc	Fredric Joseph Ammerman
	✓ Notice of Service, the Request for Production of Documents (Second Set) Directed to Defendant, Mary Kruszewski, D.O. was sent to plaintiffs' attorney John W. Blasko, Esquire, on the 29th of April, 2010 via Federal Express. Filed by s/ Jeanne Welch Sopher, Esquire. No CC	Fredric Joseph Ammerman
5/5/2010	✓ Certificate of Service, a copy of Request for Admissions Directed to Defendant Steven W. Graeca, DO has been sent by facsimile and regular mail, first class, postage prepaid, this 30th of April, 2010 to: Kevin R. Lomupo, Esquire; Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	Fredric Joseph Ammerman

1. At the time you were served or at any subsequent time, did you owe the defendant(s) any money or were you liable to defendant(s) on any negotiable or other written instrument, or did defendant(s) claim that you owed them any money or were you liable to them for any reason? If yes, please specify as set forth herein.

2. At the time you were served, or at any subsequent time, was there in your possession, custody or control, or in joint possession, custody or control of yourself or others, any property of any nature owned solely or in part by the Defendant(s)? If yes, please list and describe the property.

3. At the time you were served, or at any subsequent time, did you hold legal title to any property or any nature owned solely or in part by the Defendant(s)? If yes please list and describe the property.

4. At the time you were served, or at any subsequent time, did you hold as fiduciary any property in which the Defendant(s) had an interest? If yes, please list and describe the property.

CIVIL ACTION

Date		Judge
5/5/2010	✓ Certificate of Service, filed. That a true and correct copy of the foregoing Interrogatories Directed to Defendant DuBois Regional Medical Center has been sent by facsimile and regular mail, first class this 30th day of April 2010 to Kevin R. Lomupo Esq., Jeanne Welch Sopher Esq., and John McIntyre Esq., filed by s/ John W. Blasko Esq. No CC.	Fredric Joseph Ammerman
5/10/2010	✓ Plaintiffs' Reply to Defendant Graeca's Second Set of Request For Production of Documents, filed by s/ Kevin R. Lomupo, Esquire. No CC	Fredric Joseph Ammerman
5/26/2010	✓ Certificate of Service, a copy of Mary Kruszewski, DO's Objection to Request for Documents (Second Set) propounded by Defendant Steven W. Graeca has been sent by facsimile and regular mail, postage prepaid, the 24th of May, 2010 to: Kevin R. Lomupo, Esquire John McIntyre, Esquire Jeanne Welch Sopher, Esquire Filed by s/ John W. Blasko, Esquire. No CC	Fredric Joseph Ammerman
6/1/2010	✓ Notice of Service. The Answers to Interrogatories and Objection and Responses to Request for Production of Documents of Dr. Kruszewski was sent to John W. Blasko, Esquire, the 28th of May, 2010 via e-mail and U.S. Mail. Filed by s/ Jeanne Welch Sopher, Esquire. No CC	Fredric Joseph Ammerman
	✓ Notice of Service, on the 28th of May, 2010, the Objections and Responses to Request for Admissions Directed to Defendant Steven W. Graeca, DO, was sent to John W. Blasko, Esquire, via e-mail and U.S. Mail. Filed by s/ Jeanne Welch Sopher, Esquire. No CC	Fredric Joseph Ammerman
8/11/2010	✓ Notice of Service of Answers and Request for Production Directed to Def. DRMC, served on the 10th of Aug., 2010, by First Class U.S. Mail, postage prepaid, on Jean Sopher, esq. filed by s/ John L. McIntyre, Esq. No CC	Fredric Joseph Ammerman
	✓ Notice of Service of Answers to Interrogatories Directed to DRMC, served on 10th of Aug., 2010 via First Class U.S. Mail, Postage Prepaid, to John W. Blasko, Esq. Filed by s/ John L. McIntyre, Esq. No CC	Fredric Joseph Ammerman
10/5/2010	✓ Motion in Limine to Preclude Expert Testimony from Defense Experts, Drs. Levine, McTighe and Merajver, as to standard of care, filed by Atty. Lomupo no cert. copies.	Fredric Joseph Ammerman
10/7/2010	✓ Motion In Limine To Preclude Cumulative Expert Testimony, filed by s/ Kevin R. Lomupo, Esq. No CC	Fredric Joseph Ammerman
10/18/2010	Motion to Compel Plaintiffs to Update and Provide Reports, Records, and Other Materials Referenced in Their Expert Reports, filed by s/ John W. Blasko, Esq. No CC	Fredric Joseph Ammerman
	Motion to Compel Plaintiffs to Update and Provide Reports, Records, and other Materials Referenced in their Expert Reports, filed by Atty. Blasko no cert. copies.	Fredric Joseph Ammerman
10/21/2010	✓ Answer to Plaintiffs' Motion in Limine to Preclude Cumulative Expert Testimony, filed by s/ John W. Blasko, Esq. no CC	Fredric Joseph Ammerman
10/27/2010	✓ Praeipce to Withdraw Motion to Compel with Certificate of Service, filed by s/ John W. Blasko, Esq. No CC	Fredric Joseph Ammerman
	✓ Answer to Plaintiffs' Motion in Limine to Preclude Testimony of Defense Experts, Drs. Levine, McTighe and Meraiver, as to Standard of Care, filed by s/ John W. Blasko, Esq. No CC	Fredric Joseph Ammerman

not in
file on
11-2-10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

NO. 2009-281

RUSSEL MORRIS

Defendant(s)

S & T BANK

Garnishee

OFFICES OF PATENAUDE & FELIX
BY: GREGG MORRIS, ESQUIRE

213 East Main St
Carnegie PA 15106
858-244-7675

You are hereby notified to
plead to the enclosed
interrogatories within 20
days from the date of
hereof or a default
judgment may be entered
against you.

Gregg Morris, Esquire
Attorney for Plaintiff

INTERROGATORIES IN ATTACHMENT EXECUTION

You are required to answer the following interrogatories about Defendant(s) whose address is 117
S JARED ST, DU BOIS PA 15801-2003. You must file with the Court answers to the following
interrogatories within twenty (20) days after service upon you. Failure to do so may result in a default
judgment being entered against you. A copy of said answers must be served on the undersigned. If your
answer to any of the following interrogatories is affirmative, specify the amount, value and/or nature of
the subject property.

Date: 12/15/2010

Clearfield County Court of Common Pleas

User: LMILLER

Time: 04:13 PM

ROA Report

Page 10 of 10

Case: 2007-00362-CD

Current Judge: Fredric Joseph Ammerman

Melissa A. Swanson, et alvs.Mary C. Kruszewski, et al

CIVIL ACTION

Date		Judge
10/29/2010	✓ Order, NOW, this 28th day of October, 2010, following pre-trial conference, Ordered as follows: 1) Jury Selection will be held April 5, 2011. 2) Jury Trial is scheduled for April 11-20, 2011. 3) Argument on Plaintiffs' Motions in Limine (See Original for details) is scheduled for the 21st day of December, 2010. BY THE COURT: /s/Fredric J. Ammerman, P.J. One CC Attorneys: McIntyre, Lomupo, Sopher, Blasko	Fredric Joseph Ammerman
11/1/2010	✓ Plaintiffs' First Supplemental Pretrial Statement, filed by Atty. Lomupo cert. copies.	no Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CAPITAL ONE BANK (U.S.A.), N.A.

Plaintiff

RUSSEL MORRIS

v.

S & T BANK

Defendant(s)

Garnishee

**INTERROGATORIES IN
ATTACHMENT EXECUTION**

Filed on behalf of:

CAPITAL ONE BANK (U.S.A.),

N.A.

Counsel of Record for This Party:

Gregg L. Morris, Esquire

Pa I.D. #69006

Patenaude & Felix, A.P.C.

213 E. Main Street

Carnegie, PA 15106

(412) 429-7675

FILED

MAR 09 2007

Em
M 12:15 / *W*
William A. Shaw
Prothonotary/Clerk of Courts
3 cent to Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

**CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION**

No.: 2007-362-CO

Code: 007

PLEADING:
*COMPLAINT AND
CERTIFICATES OF MERIT*

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, COOPER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgcl.com

JURY TRIAL DEMANDED

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

MELISSA A. SWANSON and	]	
JASON SWANSON, her husband,	]	
	]	
Plaintiffs,	]	No.
	]	
vs.	]	
	]	JURY TRIAL DEMANDED
MARY KRUSZEWSKI, D.O.	]	
STEVEN W. GRAECA, D.O. and	]	
DRMC PRIMARY CARE ASSOCIATES,	]	
	]	
Defendants.	]	

NOTICE

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

David S. Meholick
COURT ADMINISTRATOR
Clearfield County Courthouse
Second & Market Streets
Clearfield, PA 16830

(814) 765-2641 Ext. 5982

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

MELISSA A. SWANSON and	]	
JASON SWANSON, her husband,	]	
	]	
Plaintiffs,	]	No.
	]	
vs.	]	
	]	JURY TRIAL DEMANDED
MARY KRUSZEWSKI, D.O.	]	
STEVEN W. GRAECA, D.O. and	]	
DRMC PRIMARY CARE ASSOCIATES,	]	
	]	
Defendants.	]	

COMPLAINT

AND NOW come the plaintiffs, Melissa Swanson and Jason Swanson, her husband by and through their attorneys, Gilardi, Cooper & Lomupo and Kevin R. Lomupo, Esquire, and file this complaint against the defendants with the following causes of action:

COUNT I

Medical Negligence

**Melissa Swanson v. Mary Kruszewski, D.O., Steven W. Graeca, D.O. and
DRMC Primary Care Associates**

FIRST: The plaintiffs are husband and wife who reside at 856 Brandy Camp Road, Kursey, PA, Elk County, Pennsylvania 15846.

SECOND: Defendant Mary Kruszewski, D.O. is an individual licensed to practice medicine in the Commonwealth of Pennsylvania, whose principle place of business is located at 190 West Park Avenue, Suite 214D, DuBois, Clearfield County, Pennsylvania 15801.

THIRD: Defendant Steven W. Graeca is an individual licensed to practice medicine in the Commonwealth of Pennsylvania, whose principle business address is located at 145 Hospital

Avenue, DuBois, Clearfield County, Pennsylvania 15801.

FOURTH: DRMC Primary Care Associates is a corporation organized and doing business as such in the Commonwealth of Pennsylvania, whose principle place of business is located at 145 Hospital Avenue, DuBois, Clearfield County, Pennsylvania 15801.

FIFTH: At all times relevant hereto, defendant Steven W. Graeca was acting in the capacity of agent, servant and employee of defendant DRMC Primary Care Associates, and was in the course of his employment duties and in furtherance of the business of the defendant corporation.

SIXTH: At all times relevant hereto defendant DRMC Primary Care Associates was acting through its agents, ostensible agents, servants and employees.

SEVENTH: The wife plaintiff had been under the care of Dr. Kruszewski since at least 1996 for obstetric and gynecologic care.

EIGHTH: Following the birth of a male infant on December 24, 2003, the wife plaintiff reported for her post partum check up and was noted by defendant Dr. Kruszewski to have no palpable masses or tenderness in her breasts.

NINTH: On June 24, 2004 the wife plaintiff made an initial visit to consult with Dr. Graeca about a lump she had found in her right breast. She was seen by the physician's assistant, who upon examination detected a 2-centimeter nodule in the right lower breast at seven o'clock, which was tender and easily moveable. A breast ultrasound was arranged for what was thought to be a fibroadenoma.

TENTH: A breast ultrasound was performed on June 29, 2004 and revealed a 4-centimeter by 2.2-centimeter irregular shaped, hypoechoic area in the right breast at 8 o'clock, which had the appearance of a mass. A mammogram of both breasts was recommended to

correlate findings.

ELEVENTH: Dr. Kruszewski scheduled a repeat right breast ultrasound and a bilateral mammogram, which were carried out on July 6, 2004. The hypoechoic area in the right breast continued to be evident on ultrasound and the radiologist noted that it corresponded to an area of induration, redness and pain suggestive of mastitis post lactation. The mammogram showed a slightly increased density over the lower-inner quadrant of the right breast "probably related to mastitis." The results were termed "mammographically benign". The report also cautioned that a negative x-ray should not delay biopsy if a dominant or suspicious mass is present.

TWELFTH: Dr. Kruszewski continued to follow the wife plaintiff's ongoing breast symptoms with ultrasound studies on August 17, 2004, September 28, 2004, November 9, 2004, and February 15, 2005 during which time a presumed mastitis was treated with various antibiotics. Copies of all ultrasound reports were sent to Dr. Graeca as well as Dr. Kruszewski.

THIRTEENTH: On February 8, 2005 the plaintiff saw Dr. Graeca in his office, who deferred a breast exam, noting that Dr. Kruszewski was treating "some mastitis".

FOURTEENTH: On February 25, 2005 Dr. Kruszewski's office notified the wife plaintiff that she should see a surgeon. She was said to be receptive to the idea and planned to contact Dr. Schachter.

FIFTEENTH: The wife plaintiff first saw surgeon, Dr. Larry Schachter on March 2, 2005. Upon the advice of Dr. Tuesdae Stainbrook, infectious disease, a biopsy of the right breast was performed on April 8, 2005, which was diagnostic for angiolymphatic carcinoma. Testing immediately thereafter revealed an advanced stage of inflammatory cancer engulfing virtually the entire right breast.

SIXTEENTH: The progression of the wife plaintiff's breast cancer to an advanced and incurable stage was the direct result of the negligence of the defendants, jointly and severally, and in the following particulars:

AS TO DEFENDANT MARY KRUSZEWSKI, D.O.

- a) In negligently failing to perform a physical examination of the wife plaintiff's breasts at any time after February 4, 2004;
- b) In negligently failing to timely refer the wife plaintiff to a general surgeon for evaluation and possible biopsy;
- c) In negligently failing to consult with infectious disease concerning the wife plaintiff's intractable presumed breast infection;
- d) In negligently failing to timely refer the wife-plaintiff to a general surgeon;
- e) In negligently failing to obtain a breast biopsy in June 2004;
- f) In negligently failing to obtain a complete history of the breast symptomology from the wife plaintiff;
- g) In negligently failing to speak personally at any time with the wife plaintiff concerning her right breast appearance and symptoms;
- h) In negligently going forward with a plan of care for the wife plaintiff based solely on radiographic reports, and recommendations;
- i) In negligently allowing the wife plaintiff's cancerous condition to progress to an extreme and incurable stage.

AS TO DEFENDANT STEVEN W. GRAECA, D.O. and DRMC PRIMARY CARE

ASSOCIATES:

- a) In negligently failing to personally perform an examination of the wife plaintiff's

VERIFICATION

MELISSA SWANSON says that she is the plaintiff in the foregoing action; that the attached Civil Action Complaint is based upon information which she has furnished to her counsel and information which has been gathered by her counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of plaintiff. Plaintiff has read the Complaint and to the extent that the Complaint is based upon information which she has given to her counsel, it is true and correct to the best of her Knowledge, information and belief. To the extent that the content of the Complaint is that of counsel, she has relied upon counsel in making this verification.

I understand that my statements are made subject to 18 Pa. C.S. §4904 providing for criminal penalties for unsworn falsification to authorities.

A handwritten signature in cursive script, appearing to read "Melissa Swanson", is written over a horizontal line.

Date: March 7, 2007

CERTIFICATES OF MERIT

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

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

No.

JURY TRIAL DEMANDED

CERTIFICATE OF MERIT AS TO MARY KRUSZEWSKI, D.O.

I, Kevin R. Lomupo, Esquire certify that:

☒ an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

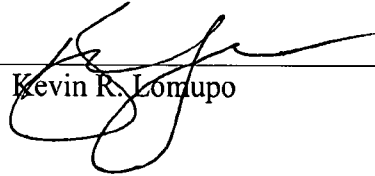
OR

☐ the claim that this defendant deviated from an acceptable professional standard is based solely on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to be undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

____ expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

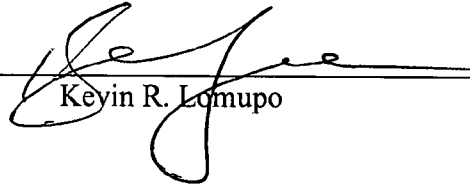
Date: MARCH 7, 2007



Kevin R. Lomupo

____ expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

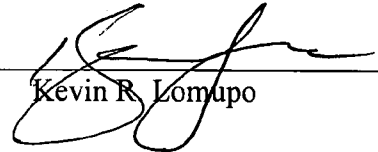
Date: MARCH 7, 2007



Kevin R. Lomupo

_____ expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

Date: March 7, 2007



Kevin R. Lomupo

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

PRAECIPE FOR APPEARANCE

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15219

(412) 261-5700

FILED
m/10:46/64
MAR 28 2007

no cc
CR

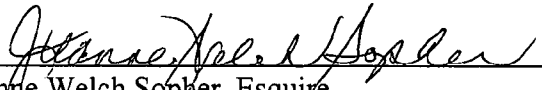
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Praecipe For
Appearance has been sent via first class mail, postage prepaid on this 26th day of March,
2007 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants

: No. 2007 – 362 – CD

: **ISSUE:**
: PRAECIPE FOR APPEARANCE

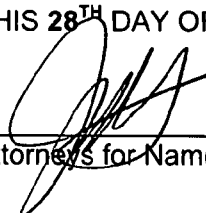
: Filed on behalf of Defendant,
: DRMC PRIMARY CARE ASSOCIATES

: Counsel of Record:
: John L. McIntyre, Esquire
: PA I.D. #28015

: McINTYRE, HARTYE & SCHMITT
: P.O. Box 533
: Hollidaysburg, PA 16648
: (814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 28TH DAY OF MARCH, 2007.



Attorney for Named Defendant

FILED

MAR 30 2007

M/12:20/07

William A. Shaw
Prothonotary/Clerk of Courts

no C/C

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

) Civil Action-Medical Professional
) Liability Action
)

) JURY TRIAL DEMANDED
)

) No. 2007-362-CD
)

) Pleading: Praeceptum for Entry of Appearance
)

) Filed on Behalf of:
) MARY KRUSZEWSKI, D.O.
)

) Counsel of Record for this Party:
) JOHN W. BLASKO, ESQUIRE
) 811 University Drive
) State College, PA 16801
) (814) 238-4926
)

) Counsel of Record for Adverse Party:
) KEVIN P. LOMUPO, ESQUIRE
)

Dated: 4/5/07

FILED

APR 09 2007

m/jr/ush

William A. Shaw
Prothonotary/Clerk of Courts

no C/C

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

) Civil Action-Medical Professional
) Liability Action
)

) JURY TRIAL DEMANDED
)

) No. 2007-362-CD
)

) Pleading:
) ANSWER WITH NEW MATTER
)

) Filed on Behalf of:
) MARY KRUSZEWSKI, D.O.
)

) Counsel of Record for this Party:
) JOHN W. BLASKO, ESQUIRE
) 811 University Drive
) State College, PA 16801
) (814) 238-4926
)

) Counsel of Record for Adverse Party:
) KEVIN P. LOMUPO, ESQUIRE
)

Dated:

April 30, 2007

FILED
MAY 01 2007
William A. Shaw
Prothonotary/Clerk of Courts

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

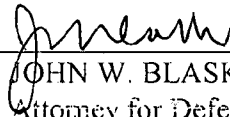
MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

NOTICE TO PLEAD

TO: Plaintiffs

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

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorney for Defendant
Mary Kruszewski, D.O.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated: April 30, 2007

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

ANSWER WITH NEW MATTER OF DEFENDANT MARY KRUSZEWSKI, D.O.
TO PLAINTIFFS' COMPLAINT

COUNT I

Medical Negligence

Melissa Swanson v. Mary Kruszewski, D.O., Steven W. .Graeca, D.O.
and DRMC Primary Care Associates

First: Paragraph First is admitted.

Second: Paragraph Second is admitted.

Third: Paragraph Third is admitted.

Fourth: By Stipulation, the corporate name of the employer of Dr. Graeca has been
changed to DRMC Internal Medicine Group.

Fifth: Paragraph Fifth is directed to a Defendant other than Answering Defendant, and, a
response is not necessary.

Sixth: Paragraph Sixth is directed to a Defendant other than Answering Defendant, and,
a response is not necessary.

Seventh: Paragraph Seventh is admitted.

Eighth: Paragraph Eighth to the extent it is inconsistent with recorded office note is denied. The office note following the post-partum check is by this reference incorporated herein in full response.

Ninth: The allegation of Paragraph Ninth are directed to a Defendant other than Answering Defendant, and, a response is not necessary.

Tenth: Paragraph Tenth to the extent the allegations are inconsistent with the sonogram report dated June 28, 2004, the same are denied. In response, the report of the sonogram of the right breast by Dr. G. Ali Shah is by this reference incorporated herein.

Eleventh: Paragraph Eleventh to the extent that it alleges that Dr. Kruszewski ordered a mammogram is admitted. The remainder of Paragraph Eleventh to the extent it is inconsistent with the report of Dr. Jerjis T. Aljaji dated July 6, 2004 at the DuBois Regional Medical Center is denied, and, the said report is by this reference incorporated herein.

Twelfth: It is admitted that Dr. Kruszewski followed the wife/plaintiff on August 17, 2004, September 28, 2004, November 9, 2004, and February 15, 2005. In full response to Paragraph Twelfth, the office records of Dr. Kruszewski for those dates are by this reference incorporated herein.

Thirteenth: Paragraph Thirteenth is directed to a Defendant other than Answering Defendant, and, a response is not necessary.

Fourteenth: Paragraph Fourteenth is admitted.

Fifteenth: As per Pa.R.C.P. 1029(e), Paragraph Fifteenth is denied as stated.

Sixteenth: Paragraph Sixteenth is a statement of Plaintiffs' legal position to which a response is not necessary.

The averments of Paragraph Sixteenth AS TO DEFENDANT MARY KRUSZEWSKI, D.O., subparagraphs a) through i) inclusive are denied as per Pa.R.C.P. 1029(e).

Paragraph Sixteenth AS TO STEVEN W. GRAECA, D.O. and DRMC PRIMARY CARE ASSOCIATES, are directed to Defendants other than Answering Defendant, and, a response is not necessary.

Seventeenth: Paragraph Seventeenth is a statement of Plaintiffs' legal position, conclusions, and, as such a response is not necessary. To an extent a response is necessary, the allegations of Paragraph Seventeenth, subparagraph a) through h) are denied as per Pa.R.C.P. 1029(e).

WHEREFORE, it is requested that Count I be dismissed.

COUNT II
Loss of Consortium
Jason Swanson v. Mary Kruszewski, D.O., Steven W. .Graeca, D.O.
and DRMC Primary Care Associates

Eighteenth: Paragraph Eighteenth solely incorporates by reference other paragraphs to which no separate response is required. To an extent any response is deemed necessary, Dr. Kruzewski incorporates by reference her answers herein to those paragraphs which have been incorporated by the Plaintiffs.

Nineteenth: Paragraph Nineteenth is a statement of Plaintiffs' position and contains legal conclusions to which a response is not necessary. To an extent a response is necessary, the same are denied as per Pa.R.C.P. 1029(e).

WHEREFORE, it is requested that Count II be dismissed.

NEW MATTER

Twentieth: Dr. Kruszewski asserts and raises all affirmative defenses of the Medical Care Availability and Reduction of Error Act of March, 2002, 40 P.S. §1301.101, et seq., as amended.

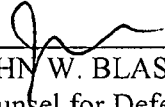
Twenty-First: In absence of a special contract in writing, Dr. Kruszewski is neither a warrantor or guarantor of a cure. This provision is pleaded as an affirmative defense insofar as there is no special contract in writing.

Twenty-Second: Dr. Kruszewski did not engage in any actionable conduct toward the Plaintiff/wife.

WHEREFORE, it is requested that the Plaintiffs' Complaint be dismissed with prejudice.

McQUAIDE, BLASKO, FLEMING,
& FAULKNER, INC.

BY



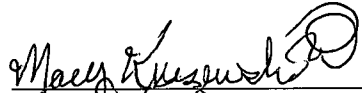
JOHN W. BLASKO
Counsel for Defendant
Mary Kruszewski, D.O.
811 University Drive
State College, PA 16801
(814) 238-4926

Dated April 30, 2017

Swanson v. Kruszewski

VERIFICATION

The undersigned verifies that as a Defendant, she is authorized to make this verification in the within action; and that the Answer with New Matter to Plaintiffs' Complaint is true and correct to the best of her knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. §4904, related to unsworn falsification to authority.


MARY KRUSZEWSKI, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

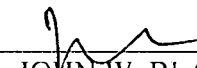
I hereby certify that a true and correct copy of Answer with New Matter on behalf of Defendant Mary Kruszewski, D.O., in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 30th day of April, 2007 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

**CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

PLEADING:
*REPLY TO NEW MATTER OF
DEFENDANT MARY KRUSZEWSKI, D. O.*

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, COOPER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgcl.com

JURY TRIAL DEMANDED

FILED *no cc*
m/10:40/SA
MAY 04 2007 *(GK)*

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

}
}
} SS:

BEFORE ME, the undersigned authority, a Notary Public, in and for said County and Commonwealth, personally appeared, MELISSA A. SWANSON who being duly sworn according to law, deposes and says that the averments of fact contained in the foregoing REPLY TO NEW MATTER OF DEFENDANT MARY KRUSZEWSKI are true and correct to the best of his knowledge, information and belief.

Melissa Swanson

Sworn to and subscribed before me this

2nd day of May, 2007.

Mary Frances Byrne
Notary Public

My Commission Expires:
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Mary Frances Byrne, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Aug. 20, 2009
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of ***PLAINTIFFS' REPLY TO NEW
MATTER OF DEFENDANT, MARY KRUSZEWSKI, D. O.*** has been served upon
counsel of record for the defendant by first class mail, postage prepaid on

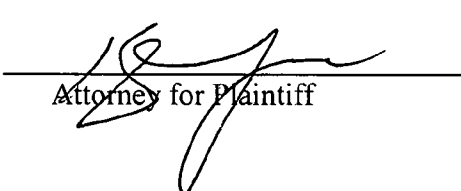
May 2, 2007.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
(Attorney for Defendant Mary Kruszewski, D. O.)

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
(Attorney for Defendant Steven W. Graeca, D. O.)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
(Attorney for Defendant DRMC Primary Care Associates)

GILARDI, COOPER & LOMUPO



Attorney for Plaintiff

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

FILED
MAY 08 2007
M / 10:30
William A. Shaw
Prothonotary/Clerk of Courts
No. 42

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Interrogatories for Answer by Plaintiffs and Request for Production (Set One), in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this

7th day of May, 2007 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Request for Production (Set Two) directed to Plaintiffs, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 7th day of

May 2007 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Expert Interrogatories directed to Plaintiffs, in the above-referenced matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 7th day of May, 2007 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena (regarding Dr. Schachter, Rite-Aid Pharmacy, Dr. Stainbrook and Elk Regional Health Center), in the above-captioned matter was mailed by regular mail, through The MCS Group, Inc., on the 10th day of May, 2007, to the attorney(s) of record:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED *no cc*
MAY 10 3 56 PM
MAY 18 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

**ANSWER TO COMPLAINT AND
NEW MATTER**

Defendants.

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

TO: PLAINTIFFS YOU ARE HEREBY NOTIFIED TO
PLEAD TO THE ENCLOSED NEW MATTER WITHIN
TWENTY (20) DAYS FROM SERVICE HEREOF OR A
DEFAULT JUDGMENT MAY BE ENTERED
AGAINST YOU.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067


Rawle & Henderson LLP

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15219

(412) 261-5700

FILED

JUN 04 2007

2/10/07

William A. Shaw
Prothonotary/Clerk of Courts

NO CHG.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

ANSWER TO COMPLAINT AND NEW MATTER

COUNT I

Medical Negligence

**Melissa Swanson v. Mary Kruszewski, D.O., Steven W. Graeca, D.O. and
DRMC Primary Care Associates**

1. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the averments in Paragraphs 1, 2, 4, 7, and 8 of Plaintiffs' Complaint, and, accordingly, said averments are denied and strict proof thereof demanded at time of trial. Furthermore, these paragraphs refer to parties other than this Defendant and require no response by this Defendant.

2. The averments in Paragraph 3 as amended by the Stipulation to Amend Complaint signed by counsel for Plaintiffs and counsel for this Defendant and filed on or about April 11, 2007 are admitted in part and denied in part. It is admitted that this Defendant is licensed to practice medicine in the Commonwealth of Pennsylvania with a principle business address at 145 Hospital Avenue, DuBois, Clearfield County, PA 15801. The remaining averments of Paragraph 3 state conclusions of law to which no response is required. If a response is deemed to be required, said averments are denied and strict proof thereof demanded at time of trial.

3. Paragraph 5 is denied. At all times relevant to this action, this Defendant was not the agent, servant, or employee of defendant DRMC Primary Care Associates and was not in the course of his employment duties and in furtherance of the business of the aforesaid defendant corporation. To the contrary, this Defendant was an employee of DRMC Internal Medicine and any allegations to the contrary are denied and strict proof thereof demanded at time of trial.

4. The averments of Paragraph 6 refer to another defendant in this matter and do not require a response by this Defendant. Should such a response be deemed to be required, said averments are denied and strict proof thereof demanded at time of trial. By way of further answer, this Defendant states that at all times relevant to this action, this Defendant was not the agent, servant, or employee of defendant DRMC Primary Care Associates.

5. The averments of Paragraph 9 are admitted in part and denied in part. It is admitted that on June 24, 2004, Wife Plaintiff had an appointment at Dr. Graeca's office at which time she was seen by the physician's assistant. The results of the physician's assistant's examination are recorded in her notes from that date. These notes are contained in a document that speaks for itself and any attempt to characterize, summarize, or abbreviate these notes are denied and strict proof of such characterization, summarization, or abbreviation is demanded at time of trial. It is further denied that Wife Plaintiff made an initial visit to Dr. Graeca on June 24, 2004 to consult about a lump she had found in her right breast. To the contrary, Wife Plaintiff's visit on June 24, 2004 was to establish herself as a new patient of Dr. Graeca and any allegations to the contrary are denied and strict proof thereof demanded at time of trial.

6. The averments of Paragraphs 10 and 11 are admitted to the extent that they accurately reflect what is recorded in Wife Plaintiff's medical records. To the extent that they do not, they are denied and strict proof thereof is demanded at time of trial.

7. The averments of Paragraph 12 are admitted in part and denied in part. It is admitted that Dr. Graeca received the ultrasound reports of Wife Plaintiff dated August 17, 2004, September 28, 2004, and November 9, 2004. The remaining averments of Paragraphs 12 are admitted to the extent that they accurately reflect what is recorded in Wife Plaintiff's medical records. To the extent that they do not, they are denied and strict proof thereof is demanded at time of trial.

8. The averments of Paragraph 13 are admitted in part and denied in part. It is admitted that on February 8, 2005, Wife Plaintiff saw Dr. Graeca in his office. The notes from the Defendant's examination are set forth in a document contained in his chart. This document speaks for itself and any attempts to characterize, summarize, or abbreviate these notes are denied and strict proof of such characterization, summarization, or abbreviation is demanded at time of trial.

9. The averments of Paragraphs 14 and 15 are admitted to the extent that they accurately reflect what is recorded in Wife Plaintiff's medical records. To the extent that they do not, they are denied and strict proof thereof is demanded at time of trial.

10. The averments of Paragraph 16 and its subparts as to Dr. Graeca are denied. It is denied that this Defendant was negligent in any way or that any acts or omissions of this Defendant caused or contributed to Wife Plaintiff's alleged injuries or damages. To the contrary, this Defendant provided good and proper care to Wife Plaintiff and any allegations to the contrary are denied and strict proof thereof is demanded at time of trial. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments of Paragraph 16 and/or they refer to another defendant in

this matter and, accordingly, said averments are denied and strict proof thereof is demanded at time of trial.

11. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 17 and, accordingly, said averments are denied and strict proof thereof is demanded at time of trial. By way of further response, this Defendant denies that he was negligent in any way or that any acts or omissions of this Defendant caused or contributed to Wife Plaintiff's alleged injuries or damages and any allegations to the contrary are denied and strict proof thereof is demanded at time of trial.

WHEREFORE, Stephen W. Graeca, D.O. denies all liability and demands judgment accordingly.

COUNT II

Loss of Consortium

**Jason Swanson v. Mary Kruszewski, D.O., Steven W. Graeca, D.O.
And DRMC Primary Care**

12. Paragraphs 1 through 11 are incorporated herein by reference as if set forth fully herein.

13. After reasonable investigation, this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 19 and, accordingly, said averments are denied and strict proof thereof is demanded at time of trial. By way of further response, this Defendant denies that he was negligent in any way or that any acts or omissions of this Defendant caused or contributed to Plaintiffs' alleged injuries or damages and any allegations to the contrary are denied and strict proof thereof is demanded at time of trial.

WHEREFORE, Stephen W. Graeca, D.O. denies all liability and demands judgment accordingly.

NEW MATTER

14. The occurrences for which Plaintiffs seek relief were caused by third parties over whom this Defendant had no control nor right of control and for whose actions this Defendant is not liable.

15. If at time of trial, it is established that Plaintiffs contributed to any injuries or damages for which Plaintiffs seek recovery by failing to seek medical treatment in a timely fashion, failing to provide an accurate and complete medical history, failing to undergo recommended diagnostic testing or failure to follow instructions, this Defendant pleads contributory and/or comparative negligence and assumption of risk as affirmative defenses.

16. Plaintiffs fail to state a cause of action against this Defendant upon which recovery can be made.

17. The injuries and damages alleged by Plaintiffs are the result of the acts, omissions, and other breaches of duty of Plaintiffs and/or other parties for which matters this Defendant has no responsibility or liability, and/or which constitute intervening and superseding causes, which shield this Defendant from any liability in this matter.

18. The claims of Plaintiffs are barred or must be reduced by the defenses of assumption of the risk, comparative negligence, and/or contributory negligence.

19. Some or all of the injuries and damages complained of by Plaintiffs were not related to or caused by the incident alleged against this Defendant in the Complaint.

20. Plaintiffs failed to act as appropriate and required under the circumstances to mitigate their own injuries and damages.

21. Plaintiffs' claims are barred by the applicable Statute of Limitations.

WHEREFORE, Defendant, Steven W. Graeca, D.O., denies all liability and demands judgment accordingly.

Rawle & Henderson LLP

BY: 

Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

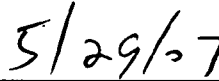
VERIFICATION

I, Steven W. Graeca, D.O., have read the Answer and New Matter to Plaintiff's Complaint. The statements therein are correct to the best of my personal knowledge or information and belief.

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



Steven W. Graeca, D.O.



Date

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Answer To Complaint And New Matter** has been sent via first class mail, postage prepaid on this **31st** day of **May, 2007** to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

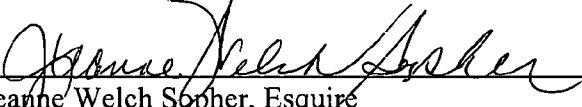
John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Mary Kruszewski, D.O.

Rawle & Henderson LLP

BY:


Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

FILED

JUN 08 2007

m/11:25/4

William A. Shaw
Prothonotary/Clerk of Courts

W. A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

**CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

PLEADING:

*REPLY TO NEW MATTER OF
DEFENDANT STEVEN W. GRAECA, D. O.*

FILED ON BEHALF OF:

Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, COOPER & LOMUPO
Firm #157

The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgcl.com

JURY TRIAL DEMANDED

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

}
}
} SS:

BEFORE ME, the undersigned authority, a Notary Public, in and for said County and Commonwealth, personally appeared, Melissa A. Swanson who being duly sworn according to law, deposes and says that the averments of fact contained in the foregoing Reply to New Matter of Defendant Steven W. Græca are true and correct to the best of his knowledge, information and belief. D.O.

Melissa Swanson

Sworn to and subscribed before me this

5th day of June, 20 .

Mary Frances Byrne

Notary Public

COMMONWEALTH OF PENNSYLVANIA

My

Commission Expires

Notary Seal
Mary Frances Byrne, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Aug. 20, 2009

Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of ***PLAINTIFFS' REPLY TO NEW
MATTER OF DEFENDANT, MARY STEVEN W. GRAECA, D. O.*** has been served
upon counsel of record for the defendant by first class mail, postage prepaid on

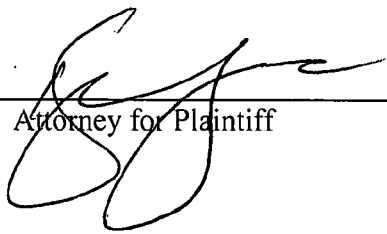
June 5, 2007.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
(Attorney for Defendant Mary Kruszewski, D. O.)

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
(Attorney for Defendant Steven W. Graeca, D. O.)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
(Attorney for Defendant DRMC Primary Care Associates)

GILARDI, COOPER & LOMUPO



Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
PLAINTIFFS**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

FILED

JUN 08 2007

11:20/W

William A. Shaw
Prothonotary/Clerk of Courts

no 4/c

(6K)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

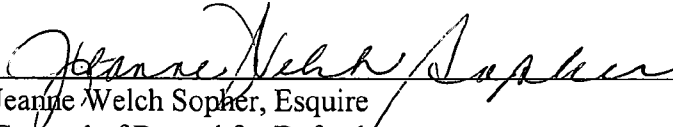
**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

I hereby certify that the original Interrogatories And Request For Production Of
Documents Directed To Plaintiffs were sent to plaintiffs attorneys as listed below:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Rawle & Henderson LLP

BY:


Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

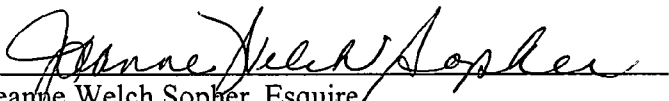
I, hereby certify that a true and correct copy of the foregoing Notice Of Service Of Interrogatories And Request For Production Of Documents Directed To Plaintiffs has been sent via first class mail, postage prepaid on this 6th day of June, 2007 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

**STIPULATION TO AMEND
COMPLAINT**

Defendants.

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15219

(412) 261-5700

FILED No CC.
m/ll:20cm
JUN 14 2007
William A. Shaw
Prothonotary/Clerk of Courts

04/02/2007 14:34 4122615710

RAWLE & HENDERSON

PAGE 04/04

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husbandCIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

STIPULATION TO AMEND COMPLAINT

Plaintiffs, by and through their attorneys, and Defendant Steven W. Graeca, D.O., by and through his attorneys, stipulate to the amendment of the Complaint as follows:

Paragraph 3 is amended to include at the end thereof the following statement:

"Plaintiffs are asserting a professional liability claim against this defendant."

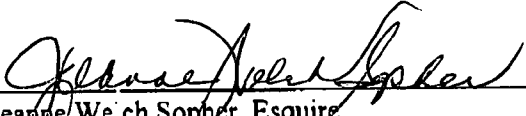
Consent to Stipulation by:



Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum-Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
Counsel of Record for Plaintiffs
Melissa A. Swanson and
Jason Swanson, her husband

Rawle & Henderson LLP

By:



Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

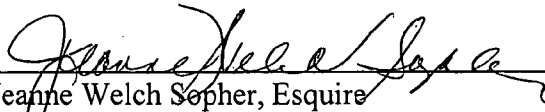
I, hereby certify that a true and correct copy of the foregoing **Stipulation to Amend Complaint** has been sent via first class mail, postage prepaid on this 12th day of **June, 2007** to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants

No. 2007 - 362 - CD

ISSUE:

NOTICE OF SERVICE OF
DISCOVERY DIRECTED
TO PLAINTIFFS, DATED: 07/03/07

Filed on behalf of Defendant,
DuBois Regional Medical Center

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 3rd DAY OF July, 2007.

John L. McIntyre / cmw
Attorneys for Named Defendant

FILED

JUL 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED

JUL 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102540
NO: 07-362-CD
SERVICE # 1 OF 3
COMPLAINT AND CERTIFICATES OF MERIT

PLAINTIFF: MELISSA A. SWANSON and JASON SWANSON her husband
vs.
DEFENDANT: MARY KRUSZEWSKI, D.O., STEVEN W. GRACECA, D.O. and DRMC PRIMARY CARE
ASSOCIATES

SHERIFF RETURN

NOW, March 16, 2007 AT 9:55 AM SERVED THE WITHIN COMPLAINT AND CERTIFICATES OF MERIT ON MARY KRUSZEWSKI, D.O. DEFENDANT AT 190 WEST PARK AVE., SUITE 214D, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PRISCILLA STAHLMAN, MEDICAL ASSISTANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND CERTIFICATES OF MERIT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

FILED
0/3:20 cm
JUL 06 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102540
NO: 07-362-CD
SERVICE # 2 OF 3
COMPLAINT AND CERTIFICATES OF MERIT

PLAINTIFF: MELISSA A. SWANSON and JASON SWANSON her husband
vs.

DEFENDANT: MARY KRUSZEWSKI, D.O., STEVEN W. GRAECA, D.O. and DRMC PRIMARY CARE
ASSOCIATES

SHERIFF RETURN

NOW, March 16, 2007 AT 10:09 AM SERVED THE WITHIN COMPLAINT AND CERTIFICATES OF MERIT ON STEVEN W. GRAECA, D.O. DEFENDANT AT 145 HOSPITAL AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MICHELLE SMITH, OFFICE MANAGER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND CERTIFICATES OF MERIT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102540
NO: 07-362-CD
SERVICE # 3 OF 3
COMPLAINT AND CERTIFICATES OF MERIT

PLAINTIFF: MELISSA A. SWANSON and JASON SWANSON her husband

vs.

DEFENDANT: MARY KRUSZEWSKI, D.O., STEVEN W. GRACECA, D.O. and DRMC PRIMARY CARE ASSOCIATES

SHERIFF RETURN

NOW, March 16, 2007 AT 10:06 AM SERVED THE WITHIN COMPLAINT AND CERTIFICATES OF MERIT ON DRMC PRIMARY CARE ASSOCIATES DEFENDANT AT 145 HOSPITAL AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SUSAN LYLE, SUPERVISOR A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND CERTIFICATES OF MERIT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102540
NO: 07-362-CD
SERVICES 3
COMPLAINT AND CERTIFICATES OF MERIT

PLAINTIFF: MELISSA A. SWANSON and JASON SWANSON her husband
vs.
DEFENDANT: MARY KRUSZEWSKI, D.O., STEVEN W. GRACECA, D.O. and DRMC PRIMARY CARE
ASSOCIATES

SHERIFF RETURN

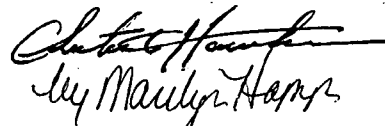
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GILARDI	1600	30.00
SHERIFF HAWKINS	GILARDI	1600	48.43

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena (regarding Magee Womens Hospital, DRMC Primary Care Associates and DuBois Regional Medial Center), in the above-captioned matter was mailed by regular mail, through The MCS Group, Inc., on the 20th day of July, 2007, to the attorney(s) of record:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED 10
M 10:51/30L CC
JUL 26 2007
LW

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

FILED
m/10:54/BL
AUG 20 2007
CC
G10

William A. Shaw
Prothonotary/Clerk of Courts

IN THE MATTER OF:

COURT OF COMMON PLEAS

SWANSON

TERM,
CLEARFIELD

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of JOHN BLASKO, ESQUIRE
certifies that

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

DATE: 08/09/2007

MCS on behalf of
John Blasko
JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

SWANSON

TERM,

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

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

MAGEE WOMENS HOSPITAL+ MEDICAL
MAGEE WOMENS HOSPITAL+ HOSPITAL BILL ONLY
DRMC PRIMARY CARE ASSOC MEDICAL & BILLING
DUBOIS REGIONAL MEDICAL CENTERMEDICAL
DUBOIS REGIONAL MEDICAL CENTERHOSPITAL BILL ONLY

TO: KEVIN R. LOMUPO, ESQUIRE, PLAINTIFF COUNSEL
JOHN L. MCINTYRE, ESQUIRE
JEANNE WELCH SOPHER, ESQ.

MCS on behalf of JOHN BLASKO, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 07/20/2007

MCS on behalf of
JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT

CC: JOHN BLASKO, ESQUIRE - 19018-1

Any questions regarding this matter, contact

THE MCS GROUP, INC.
300 LAWYERS BUILDING

PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Magee Womens Hospital
(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 Rider

MCS 300 Lawyers Building, Pittsburgh, Pa 15219
(Address)

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

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

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

NAME: John W. Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Monday, July 16, 2007
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

MAGEE WOMENS HOSPITAL +
300 HALKET STREET

PITTSBURGH, PA 15213

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

WE RESERVE THE RIGHT TO OBTAIN OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS THAT ARE RECEIVED IN RESPONSE TO THIS REQUEST

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation care or treatment.

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

*

Vs.

*

No. 2007-00362-CD

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

*

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

TO: Custodian of Records:Magee Womens Hospital
(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 Rider***~~

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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

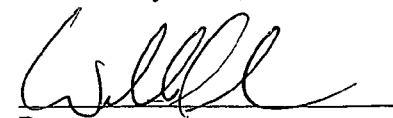
If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: John W. Blasko, Esq
ADDRESS: 811 University Dr
State College, PA 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID #
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Monday, July 16, 2007
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

MAGEE WOMENS HOSPITAL+
300 HALKET STREET

PITTSBURGH, PA 15213

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS THAT ARE RECEIVED IN REPONSE TO THIS REQUEST

Any and all billing records pertaining to patient.

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: from: 00-00-2004 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

*

*

*

No. 2007-00362-CD

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

TO: Custodian of Records:DRMC Primary Care Associates
(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 Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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

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

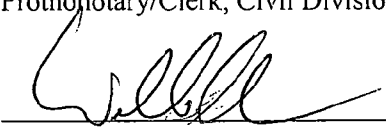
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: John W. Blasko, Esq
ADDRESS: 811 University Dr
State College, PA 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, July 16, 2007
Seal of the Court


Deputy

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DRMC PRIMARY CARE ASSOC
INTERNAL MEDICINE
145 HOSPITAL AVE#215

DUBOIS, PA 15801

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

**MEDICAL BILLING FROM 2004 TO THE PRESENT.
WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS RECEIVED IN RESPONSE TO THIS REQUEST**

Any and all records, correspondence, files and memorandums, handwritten notes, billing and payment records, relating to any examination, consultation, care or treatment. **TO INCLUDE PATIENT ID SHEET****
*CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED***

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Dubois Regional Medical Center
(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 Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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copies or producing the things sought.

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(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: John W. Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Monday, July 16, 2007
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DUBOIS REGIONAL MEDICAL CENTER
100 HOSPITAL AVENUE

DUBOIS, PA 15801

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS THAT ARE RECEIVED IN RESPONSE TO THIS REQUEST

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation care or treatment.

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

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COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

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Vs.

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No. 2007-00362-CD

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Steven W. Graeca
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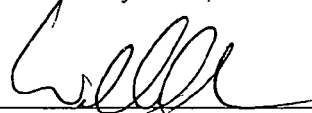
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Deputy

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DUBOIS, PA 15801

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Any and all billing records pertaining to patient.

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Dates Requested: from: 00-00-2004 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

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COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
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Plaintiff(s)

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Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Magee Womens Hospital
(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 Rider

MCS 300 Lawyers Building, Pittsburgh, Pa 15219
(Address)

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State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Monday, July 16, 2007
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

**MAGEE WOMENS HOSPITAL +
300 HALKET STREET**

PITTSBURGH, PA 15213

**RE: 24253
MELISSA SWANSON**

**Prior approval is required for fees in excess of \$150.00 for
hospitals, \$100.00 for all other providers.**

**WE RESERVE THE RIGHT TO OBTAIN OF RADIOLOGY FILMS USING THIS SUBPOENA
ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY
REPORTS THAT ARE RECEIVED IN RESPONSE TO THIS REQUEST**

**Any and all records, correspondence, files and memorandums, handwritten
notes, relating to any examination, consultation care or treatment.**

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

*

*

*

No. 2007-00362-CD

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

TO: Custodian of Records: Magee Womens Hospital
(Name of Person or Entity)

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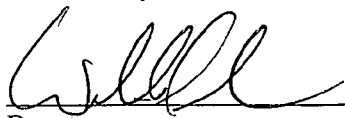
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SUPREME COURT ID #
ATTORNEY FOR: Defendant

BY THE COURT:

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Prothonotary/Clerk, Civil Division


Deputy

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Clearfield Co., Clearfield, PA

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

MAGEE WOMENS HOSPITAL+
300 HALKET STREET

PITTSBURGH, PA 15213

RE: 24253
MELISSA SWANSON

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Any and all billing records pertaining to patient.

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: from: 00-00-2004 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

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Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

*

Vs.

*

No. 2007-00362-CD

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

*

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

TO: Custodian of Records:DRMC Primary Care Associates
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to
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See Attached Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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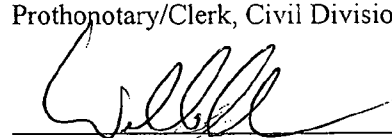
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TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, July 16, 2007
Seal of the Court


Deputy

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DRMC PRIMARY CARE ASSOC
INTERNAL MEDICINE
145 HOSPITAL AVE#215

DUBOIS, PA 15801

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

MEDICAL BILLING FROM 2004 TO THE PRESENT.
WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS RECEIVED IN RESPONSE TO THIS REQUEST

Any and all records, correspondence, files and memorandums, handwritten notes, billing and payment records, relating to any examination, consultation, care or treatment. ****TO INCLUDE PATIENT ID SHEET****
CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

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COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Case Associates
Defendant(s)

No. 2007-00362-CD

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO
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(Name of Person or Entity)

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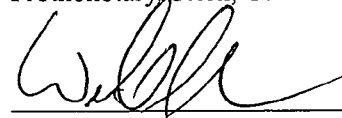
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TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



~~Deputy~~

DATE: Monday, July 16, 2007
Seal of the Court

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Prothonotary
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Clearfield Co., Clearfield, PA

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DUBOIS REGIONAL MEDICAL CENTER
100 HOSPITAL AVENUE

DUBOIS, PA 15801

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COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

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Vs.

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No. 2007-00362-CD

Mary C. Kruszewski
Steven W. Graeca
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Defendant(s)

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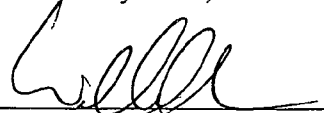
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants

No. 2007 – 362 – CD

ISSUE:
Stipulation

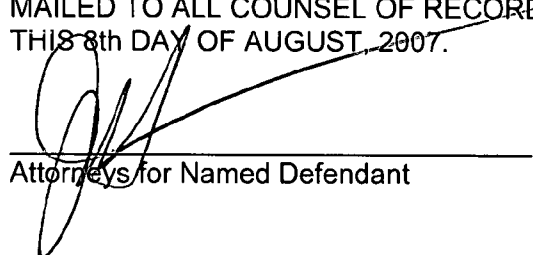
Filed on behalf of Defendant,
DRMC PRIMARY CARE ASSOCIATES

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 8th DAY OF AUGUST, 2007.


Attorneys for Named Defendant

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/21/07

☒ You are responsible for serving all appropriate parties.

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

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

FILED

AUG 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA SWANSON and
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Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
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DRMC PRIMARY CARE ASSOCIATES,

Defendants

No. 2007 – 362 – CD

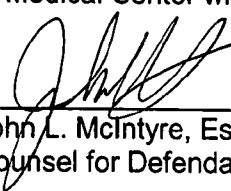
JURY TRIAL DEMANDED

STIPULATION

AND NOW, come the Plaintiffs, MELISSA SWANSON and JASON SWANSON, her husband, and Defendant, DRMC/DUBOIS REGIONAL MEDICAL CENTER and enter into the following Stipulation by and through their respective counsel:

1. Plaintiffs filed a Complaint against Mary Kruszewski, D.O., Steven W. Graeca, D.O. and DRMC Primary Care Associates.
2. Subsequently, plaintiffs learned that there is no independent entity known as DRMC Primary Care Associates.
3. DRMC Primary Care Associates is a part of the DuBois Regional Medical Center.
4. The parties hereby agree that DuBois Regional Medical Center will enter an Appearance and stipulate that Steven W. Graeca, D.O., was an employee of DRMC.
5. The parties agree that the caption shall be changed to reflect that the defendant is DuBois Regional Medical Center. DRMC Primary Care Associates will be deleted from the caption and DuBois Regional Medical Center will be substituted.

Kevin Lomupo, Esquire
Counsel for Plaintiff

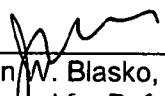


John L. McIntyre, Esquire
Counsel for Defendant, DRMC

Dated: _____

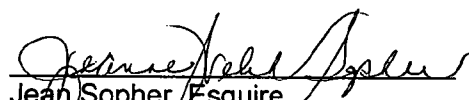
Jean Sopher, Esquire
Counsel for Dr. Graeca

Dated: _____



John W. Blasko, Esquire
Counsel for Defendant, Dr. Kruszewski

Dated: _____


Jean Sopher, Esquire
Counsel for Dr. Graeca

Dated: July 11, 2007

John W. Blasko, Esquire
Counsel for Defendant, Dr. Kruszewski

Dated: _____

1

JURY TRIAL DEMANDED

Dated: 7-10-07

Jean Sopher, Esquire
Counsel for Dr. Graeca

Dated: _____

John W. Blasko, Esquire
Counsel for Defendant, Dr. Kruszewski

Dated: _____

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

MELISSA SWANSON and
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Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL
CENTER,

Defendants

: No. 2007 – 362 – CD

: **ISSUE:**

: Answer and New Matter to Plaintiffs'
: Complaint

: Filed on behalf of Defendant,
: DUBOIS REGIONAL MEDICAL
: CENTER

: Counsel of Record:

: John L. McIntyre, Esquire

: PA I.D. #28015

: Laura O. Burke, Esquire

: PA I.D. #200595

: McINTYRE, HARTYE & SCHMITT

: P.O. Box 533

: Hollidaysburg, PA 16648

: (814) 696-3581

: JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 31st DAY OF August, 2007.



Attorneys for Named Defendant

FILED NO
SEP 04 2007 CC
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

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

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Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants

No. 2007 – 362 – CD

JURY TRIAL DEMANDED

ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW, comes defendant, DUBOIS REGIONAL MEDICAL CENTER, by and through its attorneys, MCINTYRE, HARTYE & SCHMITT, and files the following Answer and New Matter to plaintiffs' Complaint:

COUNT I

Medical Negligence

**Melissa Swanson v. Mary Kruszewski, D.O., Steven W. Graeca, D.O., and
DRMC Primary Care Associates**

1. Admitted.
- 2.-3. The averments in Paragraphs No. 2 and 3 are not directed to the answering defendant, hence no response is required.
4. Pursuant to Stipulation, DRMC Primary Care Associates will be deleted from this case and DuBois Regional Medical Center will be substituted as the defendant. DuBois Regional Medical Center is a corporation organized and doing business as such in the Commonwealth of Pennsylvania. It is admitted that DuBois Regional Medical Center's principle place of business is located at 145 Hospital Avenue, DuBois, Clearfield County, Pennsylvania, 15801.

5. It is admitted that at all times relevant to this case defendant Steven W. Graeca was an employee of DuBois Regional Medical Center.

6. Admitted that at all times relevant to this case defendant DuBois Regional Medical Center was acting through its employee, Steven W. Graeca.

7.-15. In response to Paragraphs No. 7 – 15 of the plaintiffs' Complaint, these paragraphs are denied in accordance with Pa. R.C.P. 1029(e). The averments contained in these paragraphs do not completely and fully set forth the circumstances pertaining to the care and treatment rendered to plaintiff wife. Strict proof of all allegations contained in these paragraphs is demanded at the time of trial.

16. The averments in Paragraph No. 16 of the plaintiffs' Complaint are legal conclusions to which no reply is necessary. To the extent that a reply may be deemed necessary, it is specifically denied that the answering defendant was negligent in its care of plaintiff wife.

As to defendant Mary Kruszewski, D.O.

a)-i) The averments in Subparagraphs No. 16a) – i) are directed to another defendant and no response is required.

As to defendant Steven W. Graeca, D.O. and DuBois Regional Medical Center:

a)-g) The averments of Subparagraphs No. 16 a) – g) directed to the answering defendant are conclusions of law to which no reply is necessary. To the extent that a reply may be deemed necessary, it is denied that the answering defendant was negligent in any respect in its care and treatment of plaintiff wife. DuBois Regional Medical Center demands strict proof of all allegations pertaining to negligence at the time of trial.

17. a)-h) It is denied that DuBois Regional Medical Center was in any way negligent or that it is jointly and severally liable for damages as set forth in Paragraph No. 17 and its subparagraphs. All allegations as to negligence, damages, and causation

are denied in accordance with Pa. R.C.P. 1029(e). DuBois Regional Medical Center demands strict proof of all allegations pertaining to negligence, damages, and causation at the time of trial.

WHEREFORE, defendant, DUBOIS REGIONAL MEDICAL CENTER, demands judgment in its favor and respectfully requests that the plaintiffs' lawsuit be dismissed with prejudice.

COUNT II
Loss of Consortium
Jason Swanson v. Mary Kruszewski, D.O., Steven W. Graeca, D.O.,
and DRMC Primary Care

18. The answering defendant's responses to Paragraphs No. 1 – 17 are incorporated herein by reference as if fully set forth herein.

19. The averments of Paragraph No. 19 are a conclusion of law to which no response is required. To the extent that a response may be deemed necessary, DuBois Regional Medical Center denies that it was in any way negligent in the treatment and care of plaintiff wife. Strict proof of allegations of negligence, causation, and damages is demanded at trial.

WHEREFORE, defendant, DUBOIS REGIONAL MEDICAL CENTER, demands judgment in its favor and the dismissal of plaintiffs' lawsuit with prejudice.

NEW MATTER

20. DuBois Regional Medical Center incorporates by reference the Stipulation of the parties to the amend the caption. Pursuant to this Stipulation, DuBois Regional Medical Center is replacing DRMC Primary Care Associates as a defendant to this action.

21. The only claim against DuBois Regional Medical Center is vicarious liability for actions of Dr. Graeca.

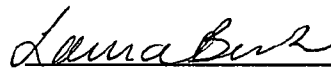
22. DuBois Regional Medical Center was not involved in any way in the care and treatment provided to the plaintiff.

23. Plaintiffs' claims are barred or limited as provided by the provisions of the Health Care Services Malpractice Act, as amended.

24. Plaintiffs' claims are barred or limited as provided under the Medical Care Availability and Reduction of Error Act, 40 P.S. §1303.101 et seq.

Respectfully submitted,

MCINTYRE, HARTYE & SCHMITT



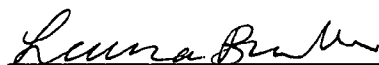
Attorney for Defendant
DuBois Regional Medical Center

LAURA O. BURKE, ESQUIRE
PA. ID. No. 200595
JOHN L. MCINTYRE, ESQUIRE
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

Notice to Plead

To: Plaintiffs

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



Attorney for Defendant

File # DRMC 007 MH

VERIFICATION

I, **GREGORY VOLPE, Risk Manager**, do hereby verify that I have read the foregoing **Answer and New Matter to Plaintiffs' Complaint**. The statements therein are correct to the best of my personal knowledge or information and belief.

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

DUBOIS REGIONAL MEDICAL CENTER


Gregory Volpe, Risk Manager

Date: August 22, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiff

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O.
and DUBOIS REGIONAL MEDICAL CENTER

Defendants

**CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

PLEADING:
*PLAINTIFFS' REPLY TO NEW
MATTER OF DEFENDANT
DUBOIS REGIONAL MEDICAL CENTER*

FILED ON BEHALF OF:
Plaintiff

**COUNSEL OF RECORD FOR
THIS PARTY:**

Kevin R. Lomupo, Esquire
PA I.D. # 40996

GILARDI, COOPER & LOMUPO
Firm # 157
The Benedum Trees Building
223 Fourth Avenue, 10th Fl.
Pittsburgh, PA 15222-1717
412-391-9770

JURY TRIAL DEMANDED

FILED *NOCC*
11:11/51
OCT 04 2007 *GK*

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF ALLEGHENY

}
}
} **SS:**

BEFORE ME, the undersigned authority, a Notary Public, in and for said County and Commonwealth, personally appeared, **Melissa Swanson** who being duly sworn according to law, deposes and says that the averments of fact contained in the foregoing **Plaintiffs' REply to New Matter of Defendant DuBois Regional Medical Center** are true and correct to the best of his knowledge, information and belief.

Melissa Swanson

Sworn to and subscribed before me this
1st day of *October*, 2007.

Mary Frances Byrne
Notary Public

COMMONWEALTH OF PENNSYLVANIA
My Commission Expires:
Notary Seal
Mary Frances Byrne, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires Aug. 20, 2009
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

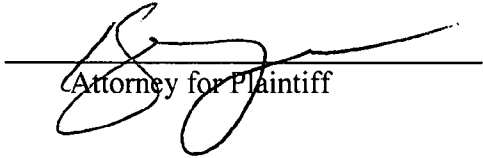
I hereby certify that a certified copy of ***PLAINTIFFS' REPLY TO NEW MATTER OF DEFENDANT DUBOIS REGIONAL MEDICAL CENTER*** has been served upon counsel of record for the defendant by first class mail, postage prepaid on Oct 11, 2007

TO: John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648

GILARDI, COOPER & LOMUPO



Attorney for Plaintiff

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

) Civil Action-Medial Professional
) Liability Action
)

) No. 2007-362-CD
)

) JURY TRIAL DEMANDED
)

FILED

MAY 11 11:46 AM '08

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena (regarding updated records of Elk Regional Health Center, Magee Womens Hospital, and Oncology Hematology Associates), in the above-captioned matter was mailed by regular mail, through The MCS Group, Inc., on the 2nd day of May, 2008, to the attorney(s) of record:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:

John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,
CLEARFIELD

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

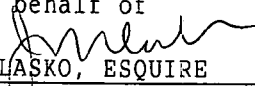
As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of JOHN BLASKO, ESQUIRE
certifies that

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

DATE: 05/22/2008

MCS on behalf of


JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT

FILED ^{no cc}
^{m12:34}
JUN 02 2008 ^{GR}

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

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

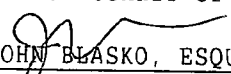
ELK REGIONAL HEALTH CENTER + MEDICAL
MAGEE WOMENS HOSPITAL MEDICAL
ONCOLOGY HEMATOLOGY ASSOC MEDICAL

TO: KEVIN R. LOMUPO, ESQUIRE, PLAINTIFF COUNSEL
JOHN L. MCINTYRE, ESQUIRE
JEANNE WELCH SOPHER, ESQ.

MCS on behalf of JOHN BLASKO, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 05/02/2008

MCS on behalf of


JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT

CC: JOHN BLASKO, ESQUIRE

- 19018-1
-

Any questions regarding this matter, contact

THE MCS GROUP, INC.
300 LAWYERS BUILDING

PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

*

Vs.

*

No. 2007-00362-CD

*

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

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

TO: Custodian of Records:Elk Regional Health Center
(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 Rider

MCS 300 Lawyers Building Pittsburgh ,Pa 15219
(Address)

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

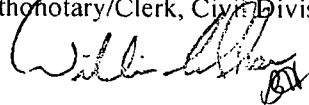
If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: John Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID #
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Wednesday, April 30, 2008
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

ELK REGIONAL HEALTH CENTER +
763 JOHNSONBURG ROAD

ST. MARYS, PA 15857

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS THAT ARE RECEIVED IN RESPONSE TO THIS REQUEST

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation care or treatment.

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: from: 04-27-2007 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Magee Womens Hospital
(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 Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

You may deliver or mail legible copies of the documents or produce things requested by
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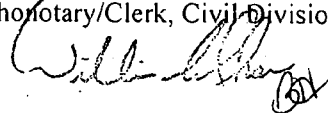
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ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

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

DATE: Wednesday, April 30, 2008
Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

MAGEE WOMENS HOSPITAL
300 HALKET STREET

PITTSBURGH, PA 15213

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

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Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation care or treatment.

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: from: 03-14-2007 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Oncology Hematology Assoc of Northern Pa
(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 Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

You may deliver or mail legible copies of the documents or produce things requested by
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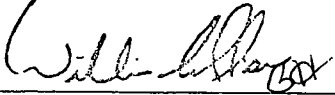
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State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Wednesday, April 30, 2008
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

ONCOLOGY HEMATOLOGY ASSOC
100 HOSPITAL AVE

DUBOIS, PA 15801

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS THAT ARE RECEIVED IN REPOSENSE TO THIS REQUEST

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation, care or treatment.

TO INCLUDE PATIENT ID SHEET CERTIFICATION OF RECORDS MUST BE SIGNED & RETURNED*

Dates Requested: from: 07-07-2006 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Elk Regional Health Center
(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 Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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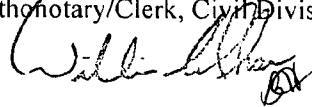
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NAME: John Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Wednesday, April 30, 2008
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

ELK REGIONAL HEALTH CENTER +
763 JOHNSONBURG ROAD

ST. MARYS, PA 15857

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

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Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation care or treatment.

CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: from: 04-27-2007 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Magee Womens Hospital
(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:

SBe Attached Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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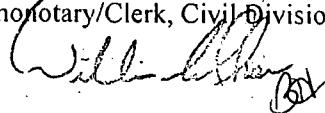
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NAME John Blasko, Esq
ADDRESS 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

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

DATE: Wednesday, April 30, 2008
Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

MAGEE WOMENS HOSPITAL
300 HALKET STREET

PITTSBURGH, PA 15213

RE: 24253
MELISSA SWANSON

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CERTIFICATION OF RECORDS MUST BE SIGNED AND RETURNED

Dates Requested: from: 03-14-2007 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Oncology Hematology Assoc of Northern Pa
(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 Rider

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(Address)

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this subpoena, together with the certificate of compliance, to the party making this request at the
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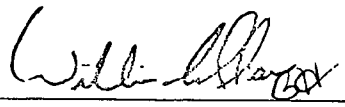
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NAME: John Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Wednesday, April 30, 2008
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

ONCOLOGY HEMATOLOGY ASSOC
100 HOSPITAL AVE

DUBOIS, PA 15801

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS THAT ARE RECEIVED IN REPOSE TO THIS REQUEST

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation, care or treatment.

TO INCLUDE PATIENT ID SHEET CERTIFICATION OF RECORDS MUST BE SIGNED & RETURNED*

Dates Requested: from: 07-07-2006 to the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

FILED *no ec*
m/11:13/301
JUL 02 2008
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Dr. Graeca, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 1st day of July, 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: *John W. Blasko*
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

FILED *no cc*
JUL 02 2008
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Plaintiff wife, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 15th day of July, 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: *John W. Blasko*
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

FILED

AUG 06 2008

W/10.70/c
William A. Shaw
Prothonotary/Clerk of Courts
Wd C/c 610

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,
CLEARFIELD

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of JOHN BLASKO, ESQUIRE
certifies that

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

MCS on behalf of

DATE: 07/28/2008

JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

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

SUZANNE M. SCOTT, M.D.

MEDICAL

TO: KEVIN R. LOMUPO, ESQUIRE, PLAINTIFF COUNSEL

JOHN L. MCINTYRE, ESQUIRE

JEANNE WELCH SOPHER, ESQ.

MCS on behalf of JOHN BLASKO, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 07/07/2008

MCS on behalf of

JOHN BLASKO, ESQUIRE

Attorney for DEFENDANT

CC: JOHN BLASKO, ESQUIRE

- 19018-1

Any questions regarding this matter, contact

THE MCS GROUP, INC.
300 LAWYERS BUILDING

PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Suzanne M. Scott, 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 Rider

MCS 300 Lawyers Building Pittsburgh pa 15219
(Address)

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

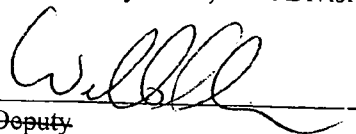
If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

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

NAME: John Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

DATE: Thursday, July 03, 2008
Seal of the Court

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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

SUZANNE M. SCOTT, M.D.
1200 WOOD ST

BROCKWAY, PA 15824

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

WE RESERVE THE RIGHT TO OBTAIN COPIES OF RADIOLOGY FILMS USING THIS SUBPOENA ONCE WE HAVE HAD AN OPPORTUNITY TO REVIEW ANY RECORDS OR RADIOLOGY REPORTS THAT ARE RECEIVED IN RESPONSE TO THIS REQUEST.

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation, care or treatment.

TO INCLUDE PATIENT ID SHEET CERTIFICATION OF RECORDS MUST BE SIGNED & RETURNED*

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Rescheduled Oral Deposition of Plaintiff wife, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 3rd day of October, 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: *John W. Blasko*
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

5
FILED *no cc*
OCT 06 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

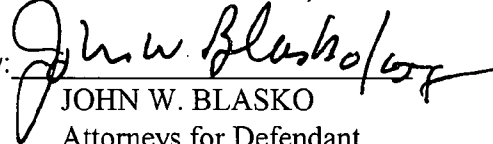
I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Lorie Natoli, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

S
FILED *NO CC*
m/10:00/01
OCT 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

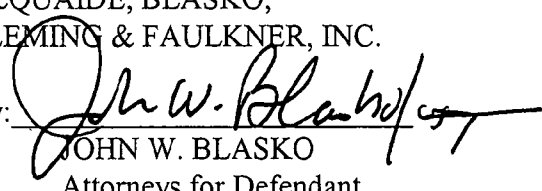
I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Rose M. Campbell, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

S
FILED No CC
m110:0464
OCT 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

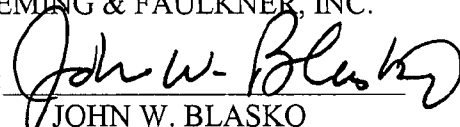
I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Greg J. Volpe, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

^S
FILED *no cc*
m110:olabyl
OCT 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Laura L. Adams, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

S
FILED *no cc*
m 10:06 AM
OCT 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

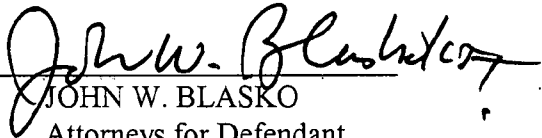
I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Laura Fossler, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

S
FILED NO CC
m110:0064
OCT 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Terri Sherry, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

S
FILED *no cc*
m/10:00 AM
OCT 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Neha Shah, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

S
FILED *NOCC*
m110:adbl
OCT 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Dated:

) Civil Action-Medical Professional
) Liability Action
)

) JURY TRIAL DEMANDED
)

) No. 2007-362-CD
)

) Pleading:
) CERTIFICATE OF SERVICE
)

) Filed on Behalf of:
) MARY KRUSZEWSKI, D.O.
)

) Counsel of Record for this Party:
) JOHN W. BLASKO, ESQUIRE
) 811 University Drive
) State College, PA 16801
) (814) 238-4926
)

) Counsel of Record for Adverse Party:
) KEVIN P. LOMUPO, ESQUIRE
)

FILED ^{NO CC}
m 112:5361
NOV 12 2008 (GR)

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William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

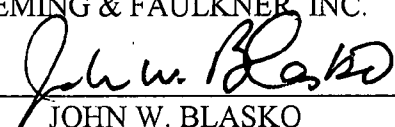
I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve a Subpoena (regarding subpoena directed to Dr. Gary Ott), in the above-captioned matter was mailed by regular mail, through The MCS Group, Inc., on the 17th day of October, 2008, to the attorney(s) of record:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

5
FILED
NOV 14 2008
m/12:30/c
William A. Shaw
Prothonotary/Clerk of Courts
WS C/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband.

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants.

**CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

**PLEADING:
RETURN OF SERVICE**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, COOPER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgcl.com

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants

CIVIL DIVISION

No. 2007-362-CD

JURY TRIAL DEMANDED

RETURN OF SERVICE

On the 6TH day of NOVEMBER, 2008, I CHARLES KNOER
THE MEDICAL RECORDS DEPT.
served AT MAGEE WOMENS HOSPITAL with the foregoing subpoena by:

(Describe method of service) By handing the subpoena to;
JULIA RICKARD, RELEASE OF INFORMATION.

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

Date: 11/6/08

Charles Knoer
Signature

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

*

Vs.

*

No. 2007-00362-CD

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Care Associates
Defendant(s)

*

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

TO: Magee Womens Hospital

(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 List.

(Address)

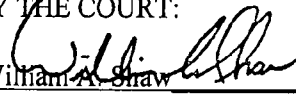
You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing 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: Kevin R. Lomupo, Esquire
ADDRESS: 223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
TELEPHONE: (412) 391-9770
SUPREME COURT ID # 40996
ATTORNEY FOR: Plaintiffs

BY THE COURT:


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

DATE: Monday, October 27, 2008
Seal of the Court

Deputy



GILARDI COOPER & LOMUPO
ATTORNEYS AT LAW

November 6, 2008

MEDICAL RECORDS DEPARTMENT

Magee Womens Hospital
300 Halket Street
Pittsburgh, PA 15213

Re: Patient: Melissa Swanson
SS#: 180-68-3825
DOB: March 10, 1975

Dear Records Clerk:

Enclosed is your authorization and subpoena to furnish this office with a copy of your complete medical records on the above named patient for the following:

1. Ultrasound film - Right Breast dated 6/28/04;
2. Ultrasound film - Right Breast dated 7/6/04;
3. Ultrasound film - Right Breast dated 8/17/04;
4. Ultrasound film - Right Breast dated 9/28/04;
5. Ultrasound film - Right Breast dated 11/9/04;
6. Ultrasound film - Right Breast dated 2/15/05; and,
7. Right Breast Biopsy dated 4/8/05.

We will pay any reasonable fee you indicate for this service upon receipt of a bill.

Very truly yours,

GILARDI, COOPER & LOMUPO

A handwritten signature in cursive script, reading 'Kevin R. Lomupo'.

Kevin R. Lomupo

KRL/pan
Enclosure



UPMC | University of Pittsburgh
Medical Center

AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION

I hereby authorize Magee Womens Hospital to release information from the record of:

Name of Facility/Person

Melissa Swanson : March 10, 1975 : 180-68-3825 as described below to

Patient Name

Birth Date

SSN/MR#

Kevin R. Lomupo, Esquire (412) 391-9770 (412) 391-9780

Name of Facility/Person

Phone

Fax

Gilardi, Cooper & Lomupo, 223 Fourth Avenue, 10th Floor, Pittsburgh, PA 15222

Facility/Person Address

Records are requested for the purpose of (PROVIDE A DETAILED DESCRIPTION): Litigation

Parts 1 and 2 must be completed to properly identify the records to be released.

1. Type of records to be released and approximate date(s) of service (check all that apply):

☒ Inpatient; Dates: 06/28/04 to 4/8/05

☐ Emergency Dept; Dates: _____

☒ Outpatient; Dates: 06/28/04 to 4/8/05

☒ Physician Office/Clinic; Dates: 06/28/04 to 4/8/05

2. Specific information to be released (check all that apply):

☐ Consultation Reports

☐ Medical History & Physical Exam

☐ Physician Orders

☐ Discharge Summary

☐ Medication Administration Records

☐ Progress Notes

☐ Laboratory Reports/Tests

☐ Operative Report

☐ Psychiatric/Psychological Eval

☐ Mammography Report

☐ Pathology Report

☐ Radiology Report

☐ Emergency Dept. Report

☐ EKG Report(s)

☐ Discharge Instructions

☒ Other, specify: Ultrasound films of right breast dated: 6/28/04; 7/6/04; 8/17/04; 9/28/04; 11/9/04; 2/15/05; and right breast biopsy dated 4/8/05.

HIV, Mental Health and Drug & Alcohol information contained in the parts of the records indicated above will be released through this authorization unless otherwise indicated. Do not release: ☐ HIV ☐ Mental Health (Psychiatric) ☐ Drug & Alcohol

I understand that this Authorization is effective for a period of 90 days from the date of signature, unless otherwise specified below. No time frame may exceed one year from the date of signature. I understand that I have the right to revoke this authorization at any time by sending a written request to the entity/person I authorized above to release the information. See side two of this form for additional patient rights and responsibilities. If applicable, specify other expiration date/event here: _____

10/23/08
Date of Signature

Melissa Swanson
Signature of Patient (14 years of age or older may authorize release of inpatient mental health information or 18 years of age or older for outpatient mental health information. A minor may authorize release of Drug & Alcohol treatment information.)

Date of Signature

Signature of Parent, Legal Guardian or
Authorized Representative* (complete below)

10/23/08
Date of Signature

Phyllis Katschula
Witness/Staff Member Signature

*Authorized Representative's relationship and authority to act on behalf of patient: _____

ORAL AUTHORIZATION (for persons physically unable to sign)

NOT Applicable to HIV Related Information or Drug & Alcohol Treatment Information

I witness that the patient understood the nature of this release and freely gave their oral authorization. (Two witnesses are required)

Date _____ Witness #1 _____ Date _____ Witness #2 _____



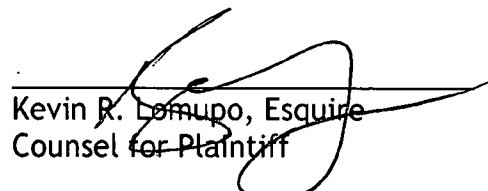
CERTIFICATE OF SERVICE

I hereby certify that a certified copy of *Return of Service* has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 10th day of November, 2008.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
(Attorney for Defendant Mary Kruszewski, D. O.)

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
(Attorney for Defendant Steven W. Graeca, D. O.)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
(Attorney for Defendant DRMC Primary Care Associates)


Kevin R. Lomupo, Esquire
Counsel for Plaintiff

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

FILED

NOV 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,
CLEARFIELD

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

MCS on behalf of JOHN BLASKO, ESQUIRE
certifies that

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

DATE: 11/06/2008

MCS on behalf of

JOHN BLASKO, ESQUIRE

Attorney for DEFENDANT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

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

DR. GARY OTT

MEDICAL

TO: KEVIN R. LOMUPO, ESQUIRE, PLAINTIFF COUNSEL
JOHN L. MCINTYRE, ESQUIRE
JEANNE WELCH SOPHER, ESQ.

MCS on behalf of JOHN BLASKO, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 10/17/2008

MCS on behalf of

JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT

CC: JOHN BLASKO, ESQUIRE

- 19018-1
-

Any questions regarding this matter, contact
KEVIN R. LOMUPO, ESQUIRE
*** COD ***
BENEDUM TREES 10TH F
PITTSBURGH, PA 15222

THE MCS GROUP, INC.
300 LAWYERS BUILDING

PITTSBURGH, PA 15219
(412) 642-4420

R1.83 312-N DE02-0020471 24253 -

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DuBois Regional Medical Center
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Gary D. Ott, 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 Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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

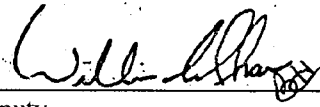
If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: John Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division


Deputy

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

DATE: Thursday, October 09, 2008
Seal of the Court

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DR. GARY OTT
145 HOSPITAL AVE
SUITE 315

DUBOIS, PA 15801

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation, care or treatment.

TO INCLUDE PATIENT ID SHEET CERTIFICATION OF RECORDS MUST BE SIGNED & RETURNED*

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
→ DRMC PRIMARY CARE ASSOCIATES,
Defendants.

) Civil Action-Medial Professional
) Liability Action
)

) No. 2007-362-CD
)

) JURY TRIAL DEMANDED
)
)

5
FILED NoCC.
m/ 11:30 am
NOV 24 2008
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

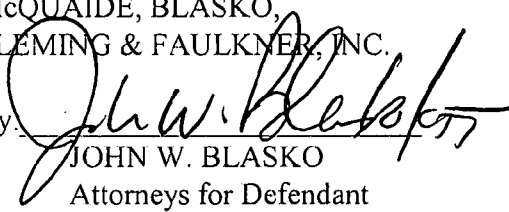
I hereby certify that a true and correct copy of Defendant's Amended Notice of Oral Deposition of Rose M. Campbell, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 21st day of November 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

5
FILED No CC.
m/11:30am
NOV 24 2008
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Amended Notice of Oral Deposition of Laura L. Adams, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 21st day of November 2008 to:

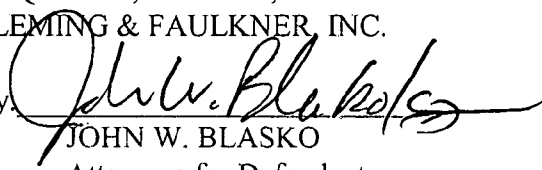
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By


JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

STATE OF MISSISSIPPI
IN SENATE
JANUARY 13, 1908

REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE

WILLIAM A. SHAW
PROTHONOTARY

and the same be read and approved by the Senate and House of Representatives, and the same be printed and distributed to the several counties of the State, and the same be filed in the office of the Prothonotary of the Supreme Court, and the same be filed in the office of the Secretary of the Senate, and the same be filed in the office of the Secretary of the House of Representatives, and the same be filed in the office of the Secretary of the State.

FILED

NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

OFFICE OF THE
COMMISSIONER OF THE
LAND OFFICE

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

5
FILED No CC-
m/11:30am
NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Amended Notice of Oral Deposition of Greg J. Volpe, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 21st day of November 2008 to:

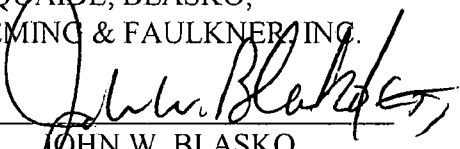
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER INC.

By: _____


JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF DADE, FLORIDA

Case No. 08-10000

STATE OF FLORIDA
vs. WILLIAM A. SHAW

1998

STATE OF FLORIDA
vs. WILLIAM A. SHAW
Case No. 08-10000

FILED

NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

STATE OF FLORIDA
vs. WILLIAM A. SHAW
Case No. 08-10000

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

5 FILED No CC
m 11:30 am
NOV 24 2008
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

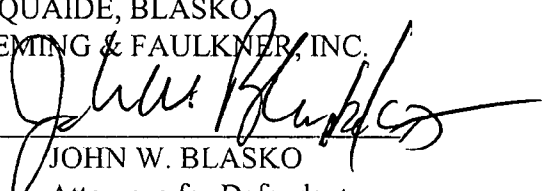
I hereby certify that a true and correct copy of Defendant's Amended Notice of Oral Deposition of Laura Fossler, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 21st day of November 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

PLANNING AND DEVELOPMENT DEPARTMENT

PROHIBITION OF SMOKE IN PUBLIC PLACES ACT 2003

NOTICE OF PROHIBITION OF SMOKE IN PUBLIC PLACES ACT 2003

FILED

NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF PROHIBITION OF SMOKE IN PUBLIC PLACES ACT 2003

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

5 FILED No CC-
mll:306m
NOV 24 2008

CERTIFICATE OF SERVICE

William A. Shaw
Prothonotary/Clerk of Courts

I hereby certify that a true and correct copy of Defendant's Amended Notice of Oral Deposition of Neha Shah, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 21st day of November 2008 to:

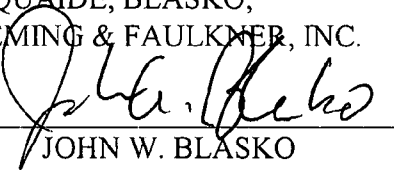
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:


JOHN W. BLASKO

Attorneys for Defendant
Mary Kruszewski, D.O.

ALABAMA DEPARTMENT OF REVENUE OFFICE OF THE COMPTROLLER

STATE OF ALABAMA DEPARTMENT OF REVENUE

NOTICE TO CREDITORS

THE STATE OF ALABAMA, by and through the Department of Revenue, Office of the Comptroller, do hereby give notice to all persons having claims against the State of Alabama, that the same should be presented to the Department of Revenue, Office of the Comptroller, within the time specified in this notice.

FILED

NOV 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

ALABAMA DEPARTMENT OF REVENUE
OFFICE OF THE COMPTROLLER
2000 UNIVERSITY BLVD, SUITE 200
MONTGOMERY, AL 36102

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

5
FILED No CC
m/11:30Lm
NOV 24 2008
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Michelle Smith, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 21st day of November 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

5
FILED No CC.
m/12:10Lm
DEC 04 2008
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Jeanne/Janessa Minton, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 2nd day of December 2008 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED
m7 12:40 PM
DEC 23 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct ccopy of Defendant's Notice of Intent to Serve a Subpoena (regarding Dr. Scott McKimm), in the above-captioned matter was mailed by regular mail, through The MCS Group, Inc., on the 15th day of December, 2008, to the attorney(s) of record:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

CERTIFICATE

PREREQUISITE TO SERVICE OF A SUBPOENA

PURSUANT TO RULE 4009.22

⁵
FILED

JAN 26 2009
M/1230/W
William A. Shaw
Prothonotary/Clerk of Courts

no 9/c (610)

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,
CLEARFIELD

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

As a prerequisite to service of a subpoena for documents and things pursuant to Rule 4009.22

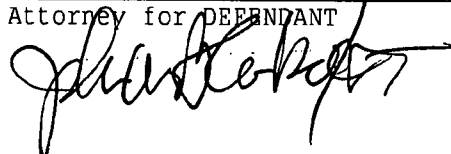
MCS on behalf of JOHN BLASKO, ESQUIRE
certifies that

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

DATE: 01/05/2009

MCS on behalf of

JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

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

DR. SCOTT MCKIMM

MEDICAL

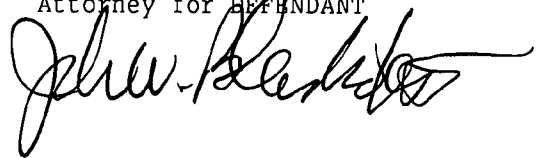
TO: KEVIN R. LOMUPO, ESQUIRE, PLAINTIFF COUNSEL
JOHN L. MCINTYRE, ESQUIRE
JEANNE WELCH SOPHER, ESQ.

MCS on behalf of JOHN BLASKO, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 12/15/2008

MCS on behalf of

JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT



CC: JOHN BLASKO, ESQUIRE

- 19018-1
-

JEANNE WELCH SOPHER, ESQ.
RAWLE & HENDERSON
1000 OLIVER BUILDING
535 SMITHFIELD ST
PITTSBURGH, PA 15222

THE MCS GROUP, INC.
300 LAWYERS BUILDING
PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

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

DR. SCOTT MCKIMM

MEDICAL

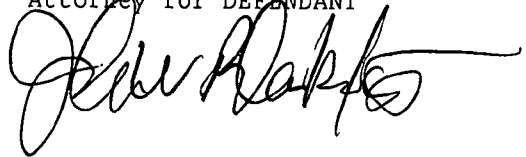
TO: KEVIN R. LOMUPO, ESQUIRE, PLAINTIFF COUNSEL
JOHN L. MCINTYRE, ESQUIRE
JEANNE WELCH SOPHER, ESQ.

MCS on behalf of JOHN BLASKO, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

DATE: 12/15/2008

MCS on behalf of

JOHN BLASKO, ESQUIRE
Attorney for DEEBDANT



CC: JOHN BLASKO, ESQUIRE

- 19018-1
-

KEVIN R. LOMUPO, ESQUIRE
GILARDI & COOPER
*** COD ***
BENEDUM TREES 10TH F
PITTSBURGH, PA 15222

THE MCS GROUP, INC.
300 LAWYERS BUILDING
PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

IN THE MATTER OF:

COURT OF COMMON PLEAS

MELISSA SWANSON

TERM,

-VS-

CASE NO: 2007-362-CD

KRUSZEWSKI, ET AL

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

DR. SCOTT MCKIMM

MEDICAL

TO: KEVIN R. LOMUPO, ESQUIRE, PLAINTIFF COUNSEL
JOHN L. MCINTYRE, ESQUIRE
JEANNE WELCH SOPHER, ESQ.

MCS on behalf of JOHN BLASKO, ESQUIRE intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If the twenty day notice period is waived or if no objection is made, then the subpoena may be served. Complete copies of any reproduced records may be ordered at your expense by completing the attached counsel card and returning same to MCS or by contacting our local MCS office.

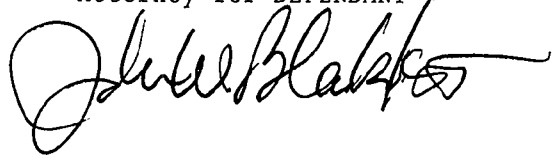
DATE: 12/15/2008

MCS on behalf of

JOHN BLASKO, ESQUIRE
Attorney for DEFENDANT

CC: JOHN BLASKO, ESQUIRE

- 19018-1
-



JOHN L. MCINTYRE, ESQUIRE
MCINTYRE, HARTYE & SCHMITT
P.O. BOX 533

HOLLIDAYSBURG, PA 16648

THE MCS GROUP, INC.
300 LAWYERS BUILDING

PITTSBURGH, PA 15219
(412) 642-4420

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Care Associates
Defendant(s)

No. 2007-00362-CD

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

TO: Custodian of Records: Scott R. McKimm, D.O.
(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 Rider

MCS 300 Lawyers Building Pittsburgh, Pa 15219
(Address)

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

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

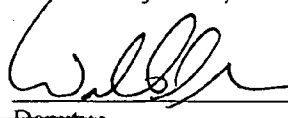
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: John Blasko, Esq
ADDRESS: 811 University Dr
State College, Pa 16801
TELEPHONE: 412-642-4420
SUPREME COURT ID # _____
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, December 12, 2008
Seal of the Court


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

EXPLANATION OF REQUIRED RECORDS

TO: CUSTODIAN OF RECORDS FOR:

DR. SCOTT MCKIMM
416 NORTH BROAD STREET

EMPORIUM, PA 15834

RE: 24253
MELISSA SWANSON

Prior approval is required for fees in excess of \$150.00 for hospitals, \$100.00 for all other providers.

Any and all records, correspondence, files and memorandums, handwritten notes, relating to any examination, consultation, care or treatment.

TO INCLUDE PATIENT ID SHEET* CERTIFICATION OF RECORDS MUST BE SIGNED & RETURNED

Dates Requested: up to and including the present.

Subject : MELISSA SWANSON

856 BRANDY CAMP RD, KERSEY, PA 15846

Social Security #: XXX-XX-3825

Date of Birth: 03-10-1975

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DUBOIS REGIONAL MEDICAL	)	
CENTER,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Request for Production (Set Three), in the above-captioned matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 2nd day of February 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

5
FILED NO CC
m112:5184
FEB 03 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

3
FILED NOCC
MIB: 57/61
FEB 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

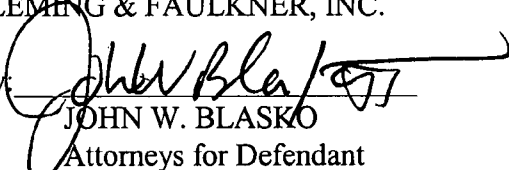
I hereby certify that a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Rose M. Campbell, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of February 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

DEPT

FEB 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

S
FILED No CC
M/12:57 PM
FEB 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

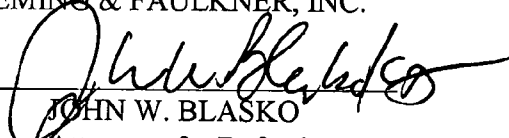
I hereby certify that a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Laura L. Adams, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of February 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED

FEB 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

prothonotary clerk of courts
philadelphia

THE COURT OF COMMON PLEAS
JANUARY 2009

BY POWER OF A. J. J. J. J.
JANUARY 2009

On this 26th day of February 2009, the undersigned, William A. Shaw, Prothonotary/Clerk of Courts, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Court of Common Pleas, Philadelphia, in the case of the People of the County of Philadelphia, vs. [Name], et al., No. [Number].

WILLIAM A. SHAW
Prothonotary/Clerk of Courts
Philadelphia

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

S **FILED** *NO CC*
MT 12:57 PM
FEB 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Laura Fossler, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of February 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

ADJUTANT GENERAL'S OFFICE
WASHINGTON, D.C.

FILED
FEB 26 2009
William A. Shaw
Principal Clerk of Court

Enclosed for the Clerk of Court
are the following:

One (1) copy of the
Report of the

Enclosed for the Clerk of Court
are the following:

Enclosed for the Clerk of Court
are the following:

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

FILED NOCC
M 12:57 PM
FEB 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

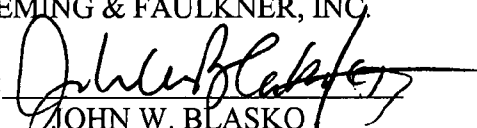
I hereby certify that a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Neha Shah, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of February 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED

FEB 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

APPROVED FOR FILING BY: [Signature] DATE: 2/26/2009

Prothonotary/Clerk of Courts

APPROVED FOR FILING BY: [Signature] DATE: 2/26/2009

TO: [Name] [Address] [City] [State] [Zip]
FROM: [Name] [Address] [City] [State] [Zip]
SUBJECT: [Subject]

APPROVED FOR FILING BY: [Signature]
DATE: 2/26/2009
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

5
FILED NO CC
M12:5764
FEB 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Second Amended Notice of Oral Deposition of Greg J. Volpe, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of February 2009 to:

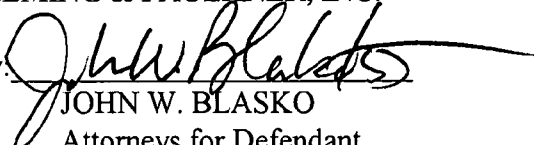
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:


JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

COURT REPORTER

FEB 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

CONFIDENTIAL & UNCLASSIFIED
DATE 08-10-2001 BY 60322 UCBAW

It is hereby certified that the foregoing is a true and correct copy of the original as the same appears from the records of the Department of the Interior.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

S FILED *NO CC*
M12:57 PM
FEB 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

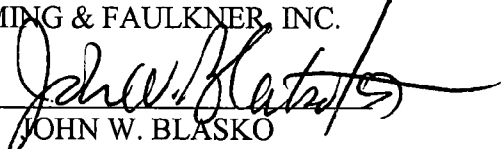
I hereby certify that a true and correct copy of Defendant's Amended Notice of Oral Deposition of Michelle Smith, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of February 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED

FEB 26 2019

William A. Shaw
Prothonotary/Clerk of Courts

IN SENATE
JANUARY 15, 1919

REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE

FOR THE YEAR
1918

REPORT OF THE
COMMISSIONER OF THE
LAND OFFICE
FOR THE YEAR
1918

WILLIAM A. SHAW
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

FILED NO CC
FEB 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

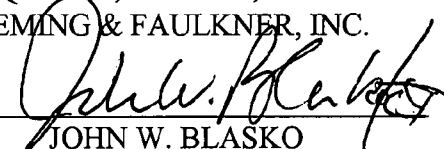
I hereby certify that a true and correct copy of Defendant's Amended Notice of Oral Deposition of Jeanne/Janessa Minton, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of February 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

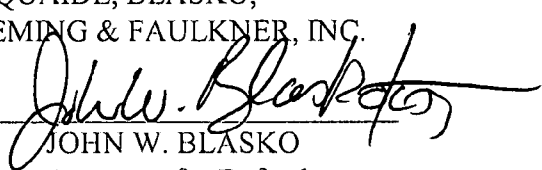
I hereby certify that a true and correct copy of Defendant's Notice of Oral Deposition of Jason Swanson, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 17th day of April 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

JOHN W. BLASKO

Attorneys for Defendant
Mary Kruszewski, D.O.

5
FILED NO CC
MJB:53/24
APR 20 2009


William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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§

5
FILED
MAY 01 2009
m/10:40/c
William A. Shaw
Prothonotary/Clerk of Courts
w/c

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Mary Kruszewski, D.O.'s
Request to Plaintiff for Production of Expert Reports, in the above-captioned matter was mailed
by regular mail, postage prepaid, at the Post Office, State College, Pennsylvania, on this 22nd
day of April, 2008, to the attorney(s) of record:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Kruszewski's Interrogatories and Request for Production, Set One, Directed to Defendant Graeca, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 15th day of May 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

4 FILED NO CC
MAY 18 2009
William A. Shaw
Prothonotary/Clerk of Courts

FILED

MAY 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

Notary Public
Notary Seal

Notary Seal
Notary Public

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

ISSUE:

Notice of Service of
Response to Defendant Mary
Kruszewski, D.O.'s Request for
Production (Set Three)

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 18TH DAY OF JUNE, 2009.

Attorneys for Named Defendant

FILED NOCC
7/1/09 48301
JUN 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF RESPONSE TO DEFENDANT MARY KRUSZEWSKI,
D.O.'S REQUEST FOR PRODUCTION (SET THREE)**

TO: PROTHONOTARY

You are hereby notified that on the 18th day of June, 2009, defendant, DUBOIS REGIONAL MEDICAL CENTER, served Response to Defendant Mary Kruszewski, D.O.'s Request for Production (Set Three) on the defendant, MARY KRUSZEWSKI, D.O. by mailing the originals of same via First Class U.S. Mail, postage prepaid, addressed to the following:

John W. Blasko, Esquire
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699

McINTYRE, HARTYE & SCHMITT

By

Attorneys for Defendant
DuBois Regional Medical Center

JOHN L. MCINTYRE, ESQUIRE
PA I.D. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF ANSWERS
TO DEFENDANT KRUSZEWSKI'S
INTERROGATORIES and RESPONSE
TO REQUEST FOR PRODUCTION (SET
ONE) FOR ANSWER BY DEFENDANT
STEVEN W. GRAECA, D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

FILED ^{NO} ^{CC}
7110:5780
JUN 22 2019
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

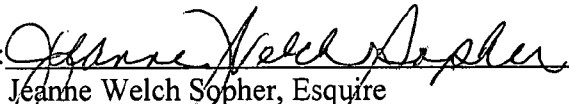
Defendants.

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

I hereby certify that the original Interrogatories and Request for Production of
Documents Directed to Plaintiffs was sent to the attorney listed below:

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

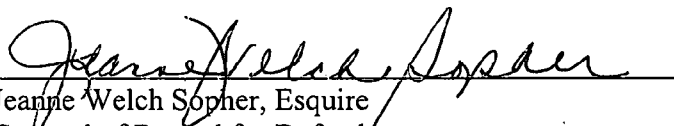
I, hereby certify that a true and correct copy of the foregoing Notice of Service of Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. has been sent via first class mail, postage prepaid on this 19th day of June, 2009 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF
SUPPLEMENTAL ANSWERS TO
DEFENDANT KRUSZEWSKI'S
INTERROGATORIES and RESPONSE
TO REQUEST FOR PRODUCTION (SET
ONE) FOR ANSWER BY DEFENDANT
STEVEN W. GRAECA, D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

FILED ^{NO} _{CC}
m/10:48:30
JUN 25 2008
William A. Shanley
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

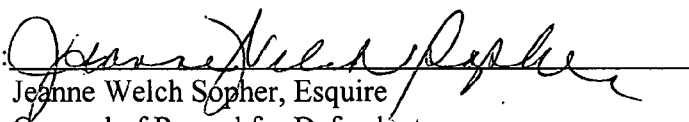
I, hereby certify that a true and correct copy of the foregoing Notice of Service of Supplemental Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. has been sent via first class mail, postage prepaid on this 22nd day of June, 2009 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)
Also sent via e-mail.

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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FILED *no cc*
JUL 10 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Third Amended Notice of Oral Deposition of Laura Fossler, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 6th day of July 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:

John W. Blasko
JOHN W. BLASKO

Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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§

FILED

JUL 07 2009

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Third Amended Notice of Oral Deposition of Laura Adams, in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 6th day of July 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By:

JOHN W. BLASKO

Attorneys for Defendant
Mary Kruszewski, D.O.

replace original for 10/22/09

\\ODMA\PCDOCS\DOCSLIB2\404908\1

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

MELISSA A SWANSON and
JASON SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,
Defendants.

:
: Civil Action-
: Medial Professional Liability Action
:
: No. 2007-362-CD

:
: JURY TRIAL DEMANDED
:
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Defendant Kruszewski's Answers to Plaintiffs' Interrogatories and Request for Production* in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 9th day of July 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Notice of Intent to Serve A Subpoena, and a copy of the Subpoena (Directed to Paul Swanson), in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of July 2009 to:

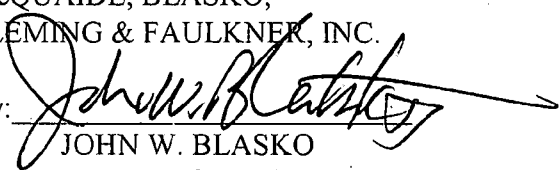
Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

FILED *no ce*
7/21/2009
JUL 21 2009
William A. Shaw
Prothonotary/Clerk of Courts

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

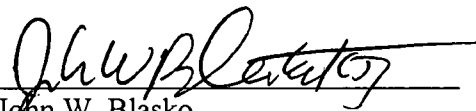
§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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**CERTIFICATE
PREREQUISITE TO SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22**

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 each party at least 20 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, are attached to this certificate,
- (3) no objection to the subpoena has been received, 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.

Dated: 8/13/09


John W. Blasko
Attorneys for the Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

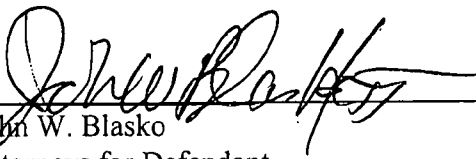
Defendants.

§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR DISCOVERY**

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

DATED: July 20, 2009



John W. Blasko
Attorneys for Defendant
Mary Kruszewski, D.O.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Care Associates
Defendant(s)

*

*

*

No. 2007-00362-CD

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

TO: MR. PAUL SWANSON; 850 Brandycamp Rd, Kersey, PA 15846
(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 ADDENDUM

MCQUAIDE BLASKO, 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.

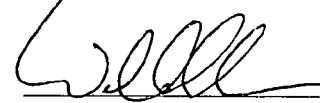
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

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

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, July 17, 2009
Seal of the Court


~~Deputy~~

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

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

§
§ Civil Action-
§ Medial Professional Liability Action
§
§ No. 2007-362-CD
§
§ JURY TRIAL DEMANDED
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CERTIFICATE OF SERVICE

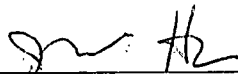
I hereby certify that a true and correct copy of Defendant Kruszewski's Certificate Prerequisite to Service of Subpoena Pursuant to Rule 4009.22 (Directed to Paul Swanson), in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 13th day of August 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION

No. 2007-362-CD

Code: 007

PLEADING:
MOTION FOR SANCTIONS

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, COOPER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgcl.com

JURY TRIAL DEMANDED

FILED NO CC
m/10:59/5/21
SEP 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

CIVIL DIVISION

No. 2007-362-CD

JURY TRIAL DEMANDED

MOTION FOR SANCTIONS

AND NOW comes the Plaintiff, Melissa Swanson, by and through her attorney's ,
Gilardi, Cooper & Lomupo and Kevin R. Lomupo, Esquire and as her Motion for
Sanctions, avers as follows:

1. On or about March 9, 2007, the Plaintiff, Melissa Swanson, filed a medical negligence claim against certain Defendants in the Court of Common Pleas of Clearfield County, Pennsylvania.
2. The Complaint sought damages for negligence in delaying a diagnosis of breast cancer.
3. After diagnosis was finally made, the Plaintiff sought care from Magee Women's Hospital in Pittsburgh and particularly the Hospitals' Breast Care Services Department.
4. Before treatment was begun at Magee, the Plaintiff was required to have her breast ultrasounds (taken at Dubois Regional Medical Center), sent to Magee and this was accomplished on or about April, 2005.

5. On or about October, 2008, Plaintiff sent a request to Magee Hospital, with an appropriate written UPMC authorization, for the production of the Plaintiff's breast ultrasound films. No films and no written response was ever received by the Plaintiff. See Exhibit 1 attached.

6. Thereafter, several phone calls were made to the medical record department of Magee Hospital in an attempt to receive these films. No response or films were produced by Magee.

7. Thereafter, on or about November, 2008, a subpoena was issued by Clearfield County Prothonotary on Magee Hospital to produce documents or things for discovery pursuant to Rule 4009.22 of the Pennsylvania Rules of Civil Procedure. (See exhibit 2 attached.)

8. No response or films were produced in response to this subpoena. (See exhibit 3 attached.)

9. On July 6, 2009 and August 13, 2009, calls were made to Shelly Miller, Coordinator of Breast Imaging for Magee Hospital, requesting the films. No response or films' were produced in accordance with these phone calls or the subpoena.

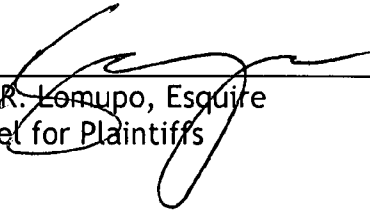
10. On August 27, 2009 another subpoena was issued by Clearfield County and served on Magee Hospital, again requesting these same films or at least a written explanation regarding the whereabouts of the films. (See exhibit 4 attached.)

11. To date, there has never been a response by Magee Hospital to any subpoena, authorization, or phone call regarding the whereabouts of the Plaintiffs' films.

12. Another phone call was made to Shelly Miller on September 11, 2009 with no response by Magee Hospital.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court enter the attached Order of Court requiring production of the films and/or a written response detailing the whereabouts of the films. Lastly, Plaintiff asks that sanctions in the form of reasonable attorneys fees be imposed on Magee Hospital for its failure to respond to a subpoena from this Court and for presentation of this Motion.

Respectfully submitted,



Kevin R. Lemupo, Esquire
Counsel for Plaintiffs



UPMC | University of Pittsburgh
Medical Center

AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION

I hereby authorize Magee Womens Hospital to release information from the record of:
Name of Facility/Person

Melissa Swanson : March 10, 1975 : 180-68-3825 as described below to
Patient Name Birth Date SSN/MR#

Kevin R. Lomupo, Esquire (412) 391-9770 (412) 391-9780
Name of Facility/Person Phone Fax

Gilardi, Cooper & Lomupo, 223 Fourth Avenue, 10th Floor, Pittsburgh, PA 15222
Facility/Person Address

Records are requested for the purpose of (PROVIDE A DETAILED DESCRIPTION): Litigation

Parts 1 and 2 must be completed to properly identify the records to be released.

1. Type of records to be released and approximate date(s) of service (check all that apply):

☒ Inpatient; Dates: 06/28/04 to 4/8/05 ☐ Emergency Dept; Dates: _____
☒ Outpatient; Dates: 06/28/04 to 4/8/05 ☒ Physician Office/Clinic; Dates: 06/28/04 to 4/8/05

2. Specific information to be released (check all that apply):

☐ Consultation Reports	☐ Medical History & Physical Exam	☐ Physician Orders
☐ Discharge Summary	☐ Medication Administration Records	☐ Progress Notes
☐ Laboratory Reports/Tests	☐ Operative Report	☐ Psychiatric/Psychological Eval
☐ Mammography Report	☐ Pathology Report	☐ Radiology Report
☐ Emergency Dept. Report	☐ EKG Report(s)	☐ Discharge Instructions

☒ Other, specify: Ultrasound films of right breast dated: 6/28/04; 7/6/04; 8/17/04; 9/28/04; 11/9/04; 2/15/05; and right breast biopsy dated 4/8/05.

HIV, Mental Health and Drug & Alcohol information contained in the parts of the records indicated above will be released through this authorization unless otherwise indicated. Do not release: ☐ HIV ☐ Mental Health (Psychiatric) ☐ Drug & Alcohol

I understand that this Authorization is effective for a period of 90 days from the date of signature, unless otherwise specified below. No time frame may exceed one year from the date of signature. I understand that I have the right to revoke this authorization at any time by sending a written request to the entity/person I authorized above to release the information. See side two of this form for additional patient rights and responsibilities. If applicable, specify other expiration date/event here: _____

10/23/08
Date of Signature

Melissa Swanson
Signature of Patient (14 years of age or older may authorize release of inpatient mental health information or 18 years of age or older for outpatient mental health information. A minor may authorize release of Drug & Alcohol treatment information.)

Date of Signature

Signature of Parent, Legal Guardian or Authorized Representative* (complete below)

10/23/08
Date of Signature

Phyllis Katschula
Witness/Staff Member Signature

*Authorized Representative's relationship and authority to act on behalf of patient: _____

ORAL AUTHORIZATION (for persons physically unable to sign)

NOT Applicable to HIV Related Information or Drug & Alcohol Treatment Information

I witness that the patient understood the nature of this release and freely gave their oral authorization. (Two witnesses are required)

Date

Witness #1

Date

Witness #2



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Care Associates
Defendant(s)

*

*

*

No. 2007-00362-CD

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

TO: Magee Womens Hospital

(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 List.

(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: Kevin R. Lomupo, Esquire
ADDRESS: 223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
TELEPHONE: (412) 391-9770
SUPREME COURT ID # 40996
ATTORNEY FOR: Plaintiffs

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, October 27, 2008
Seal of the Court

Deputy





GILARDI COOPER & LOMUPO
ATTORNEYS AT LAW

November 6, 2008

MEDICAL RECORDS DEPARTMENT

Magee Womens Hospital
300 Halket Street
Pittsburgh, PA 15213

Re: Patient: Melissa Swanson
SS#: 180-68-3825
DOB: March 10, 1975

Dear Records Clerk:

Enclosed is your authorization and subpoena to furnish this office with a copy of your complete medical records on the above named patient for the following:

1. Ultrasound film - Right Breast dated 6/28/04;
2. Ultrasound film - Right Breast dated 7/6/04;
3. Ultrasound film - Right Breast dated 8/17/04;
4. Ultrasound film - Right Breast dated 9/28/04;
5. Ultrasound film - Right Breast dated 11/9/04;
6. Ultrasound film - Right Breast dated 2/15/05; and,
7. Right Breast Biopsy dated 4/8/05.

We will pay any reasonable fee you indicate for this service upon receipt of a bill.

Very truly yours,

GILARDI, COOPER & LOMUPO

A handwritten signature in cursive script, reading 'Kevin R. Lomupo'.

Kevin R. Lomupo

KRL/pan
Enclosure

February 5, 2009

Shelly Miller, Coordinator
Breast Imaging
Magee-Womens Hospital of UPMC
300 Halket Street
Pittsburgh, PA 15213-3180

**RE: Swanson v. Kruszewski et. al.
Subpoena Served 11/6/08**

Dear Ms. Miller:

The attached Subpoena was served on Magee-Womens of UPMC Hospital on November 6, 2008.

Thereafter, you contacted our office for clarification, and advised our staff that you would be back in touch with us concerning the whereabouts of our client's ultrasound and mammogram films. To date we have not heard from you.

Magee-Womens of UPMC remains obliged to respond to this Subpoena by producing the films that were left under its care and protection. Alternatively, we want written proof of the transfer or return of those materials to others. The custody and control of our client's private health information was entrusted to you and you are required by the Subpoena to provide us either with the films or an explanation as to what you did with the films.

Kindly be in touch with me as soon as possible concerning the whereabouts of the materials to be produced under this Subpoena. If I do not hear from you, the next step will be a motion for Sanctions to the court.

Very truly yours,

GILARDI, COOPER & LOMUPO

Kevin R. Lomupo

KRL/pnl
Attachments



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Care Associates
Defendant(s)

No. 2007-00362-CD

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

TO: Magee Womens Hospital - Shelly Miller, Coordinator of Breast Imaging
(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 Attachment.

(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:

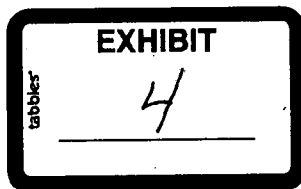
NAME: Kevin R. Lomupo, Esquire
ADDRESS: 223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
TELEPHONE: (412) 391-9770
SUPREME COURT ID # 40996
ATTORNEY FOR: Plaintiffs

BY THE COURT:

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

DATE: Monday, October 27, 2008
Seal of the Court

Deputy



RETURN OF SERVICE

On the 27TH day of AUGUST 2009 I CHARLES KNOER
served SHELLY MILLER with the foregoing subpoena by:
(Describe method of service) BY HANDING THE SUBPOENA TO
REBECCA REED, CLINICAL SUPPORT SPEC. AT MAGEE HOSP.
3RD FLOOR, BREAST CENTER.

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

Date: 8/27/09

Charles W. Knorr
Signature

ATTACHMENT TO SUBPOENA

Any and all films and/or CD which were outside studies taken at Dubois Regional Medical Center and hand delivered by Melissa Swanson to Magee Hospital on April 18, 2005. These films or CD reflect the following:

1. Ultrasounds of Right Breast dated 6/28/04, 7/6/04, 8/17/04, 9/28/04, 11/9/04, and 2/15/05; and,
2. Right Breast Biopsy and Associated Films dated 4/8/05.

Alternatively, we are requesting a written explanation of the whereabouts of the films and/or CD.

CERTIFICATE OF SERVICE

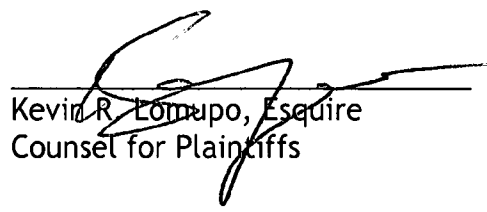
I hereby certify that a certified copy of *Motion for Sanctions* has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 22nd day of September, 2009.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant DRMC Primary Care Associates

Richard P. Kidwell, Esquire
UPMC
Forbes Tower, Suite 7015A
200 Lothrop Street
Pittsburgh, PA 15213-25820
Attorney for UPMC



Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL
CENTER,

Defendants.

Civil Action-Medial Professional
Liability Action

No. 2007-362-CD

JURY TRIAL DEMANDED

FILED

SEP 28 2009
m/12:05
William A. Shaw
Prothonotary/Clerk of Courts
w/c/c

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant's Request for Production (Set Four), directed to DuBois Regional Medical Center, in the above-captioned matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of September 2009 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: John W. Blasko
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED
SEP 28 2009
William A. Shaw
Prothonotary/Clerk of Courts

11A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

CIVIL DIVISION

No. 2007-362-CD

JURY TRIAL DEMANDED

SCHEDULING ORDER

AND NOW, this 29th day of September, 2009, upon consideration of the Motion for Sanctions filed by Attorney Kevin R. Lomupo in the above matter, it is the Order of the Court that argument/hearing has been scheduled for the 30th day of October, 2009, at 3:00 P.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


Judge

FILED 3cc
0/11/25/09 Atty Lomupo
SEP 29 2009
William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 29 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/29/09

☒ 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 DIVISION

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 - 362 - CD

ISSUE:

Motion to Join in Plaintiffs'
Motion for Sanctions

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

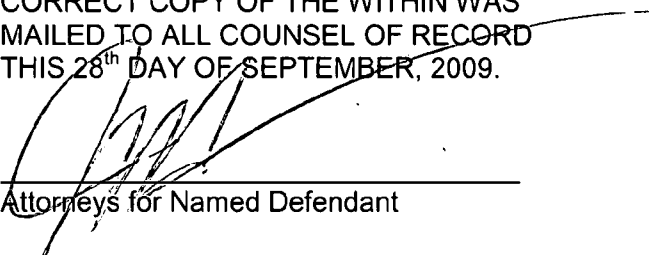
McINTYRE, HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

FILED

SEP 30 2009
W/ 230/6
William A. Shaw
Prothonotary/Clerk of Courts
no 9/c

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 28th DAY OF SEPTEMBER, 2009.


Attorneys for Named Defendant

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

JURY TRIAL DEMANDED

MOTION TO JOIN IN PLAINTIFFS' MOTION FOR SANCTIONS

AND NOW, comes defendant, DUBOIS REGIONAL MEDICAL CENTER, by and through its counsel, MCINTYRE, HARTYE, & SCHMITT, and joins in the Motion filed by plaintiffs' counsel requesting the ultrasounds from Magee Women's Hospital and in support sets forth the following:

1. DuBois Regional Medical Center agrees with the entire contents of the Motion. Further, on or about April 2005 the breast ultrasounds were requested by Melissa Swanson. The breast ultrasound films were given to Melissa Swanson for safe transmittal and carrying to Magee Women's Hospital.

2. The ultrasounds were processed and provided to Melissa Swanson on April 16, 2005 pursuant to the authorization. Attached hereto and made a part hereof is a true and correct copy of said authorization and marked Exhibit "1."

3. DuBois Regional Medical Center delivered the ultrasound films from June 2004 to the present to Melissa Swanson pursuant to her request.

4. The ultrasound films have never been returned to DuBois Regional Medical Center.

5. DuBois Regional Medical Center has requested the ultrasound films from plaintiffs' counsel and Melissa Swanson on several occasions and at all times, have been told they do not have the ultrasound films.

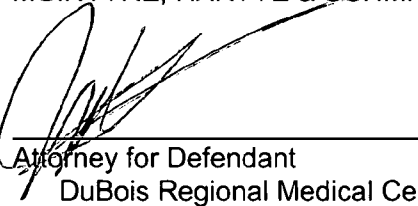
6. The ultrasound films which were taken to Magee Women's Hospital are an important piece of evidence in the within case and Magee Women's Hospital is hereby requested to produced the films.

7. In the alternative, Magee Women's Hospital and/or Shelly Miller a hospital representative, are ordered to respond as to the whereabouts of the films and/or to provide a deposition as to what happened to the ultrasound films which were the subject of the Subpoena issued by Attorney Lomupo.

WHEREFORE, defendant, DUBOIS REGIONAL MEDICAL CENTER, joins in the Motion of the plaintiffs and respectfully requests that this Honorable Court enter an Order that the ultrasounds be produced, Magee Women's Hospital comply with the Subpoena and that the ultrasound films are to be shared with all parties. In the alternative, Shelly Miller is ordered to appear for a deposition as to the whereabouts of the ultrasound films and what occurred to them after they were delivered to Magee Women's Hospital.

Respectfully submitted,

MCINTYRE, HARTYE & SCHMITT



Attorney for Defendant
DuBois Regional Medical Center

JOHN L. MCINTYRE, ESQUIRE
PA. ID. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

1885-8458

**AUTHORIZATION
TO ACCESS AND/OR DISCLOSE
PROTECTED HEALTH INFORMATION**

Requested by Dr.
Requested received by JL
Pick-up Date 4/16/05

I hereby authorize DuBois Regional Medical Center to release/obtain my Protected Health Information as described below.

Patient Name: (First, Middle, Last): Melissa Swannson

Date of Birth: 3/10/75 Telephone Number: _____

Address: _____

Medical Record Number (s): 343704 Billing Number: _____

Fee: _____ Amount Received: _____ Date: _____
Check No. _____ Cash ☐ Received by: _____

Purpose of disclosure: (Check One)

☐ My personal use

☐ Continued care

☐ Other use (describe): Magee's

The type of information to be disclosed as follows (Check the appropriate boxes).

☐ Discharge Summary

☐ History & Physical Examination

☐ Consultation Report

☐ Emergency Department Report

☐ Progress Notes

☐ Other (specify) _____

☐ Operative Report

☐ Laboratory Results

☐ Radiology Report

☐ Pathology Report

☐ Complete Record

☐ Cardio/Pulmonary Report

☐ Psychiatric Evaluation

☐ Behavioral Health Records

☐ Radiology Films*

*Original films or pathology specimens (must complete reverse side of this form)

For the following date(s) of treatment:

U.S. R. Breast

Mammo

From last June to Present

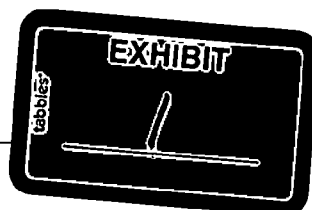
Authorized information to be disclosed to/obtained from:

Name: _____

Address: _____

Telephone: _____ Fax: _____

OR ☐ to the patient



RELEASE OF ORIGINAL FILMS

Medical Record Number (s): _____ Billing Number(s): _____
Copies sent: _____ Originals sent: _____ Copies for jacket: _____ Tech initials: _____ Escort initials: _____
Copy film size/total: 8 x 10 dup _____ 10 s 12 dup _____ 14 x 17 dup _____
14 x 17 3M _____ 8 x 10 Fuji _____
Fee: _____ Amount Received: _____ Date: _____ Check No. _____ Cash ☐

RELEASE OF PATHOLOGY SPECIMENS

Slide/Block Number _____ Date _____ Slide/Block Number _____ Date _____

PATIENT RIGHTS:

- I understand that signing this authorization is voluntary, and DuBois Regional Medical Center cannot deny me treatment for not agreeing to sign this authorization.
- I understand that I have the right to revoke this authorization at any time.
- I understand if I revoke this authorization I must do so in writing and present my written revocation to the Health Information Management Department.
- I understand the revocation will not apply to information that has already been released in response to this authorization.
- I understand the revocation will not apply to my insurance company when the law provides my insurer with the right to contest a claim under my policy.
- This authorization will expire on _____ unless otherwise revoked. If I fail to specify an expiration date, event or condition, this authorization will expire _____
(six months from the date of signature).

SENSITIVE INFORMATION:

I understand that my medical record may contain information relating to AIDS, HIV, psychiatric care or genetic testing and/or treatment for drug and/or alcohol use.

☐ I do not authorize the disclosure of this type of information.


Signature of Patient

04/17/05
Date

OR

Signature of Patient's Legal Representative
If signed by Legal Representative, description/relation to patient:

Date

Note: Proof of legal representation is required.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants.

CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION

No. 2007-362-CD

Code: 007

PLEADING:
PRAECIPE TO WITHDRAW MOTION
FOR SANCTIONS FROM ARGUMENT
LIST

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, COOPER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgcl.com

JURY TRIAL DEMANDED

FILED No cc
m/12:35 PM
OCT 23 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

] CIVIL DIVISION
]
]
] No. 2007-362-CD
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]
] JURY TRIAL DEMANDED
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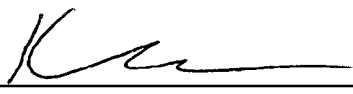
PRAECIPE TO WITHDRAW MOTION FOR SANCTIONS FROM ARGUMENT LIST

TO: PROTHONOTARY

Please withdraw the Motion for Sanctions from the argument list scheduled for
October 30, 2009 at 3:00 p.m. in the above-captioned case.

Respectfully submitted,

GILARDI, COOPER & LOMUPO

By: 
Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a certified copy of ***Praecipe to Withdraw Motion for Sanctions from Argument List*** has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 21st day of October, 2009.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant DRMC Primary Care Associates

Richard P. Kidwell, Esquire
UPMC
Forbes Tower, Suite 7015A
200 Lothrop Street
Pittsburgh, PA 15213
Attorney for UPMC



Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

: Civil Action-
: Medial Professional Liability Action
:
: No. 2007-362-CD
:
: JURY TRIAL DEMANDED
:
:
:
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Defendant Kruszewski's Request for Production (Set 5) to Dubois Regional Medical Center** in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 13th day of October 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

5 FILED No CC
m110:51661
OCT 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

ISSUE:

Notice of Deposition of Julie Hecker

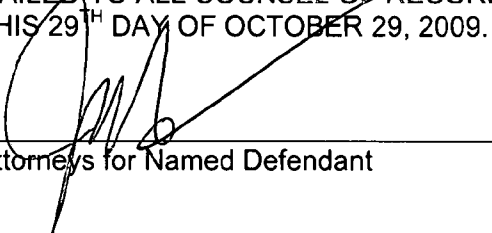
Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 29TH DAY OF OCTOBER 29, 2009.


Attorneys for Named Defendant


FILED
OCT 30 2009
William A. Shaw
Prothonotary/Clerk of Courts

MELISSA SWANSON and
JASON SWANSON, her husband,

VS.

Defendants

JURY TRIAL DEMANDED

TO: Julie Hecker
Magee Womens Hospital
300 Halket Street
Pittsburgh, PA 15213

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Jean Sopher, Esquire
The Henry W. Oliver Bldg.
Suite 1000
535 Smithfield Street
Pittsburgh, PA 15222

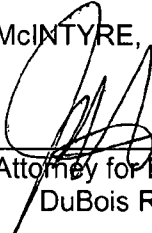
John W. Blasko, Esquire
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699

Please take notice that the deposition of **Julie Hecker** shall be taken upon oral examination by an official Court Reporter at the offices of **Kevin Lomupo, Esquire, Gilardi, Cooper & Lomupo, The Benedum Trees Building, 223 Forth Avenue, 10th Floor, Pittsburgh, 15222**, on the **9th day of November, 2009**, commencing at 11:00 a.m.

The scope of said deposition testimony will include inquiry into all facts concerning the happening of the incident complained of and all other matters relevant to the issues raised in the case.

You are invited to attend and participate.

McINTYRE, HARTYE & SCHMITT



Attorney for Defendant
DuBois Regional Medical Center

JOHN L. MCINTYRE, ESQUIRE
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Melissa A. Swanson
Jason Swanson
Plaintiff(s)

Vs.

No. 2007-00362-CD

Mary C. Kruszewski
Steven W. Graeca
DRMC Primary Care Associates
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY

TO: Julie Hecker, Magee Womens Hospital, 300 Halket Street, Pittsburgh, PA 15213

1. You are ordered by the Court to come to the office of Kevin Lomupo, Esquire, Gilardi, Cooper & Lomupo, The Benedum Trees Building, 223 Forth Avenue, 10th Floor, Pittsburgh
(Specify Courtroom or other place)
at Allegheny County, Pennsylvania, on November 9, 2009 at 11:00
o'clock, A M., to testify on behalf of DuBois Regional Medical Center
_____ in the above
case, and to remain until excused.

2. And bring with you the following: Copies of any and all records pertaining to Melissa Swanson and care which was provided in 2005 and the review of ultrasounds; all policies pertaining to review and return of any outside films including but not limited to ultrasounds or any other policies or procedures pertinent to the use of
If you fail to attend or to produce the documents or things required by this subpoena, you may be ultrasounds.
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including
but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: John L. McIntyre, Esquire
ADDRESS: P.O. Box 533
Hollidaysburg, PA 16648
TELEPHONE: 814/696-3581
SUPREME COURT ID # 28015

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Thursday, October 22, 2009
Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No. 234.1. If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

§ Civil Action-
§ Medial Professional Liability Action
§
§ Docket No. 2007-362-CD
§
§ Type of Pleading ~
§ **MOTION TO COMPEL Defendant**
§ **Steven W. Graeca, D.O. to Produce a**
§ **Privilege Log of Documents Forming the**
§ **Basis of Attorney-Client and Work**
§ **Product Privilege Objections**
§
§
§
§ Filed on Behalf of ~
§ **DEFENDANT, MARY KRUSZEWSKI,**
§ **D.O.**
§
§ Filed By ~
§ JOHN W. BLASKO, ESQ.
§ PA Attorney I.D. No. 6787
§ MCQUAIDE BLASKO LAW OFFICES
§ 811 University Drive
§ State College, PA 16801-6699
§
§ (814) 238-4926
§
§ JURY TRIAL DEMANDED
§
§
§
§
§ Counsel for Adverse Party:
§ Kevin R. Lomupo, Esquire
§

Dated: November 18, 2009

FILED
NOV 19 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and	:	
JASON SWANSON, her husband,	:	Civil Action-Medial Professional
Plaintiffs,	:	Liability Action
	:	
v.	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007-362-CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

**MOTION TO COMPEL DEFENDANT, STEVEN W. GRAECA, D.O., TO
PRODUCE A PRIVILEGE LOG OF DOCUMENTS FORMING THE BASIS OF
ATTORNEY-CLIENT AND WORK PRODUCT PRIVILEGE OBJECTIONS**

COMES NOW, Defendant, Mary Kruszewski, D.O., by and through her attorneys, McQuaide, Blasko, and files this Motion, representing the following:

1. On May 15, 2009, Defendant Kruszewski served on counsel for Defendant Steven W. Graeca, D.O., Interrogatories and Request for Production (Set I) for Answer.
2. On or about June 19, 2009, counsel for Dr. Graeca served answers and objections to the Interrogatories, attached hereto as Exhibit "A".

3. Interrogatory #6 was propounded as follows:

“6. Have you, an employee, an agent or anyone affiliated with you or your office provided any written documents of any type to any insurance company, adjusting agency or any other individual or entity, regarding medical care provided to Melissa Swanson or regarding this lawsuit? If so, please produce copies of such written documentation.”

Defendant Graeca objected to Interrogatory #6, in part, on the basis that the Interrogatory:

“...seeks information covered by the attorney client privilege and/or work product doctrines...”

4. Interrogatory #8 was propounded as follows:

“8. Do you have, whether in hard copy or electronic form, any emails that you authored or were the recipient of, regarding Melissa Swanson? If so, please produce copies of all such emails.”

Defendant Graeca objected to Interrogatory #8, in part, on the basis that the Interrogatory:

“...seeks information covered by the attorney client privilege and/or work product doctrines...”

5. Interrogatory #9 was propounded as follows:

“9. Are you aware of any written documents of any type concerning Melissa Swanson which are not part of your medical records? If so, please produce copies of such written documents.”

Defendant Graeca objected to Interrogatory #9, in part, on the basis that the Interrogatory:

“...seeks information covered by the attorney client privilege and/or work product doctrines...”

6. Interrogatory #10 was propounded as follows:

“10. Have you prepared or had prepared by someone other than yourself, any letters, reports or other written documents of any type, which were provided or submitted to any individual, entity, agency or department regarding Melissa Swanson? If so, please produce the letters, reports or other written documents of any type.”

Defendant Graeca objected to Interrogatory #10, in part, on the basis that the Interrogatory:

“...seeks information covered by the attorney client privilege and/or work product doctrines...”

7. Since the objections to each of the above Interrogatories were based, in part, on **“...the attorney-client privilege and/or work product doctrine”**, by letter dated June 29, 2009, Defendant Kruszewski requested Defendant Graeca to work out an amicable solution to resolve the issue as follows:

“...If possible, I would like to resolve the following issues related to those responses without the Court’s involvement.

- 1. In response to Interrogatory #6, you object, in part, that “... it seeks information covered by the attorney-client privilege and/or work product doctrines.” That leads us to question whether there is anything being withheld. Please provide a privilege log detailing any written documents you are withholding on the basis of attorney client and/or attorney work product privileges.**
- 2. Objections to Interrogatories #7, 8, 9, and 10 that they “seek information covered by the attorney client privilege and/or work product doctrines”, again, leads to the question of whether there is anything being withheld. Please provide a privilege log detailing any information you are withholding on the basis that the information is subject to the attorney client and/or attorney work product doctrines.**
- 3. We also note you failed to sign each objection as required by the rules.”**

See attached Exhibit “B”.

8. Defendant Graeca ignored and failed to respond to the June 29, 2009 letter, and, in a further effort to resolve the issue without Court intervention, on September 23, 2009, Defendant Kruszewski sent another letter to Defendant Graeca as follows:

“Dear Ms. Sopher:

Since I have not received the courtesy of a response to my letter of June 29, 2009, I assume the issues will have to be resolved with involvement of the Court.”

See attached Exhibit “C”.

9. Defendant Graeca ignored and failed to respond to the September 23, 2009 letter. In a further effort to obtain the privilege log without court intervention, Defendant Kruszewski forwarded a Motion to Compel to Defendant Graeca on October 8, 2009, advising that the Motion would be filed unless the requested information was forwarded forthwith. See attached Exhibit “D”

10. On October 12, 2009, Defendant Graeca faxed a letter to Defendant Kruszewski agreeing to provide privilege logs as follows:

“I am in receipt of your letter dated September 23, 2009 in the above captured matter. Please be advised that we are in the process of preparing privilege logs.”

11. Defendant Kruszewski did not receive the privilege logs, and, on October 22, 2009, notified Defendant Graeca that a Motion to Compel would be filed if the promised privilege logs were not received.

12. On October 29, 2009, counsel for Defendant Kruszewski called counsel for Defendant Graeca and left a message requesting the courtesy of a return call to resolve the production of the privilege logs.

13. On October 30, 2009, counsel for Defendant Graeca returned the call to counsel for Defendant Kruszewski stating that a privilege log would not be produced on the basis that the specific requests of Interrogatories #6, #8, # 9, and #11 were overly broad, burdensome, harassing and vague, even though on October 12, 2009, Defendant Graeca stated the privilege log would be provided, and, no objections were asserted at that time that a privilege log could not be provided because the Interrogatories were overly broad, burdensome, harassing and vague.

14. Over four (4) months have elapsed since the initial request was made to Defendant Graeca to provide a privilege log of all written documents that support Defendant Graeca's objections that such documents are "covered by the attorney client privilege and/or work product doctrines."

15. Responses from Defendant Graeca are necessary for the orderly progression of discovery and resolution of issues in this case.

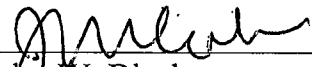
16. The inactions of Defendant Graeca requiring intervention of this Court are unreasonable, and, operates to hinder judicial expediency and progress of the case.

WHEREFORE, it is requested that the Court enter an Order requiring Defendant Graeca and his legal counsel to provide a privilege log detailing all written documents being withheld that establish the basis of the objections and representation of Defendant Graeca that such documents are subject to the attorney-client and/or attorney work product privileges, and, that Defendant Graeca be assessed cost and expenses, including counsel fees, for failing to respond as they initially agreed to, requiring the filing of this Motion.

Respectfully submitted,

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY



John W. Blasko
Attorneys for Defendant,
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**ANSWERS TO DEFENDANT
KRUSZEWSKI'S INTERROGATORIES
and RESPONSE TO REQUEST FOR
PRODUCTION (SET ONE) FOR
ANSWER BY DEFENDANT STEVEN W.
GRAECA, D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

ANSWERS TO INTERROGATORIES

1. Were you insured at the time of the incident complained of in this action against the risk of loss as claimed? If so, state:
 - (a) The type of insurance;
 - (b) The name, address and telephone number of the carrier;
 - (c) The limits of liability;
 - (d) The effective dates of the policy;
 - (e) The policy number;
 - (f) The named insured on the policy;
 - (g) The name, address & telephone number of the custodian of the policy; and
 - (h) The name of the insurer's claim representative who has been assigned to this claim.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing, and not calculated to lead to the discovery of admissible evidence. Without waiving and subject to the foregoing objections, Defendant states that he was insured by a medical professional liability insurance policy issued by The Medical Protective Company, 5814 Reed Road, Ft. Wayne, Indiana, 46835 at the time the claim was made. Occurrence limit: \$500,000. Effective dates of the policy: 9/7/06 to 9/7/07. Policy number: 717005. Named insured: Steven W. Graeca. All questions regarding this matter can be referred to Defendant's attorney identified herein.

2. Did you have an excess limit policy in force and effect at the time of the incident complained of in this action against the risk of loss claimed? If so, please state the following

- (a) The name, address and phone number of the carrier;
- (b) The limits of such coverage; and
- (c) The effective dates of the policy.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any such excess limit policy.

3. Did you have any other type of policy of insurance in force or effect at the time of the incident complained of in this action, covering you against the risk of loss claimed? If so, please state:

- (a) The type of insurance;
- (b) The name, address and phone number of the carrier;
- (c) The limits of such coverage; and
- (d) The effective dates of the policy.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory in that it is so vague with respect to the phrase "any other type of policy" as to make it incapable of eliciting a reasonable and meaningful response. Subject to and without waiving these objections, Defendant states that he is unaware of any other policy of insurance that would cover medical malpractice claims against him for the relevant time period.

4. At the time of the incident complained of in this action, did you have any umbrella policy issued to you by any company covering you against the risk of loss claimed herein? If so, please state the following:

- (a) The name, address and phone number of the carrier; and
- (b) The limits of such coverage.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any such umbrella policy.

5. Are any of the aforementioned carriers defending this case under a reservation of rights assertion? If so, please identify each such carrier and, the basis for the reservation of rights.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any reservation of rights assertions for Plaintiffs' claims.

6. Have you, an employee, an agent or anyone affiliated with you or your office provided any written documents of any type to any insurance company, adjusting agency or any other individual or entity, regarding medical care provided to Melissa Swanson or regarding this lawsuit? If so, please produce copies of such written documentation.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so overly broad that it seeks information covered by the attorney client privilege and/or work product doctrines. Defendant further objects to the terms "agent" and "anyone affiliated with you or your office" as being so vague as to make this interrogatory incapable of eliciting a reasonable and meaningful response. Subject to and without waiving the foregoing objections, Defendant states that he is not aware of any documents that he or his office provided to any insurance company, adjusting agency or any other individual or entity regarding medical care provided to Melissa Swanson other than medical records of Melissa Swanson sent to Kevin Lomupo, Esquire in February 2006 and medical records provided to his attorney. Additionally, the Risk Management Department of DRMC has Dr. Graeca's medical chart for Melissa Swanson.

7. Do you have any data contained on a computer hard drive (personal or business) regarding Melissa Swanson? If so, please provide copies of all such data.

ANSWER: The only data on a computer hard drive regarding Melissa Swanson of which this Defendant is aware, is that which is on the computers of DRMC.

8. Do you have, whether in hard copy or electronic form, any emails that you authored or were the recipient of, regarding Melissa Swanson? If so, please produce copies of all such emails.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that he is not aware of any such e-mails in hard copy or electronic form.

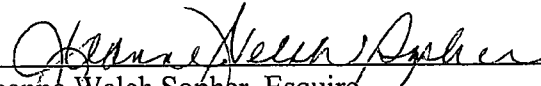
9. Are you aware of any written documents of any type concerning Melissa Swanson which are not part of your medical records? If so, please produce copies of such written documents.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so vague with respect to the phrase "any written documents of any type concerning Melissa Swanson" that it is incapable of eliciting a reasonable and meaningful response. Defendant also objects in that this interrogatory is so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that with respect to documents regarding medical care provided to Melissa Swanson, he is aware of documents in his own office chart and those provided by other defendants in this matter.

10. Have you prepared or had prepared by someone other than yourself, any letters, reports or other written documents of any type, which were provided or submitted to any individual, entity, agency or department regarding Melissa Swanson? If so, please produce the letters, reports or other written documents of any type.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so vague and overly broad that it is incapable of eliciting a reasonable and meaningful response. Defendant also objects in that this interrogatory is so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that with respect to documents that he or his office staff prepared regarding medical care provided to Melissa Swanson, he is aware of those in his own office chart or those in the records of DRMC.

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

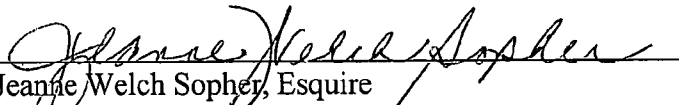
Defendants.

**RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE)
FOR ANSWER BY DEFENDANT GRAECA**

Defendant, Mary Kruszewski, D.O., pursuant to Rule 4009.1, 4009.11 and 4009.12 of the Pennsylvania Rules of Civil Procedure, hereby requests that Defendant Steven W. Graeca, D.O., produces for inspection and copying, all documents identified or referred to in the answers to the foregoing Interrogatories and all documents reviewed by Defendant Graeca or anyone acting on behalf of Defendant Graeca in the preparation of answers to the foregoing Interrogatories.

Response: See objections and answers to the foregoing Interrogatories and the medical records previously produced in this case. See also the Certificate of Liability Insurance for the insurance policy identified in Answer to Interrogatory No. 2.

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF LIABILITY INSURANCE			DATE: 09/01/2006		
PRODUCER: GILBERT'S INSURANCE AGENCY, INC. 30 EAST STATE STREET PO BOX 888 SHARON, PA - 15146			THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.		
INSURED: STEVEN GRASCA CO 146 HOSPITAL AVE DUBOIS, PA - 15801			INSURERS AFFORDING COVERAGE INSURER A: The Medical Protective Company 5814 Road Road, Fort Wayne, IN 46165 NAIC Number: 11843; www.medicpro.com		
COVERAGES THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR ☐ _____ ☐ _____ GENL AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC				EACH OCCURRENCE \$ PER CLAIM \$ FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS-COMP/OP AGG \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS ☐ _____				COMBINED SINGLE LIMIT (Each accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	PROFESSIONAL LIABILITY ☐ OCCURRENCE ☒ CLAIMS MADE RETRO DATE: 09/07/2003	717005	09/07/2006	09/07/2007	PER OCCURRENCE \$ PER CLAIM \$ 500,000 ANNUAL AGGREGATE \$ 1,500,000
	EXCESS LIABILITY ☐ OCCURRENCE ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYER'S LIABILITY				☐ WC STATUTORY LIMITS ☐ OTHER E.L. EA ACCIDENT \$ E.L. DISEASE-EA EMPLOYEE \$ E.L. DISEASE-POLICY LIMIT \$
	OTHER: EMPLOYMENT PRACTICES LIABILITY DEFENSE COVERAGE RETRO DATE:				PER OCCURRENCE LIMIT OF DEFENSE \$ AGGREGATE LIMIT OF DEFENSE \$
DESCRIPTION OF OPERATIONS/LOCATION/VEHICLE/USE POLICY FOR SPECIFIC COVERAGE INFORMATION/SPECIAL PROVISIONS Limits of Professional Liability Insurance \$500,000 per CLAIMS MADE/\$1,500,000 annual aggregate. Insured is a Qualified Health Care Provider in accordance with the Pennsylvania MCARE Fund. \$500,000 per CLAIMS MADE/\$1,500,000 annual aggregate.					
CERTIFICATE HOLDER STEVEN GRASCA 146 HOSPITAL AVE. DUBOIS, PA - 15801					CANCELLATION THE MEDICAL PROTECTIVE COMPANY WILL NOT BE RESPONSIBLE FOR INFORMING THE CERTIFICATE HOLDER OF ANY CHANGES IN COVERAGE OR IN THE LIMITS OF LIABILITY OR IN THE EVENT OF THE TERMINATION OR CANCELLATION OF THE POLICY. The Medical Protective Company Representative <i>M. T. Hill</i>

VERIFICATION

I, Steven W. Gracca, D.O., have read the Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Gracca, D.O. The statements therein are correct to the best of my personal knowledge or information and belief.

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


Steven W. Gracca, D.O.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. has been sent via first class mail, postage prepaid on this 19th day of June, 2009 to the following:

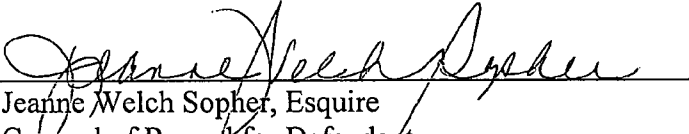
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: _____


Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF ANSWERS
TO DEFENDANT KRUSZEWSKI'S
INTERROGATORIES and RESPONSE
TO REQUEST FOR PRODUCTION (SET
ONE) FOR ANSWER BY DEFENDANT
STEVEN W. GRAECA, D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

I hereby certify that the original Interrogatories and Request for Production of
Documents Directed to Plaintiffs was sent to the attorney listed below:

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

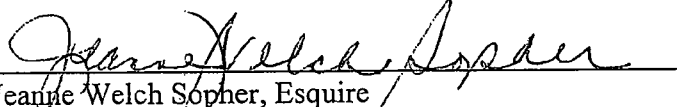
I, hereby certify that a true and correct copy of the foregoing Notice of Service of Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. has been sent via first class mail; postage prepaid on this 19th day of June, 2009 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopner, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

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

June 29, 2009

Jeanne Welch Sopher, Esquire
Wall & Henderson
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

RE: Swanson vs. Kruszewski, et al.
No. 2007-362-CD

Dear Ms. Sopher:

We are in receipt of your client's responses to the discovery requests of Defendant, Mary Kruszewski, DO. If possible, I would like to resolve the following issues related to those responses without the Court's involvement.

1. In response to Interrogatory #6, you object, in part, that "...it seeks information covered by the attorney-client privilege and/or work product doctrines." That leads us to question whether there is anything being withheld. Please provide a privilege log detailing any written documents you are withholding on the basis of attorney client and/or attorney work product privileges. At his deposition on June 23, 2009, Mr. Volpe produced the original of Dr. Graeca's chart, which included therein a fax transmission cover sheet from Dr. Graeca to Tim Santomieri at fax number 972-543-9203, who I believe Mr. Volpe identified as being a claims representative of Dr. Graeca's carrier. This also leads me to believe that there are documents responsive to Interrogatory #6 which have not been produced. We ask you to carefully consider your responses in view of Dr. Graeca's verification to the contents of the interrogatories.
2. ~~Objections to Interrogatories #7, 8, 9, and 10 that they "seek information covered~~
~~by the attorney client privilege and/or work product doctrines", again, leads to the~~
~~question of whether there is anything being withheld. Please provide a privilege~~
~~log detailing any information you are withholding on the basis that the~~
~~information is subject to the attorney client and/or attorney work product~~
~~doctrines.~~
3. We also note you failed to sign each objection as required by the rules.

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. Stimak 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. Oluwole 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 Suzette V. Sims

Hershey Office: Grant H. Fleming Maurcen 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

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

EXHIBIT
"B"

Jeanne Welch Sopher, Esq.
June 29, 2009
Page 2

The supplemental answers to Interrogatories #6 and #10 are not responsive to the issues of this letter. Further the supplemental answer to Interrogatory #10, states in part, "Subject to and without waiving the foregoing objections, Defendant refers Plaintiff to Answer to Interrogatory No. 6." Is that response to an interrogatory of the Plaintiffs, of which I am unaware and have not received a copy?

Very truly yours,

MCQUAIDE BLASKO

By:


John W. Blasko

JWB/th

cc: Kevin R. Lomupo, Esq.
John McIntyre, Esq.

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

September 23, 2009

Jeanne Welch Sopher, Esquire
Wall & Henderson
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

RE: Swanson vs. Kruszewski, et al.
No. 2007-362-CD

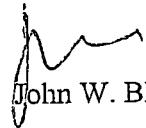
Dear Ms. Sopher:

Since I have not received the courtesy of a response to my letter of June 29, 2009, I assume the issues will have to be resolved with involvement of the Court.

Very truly yours,

McQUAIDE BLASKO

By:


John W. Blasko

JWB/th

cc: Kevin R. Lomupo, Esq.
John McIntyre, Esq.

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 Richter Daniel E. Bright
Janine C. Gismondi John A. Snyder April C. Simpson Allan P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chena L. Glenn-Hart
Livinia N. Oluwole Cristina R. Long Anthony A. Simon Dominick J. Muracco Amanda L. Seelye Thomas S. Schrack Aaron T. Brooks Philip K. Miles, III
Ashley D. Cooper Suzette V. Sims

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)

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

FAXED

October 8, 2009

Jeanne Welch Sopher, Esquire
Rawle & Henderson, LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

VIA FACSIMILE- 412-261-5710

RE: Swanson vs. Kruszewski, et al.
No. 2007-362-CD

Dear Ms. Sopher:

Enclosed is a Motion to Compel which we will be filing with the Court unless you forthwith provide the requested information.

Very truly yours,

MCQUAIDE BLASKO

By:


John W. Blasko

JWB/th

Enclosure

cc (w/enc): Kevin R. Lomupo, Esq.
John McIntyre, Esq.

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. 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 Suzette V. Sims

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)

EXHIBIT
"D"

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	
	:	Civil Action-Medial Professional
Plaintiffs,	:	Liability Action
	:	
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	No. 2007-362-CD
STEVEN W. GRAECA, D.O., and	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	JURY TRIAL DEMANDED
Defendants.	:	

CERTIFICATE OF COUNSEL

As per the Local Rule 208.2(e), it is certified that Defendant Graeca's counsel was contacted to resolve the matter as follows:

- (a) By letter of June 29, 2009 and September 23, 2009, to which Dr. Graeca's counsel failed to respond;
- (b) By letter dated October 8, 2009, to which Dr. Graeca's counsel responded by letter dated October 12, 2009 agreeing to provide a privilege log; and
- (c) By telephone on October 29, 2009 and October 30, 2009, when Dr. Graeca's counsel refused to produce the promised privilege log.

FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	
	:	Civil Action-Medial Professional
Plaintiffs,	:	Liability Action
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007-362-CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

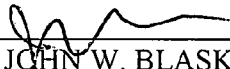
I hereby certify that a true and correct copy of Defendant, Mary Kruszewski, D.O.'s
Motion to Compel Defendant, Steven W. Graeca, D.O., to Produce a Privilege Log of
Documents Forming the Basis of Attorney-Client and Work Product Privilege Objections,
in the above-captioned matter was mailed by regular mail, first class, at the Post Office, State
College, Pennsylvania, postage prepaid, this 18th day of November 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
RAWLE & HENDERSON, LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and JASON :
SWANSON, her husband, :
 : Civil Action-Medial Professional
Plaintiffs, : Liability Action
 :
v. :
 :
MARY KRUSZEWSKI, D.O., : No. 2007-362-CD
STEVEN W. GRAECA, D.O., and :
DUBOIS REGIONAL MEDICAL :
CENTER, : JURY TRIAL DEMANDED
Defendants. :

ORDER

AND NOW, this 24th day of November, 2009, upon consideration of the foregoing Motion, it is ORDERED that:

- a) A Rule is issued on Defendant, Dr. Graeca, and his counsel to show cause why the moving party is not entitled to relief requested;
- b) The Respondent shall file an Answer within fifteen (15) days of the date hereof;
- c) Argument shall be held on the 17th day of January, 2010, at 11:00 A.m. in Courtroom No. 1 Clearfield County Courthouse; and
- d) Notice of the entry of this Order shall be provided to all parties by the moving party.

FILED 300
11/11/09
NOV 24 2009
Atty Bbsko

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT

Judith J. Ammerman
J.

FILED No CC

m/11.04m
NOV 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATE OF SERVICE

Filed on Behalf of ~

**DEFENDANT, MARY KRUSZEWSKI,
D.O.**

Filed By ~

JOHN W. BLASKO, ESQ.
PA Attorney I.D. No. 6787
MCQUAIDE BLASKO LAW OFFICES
811 University Drive
State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Counsel for Adverse Party:
Kevin R. Lomupo, Esquire

Dated: November 25, 2009

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

: Civil Action-
: Medial Professional Liability Action
:
: No. 2007-362-CD
:
: JURY TRIAL DEMANDED
:
:
:
:

CERTIFICATE OF SERVICE

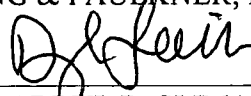
I hereby certify that true and correct copies of the **Court Order with Rule to Show Cause** and **Defendant Kruszewski's Motion to Compel** in the above-captioned matter, were mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 25th day of November 2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 

DARRYL R. SLIMAK
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

No.: 2007-362-CD

Code: 007

**RESPONSE TO DEFENDANT, MARY
KRUSZEWSKI, D.O.'S MOTION TO
COMPEL DEFENDANT, STEVEN W.
GRAECA, D.O. TO RESPOND**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

FILED
01/10/18/2011 NO CC
DEC 04 2009
William A. Shaw
Prothonotary/Clerk of Courts (610)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

**RESPONSE TO DEFENDANT, MARY KRUSZEWSKI, D.O.'S MOTION TO COMPEL
DEFENDANT, STEVEN W. GRAECA, D.O. TO RESPOND**

And Now, comes defendant, Steven W. Graeca, D.O., by and through his attorneys, Rawle & Henderson, LLP, and files the following response to defendant, Mary Kruszewski, D.O.'s Motion to Compel:

1. Paragraph 1 is admitted.
2. Paragraph 2 is denied as stated. On June 19, 2009, Dr. Graeca served objections, answers and responses to Dr. Kruszewski's written discovery. Additionally, he served supplemental answers and response to this discovery on June 22, 2009. Dr. Graeca's objections, answers and responses and supplemental answers and responses are attached as Exhibit "1".
- 3-6. Paragraphs 3 through 6 are denied. Dr. Kruszewski's Interrogatories and Request for Production (Set I) and Dr. Graeca's objections, answers and responses to this discovery speak for themselves and are available to this Court in their entirety. The excerpts Dr. Kruszewski has included in these paragraphs are incomplete and fail to reveal that Dr. Graeca's initial objection to Interrogatory Nos. 6 and 8 through 10 is that they are harassing, unduly burdensome, overly broad and vague consistent with Pa.R.C.P. 4003.3, 4003.5 and 4011.

7. Paragraph 7 is admitted in so far as Dr. Kruszewski sent Dr. Graeca a letter dated June 29, 2009, a copy of which is attached as Exhibit "B" to Dr. Kruszewski's Motion to Compel and only portions of which are quoted in this Paragraph.

8. Paragraph 8 is denied. To the contrary, Dr. Graeca attempted to resolve this discovery dispute by preparing a privilege log and advised Dr. Kruszewski of this via letters dated October 12, 2009 and October 29, 2009, copies of which are attached as Exhibit "2" to this Response. However, Dr. Graeca's effort to prepare a privilege log was hindered due to the multiple unlimited terms contained in the disputed interrogatories. Consistent with Dr. Graeca's initial objection, these unlimited terms render the discovery overly broad, unduly burdensome, harassing and vague, and incapable of eliciting a meaningful response. The unlimited terms contained in these interrogatories are emphasized by **bold text**:

6. Have you, an employee, an agent or **anyone affiliated with you or your office** provided **any written documents of any type** to any insurance company, adjusting agency or **any other individual or entity**, regarding medical care provided to Melissa Swanson or regarding this lawsuit?

8. Do you have, whether in hard copy or electronic form, **any emails that you authored or were the recipient of**, regarding Melissa Swanson? If so, please produce copies of all such emails.

9. Are you aware of **any written documents of any type** concerning Melissa Swanson which are not part of your medical records? If so, please produce copies of such written documents.

10. Have you prepared or had prepared **by someone other than yourself**, any letters, reports or **other written documents of any type**, which were provided or submitted to **any individual, entity, agency or department** regarding Melissa Swanson? If so, please produce the letters, reports or **other written documents of any type**.

Further, in addition to each interrogatory containing multiple unlimited terms, the interrogatories overlap. The items sought by Interrogatory No. 6 also appear to be sought by Interrogatory Nos. 9 and/or 10. Additionally, the interrogatories unabashedly seek production of items prohibited from disclosure pursuant to Pa.R.C.P. 4003.3 and 4003.5, including, but not limited to, disclosure of the mental impressions of a party's attorney or his or her conclusions, opinions, memoranda, notes or summaries legal research or theories; disclosure of the mental impressions of a representative of a party other than the party's attorney or his conclusions or opinions respecting the value or merit of a claim or defense or respecting value or tactics; and facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness.

Our Courts and the Pennsylvania Rules of Civil Procedure prohibit the broad and unfocused discovery requests propounded by Dr. Kruszewski by the disputed interrogatories. *See J.S. and C.S. v. Whetzel*, 860 A.2d 1112, 1121 (Pa.Super. 2004) (prohibiting the unfettered production of any and all of an expert's 1099 forms) and for guidance, *Yadouga v. Crucuani*, 66 Pa.D.&C.4th 164 (Pa.Com.Pl. 2004) (prohibiting discovery requests that were not relevant and too generalized and all-inclusive that would be unreasonably burdensome to answer); and *Shedlock v. UPMC Presbyterian Inc.*, 69 Pa.D.&C.4th 1, 8 (Pa.Com.Pl. 2004) (restricting production of employee files, noting that Pa.R.C.P. 401's purpose "is to prohibit such broad and unfocused discovery requests seeking records that are likely to include confidential information and appear to have almost no relevance to the subject matter of the litigation").

9. Paragraph 9 is denied. Dr. Graeca did not ignore and fail to respond to Dr.

Kruszewski's September 23, 2009 letter. To the contrary, see Responses to Paragraphs 7 and 8.

Of note, Dr. Kruszewski served a motion to compel with her October 8, 2009 different from that ultimately presented to this Court. A copy of the original motion to compel served by Dr. Kruszewski and related correspondence is attached as Exhibit "3".

10-11. Paragraphs 10 and 11 are admitted.

12. Paragraph 12 is admitted with clarification. Dr. Kruszewski also sent an email to Dr. Graeca confirming the 5:32 p.m. telephone message. Additionally, Dr. Graeca had sent a letter to Dr. Kruszewski earlier that day via facsimile to advise that he was unable to prepare a privilege log due to his initial objection to the disputed interrogatories and encouraging Dr. Kruszewski to contact him "to make another effort to resolve this discovery dispute by having Dr. Kruszewski define, identify or in some way limit the documents she is seeking." See Response to Paragraph 8 and Exhibit "2". Additionally, see the emails exchanged by the parties attached as Exhibit "4".

13. Paragraph 13 is denied as stated. While Dr. Kruszewski and Dr. Graeca conferred by telephone and email on October 30, 2009, it is denied that Dr. Graeca did not object to preparing a privilege log or otherwise answering the disputed interrogatories. See Dr. Graeca's objections, answers and responses and supplemental answers and responses to Dr. Kruszewski's written discovery, which are attached as Exhibit "1" to this Response. At no time were these objections waived.

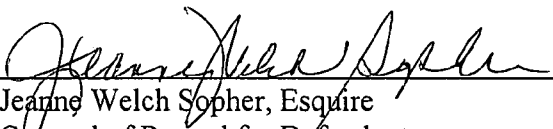
14. Paragraph 14 is admitted in so far as the parties have attempted to resolve this discovery dispute during the last four months.

15-16. Paragraphs 15 and 16 are denied. To the contrary, Dr. Graeca has timely objected, answered and responded to Dr. Kruszewski's written discovery. Consistent with his objections and the above cited cases *J.S. and C.S., Yadouga* and *Shedlock*, Dr. Graeca believes

the disputed interrogatories are incapable of being understood and answered beyond that which he has provided. Interrogatories referring to an unlimited universe of persons, entities, subjects and documents are unreasonable and not capable of eliciting a meaningful response. Further, the interrogatories seek items clearly prohibited from production pursuant to Pa.R.C.P. 4003.3, 4003.5 and 4011. Dr. Kruszewski, not Dr. Graeca, is the party hindering the progression of this case. Dr. Kruszewski's refusal to define, identify or in some way limit the documents she is seeking constitutes harassment warranting the imposition of sanctions.

WHEREFORE, defendant, Steven W. Graeca, D.O., respectfully requests this Honorable Court to enter an Order denying defendant, Mary Kruszewski, D.O.'s Motion to Compel and providing that the Interrogatories at issue are prohibited.

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

1

1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

No.: 2007-362-CD

Code: 007

**ANSWERS TO DEFENDANT
KRUSZEWSKI'S INTERROGATORIES
and RESPONSE TO REQUEST FOR
PRODUCTION (SET ONE) FOR
ANSWER BY DEFENDANT STEVEN W.
GRAECA, D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

ANSWERS TO INTERROGATORIES

1. Were you insured at the time of the incident complained of in this action against the risk of loss as claimed? If so, state:
 - (a) The type of insurance;
 - (b) The name, address and telephone number of the carrier;
 - (c) The limits of liability;
 - (d) The effective dates of the policy;
 - (e) The policy number;
 - (f) The named insured on the policy;
 - (g) The name, address & telephone number of the custodian of the policy; and
 - (h) The name of the insurer's claim representative who has been assigned to this claim.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing, and not calculated to lead to the discovery of admissible evidence. Without waiving and subject to the foregoing objections, Defendant states that he was insured by a medical professional liability insurance policy issued by The Medical Protective Company, 5814 Reed Road, Ft. Wayne, Indiana, 46835 at the time the claim was made. Occurrence limit: \$500,000. Effective dates of the policy: 9/7/06 to 9/7/07. Policy number: 717005. Named insured: Steven W. Graeca. All questions regarding this matter can be referred to Defendant's attorney identified herein.

2. Did you have an excess limit policy in force and effect at the time of the incident complained of in this action against the risk of loss claimed? If so, please state the following

- (a) The name, address and phone number of the carrier;
- (b) The limits of such coverage; and
- (c) The effective dates of the policy.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any such excess limit policy.

3. Did you have any other type of policy of insurance in force or effect at the time of the incident complained of in this action, covering you against the risk of loss claimed? If so, please state:

- (a) The type of insurance;
- (b) The name, address and phone number of the carrier;
- (c) The limits of such coverage; and
- (d) The effective dates of the policy.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory in that it is so vague with respect to the phrase "any other type of policy" as to make it incapable of eliciting a reasonable and meaningful response. Subject to and without waiving these objections, Defendant states that he is unaware of any other policy of insurance that would cover medical malpractice claims against him for the relevant time period.

4. At the time of the incident complained of in this action, did you have any umbrella policy issued to you by any company covering you against the risk of loss claimed herein? If so, please state the following:

- (a) The name, address and phone number of the carrier; and
- (b) The limits of such coverage.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any such umbrella policy.

5. Are any of the aforementioned carriers defending this case under a reservation of rights assertion? If so, please identify each such carrier and, the basis for the reservation of rights.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any reservation of rights assertions for Plaintiffs' claims.

6. Have you, an employee, an agent or anyone affiliated with you or your office provided any written documents of any type to any insurance company, adjusting agency or any other individual or entity, regarding medical care provided to Melissa Swanson or regarding this lawsuit? If so, please produce copies of such written documentation.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so overly broad that it seeks information covered by the attorney client privilege and/or work product doctrines. Defendant further objects to the terms "agent" and "anyone affiliated with you or your office" as being so vague as to make this interrogatory incapable of eliciting a reasonable and meaningful response. Subject to and without waiving the foregoing objections, Defendant states that he is not aware of any documents that he or his office provided to any insurance company, adjusting agency or any other individual or entity regarding medical care provided to Melissa Swanson other than medical records of Melissa Swanson sent to Kevin Lomupo, Esquire in February 2006 and medical records provided to his attorney. Additionally, the Risk Management Department of DRMC has Dr. Graeca's medical chart for Melissa Swanson.

7. Do you have any data contained on a computer hard drive (personal or business) regarding Melissa Swanson? If so, please provide copies of all such data.

ANSWER: The only data on a computer hard drive regarding Melissa Swanson of which this Defendant is aware, is that which is on the computers of DRMC.

8. Do you have, whether in hard copy or electronic form, any emails that you authored or were the recipient of, regarding Melissa Swanson? If so, please produce copies of all such emails.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that he is not aware of any such e-mails in hard copy or electronic form.

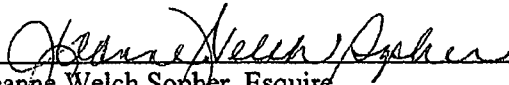
9. Are you aware of any written documents of any type concerning Melissa Swanson which are not part of your medical records? If so, please produce copies of such written documents.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so vague with respect to the phrase "any written documents of any type concerning Melissa Swanson" that it is incapable of eliciting a reasonable and meaningful response. Defendant also objects in that this interrogatory is so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that with respect to documents regarding medical care provided to Melissa Swanson, he is aware of documents in his own office chart and those provided by other defendants in this matter.

10. Have you prepared or had prepared by someone other than yourself, any letters, reports or other written documents of any type, which were provided or submitted to any individual, entity, agency or department regarding Melissa Swanson? If so, please produce the letters, reports or other written documents of any type.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so vague and overly broad that it is incapable of eliciting a reasonable and meaningful response. Defendant also objects in that this interrogatory is so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that with respect to documents that he or his office staff prepared regarding medical care provided to Melissa Swanson, he is aware of those in his own office chart or those in the records of DRMC.

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

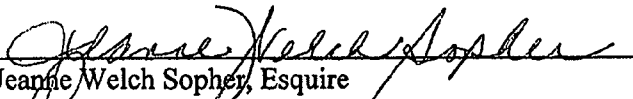
Defendants.

**RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE)
FOR ANSWER BY DEFENDANT GRAECA**

Defendant, Mary Kruszewski, D.O., pursuant to Rule 4009.1, 4009.11 and 4009.12 of the Pennsylvania Rules of Civil Procedure, hereby requests that Defendant Steven W. Graeca, D.O., produces for inspection and copying, all documents identified or referred to in the answers to the foregoing Interrogatories and all documents reviewed by Defendant Graeca or anyone acting on behalf of Defendant Graeca in the preparation of answers to the foregoing Interrogatories.

Response: See objections and answers to the foregoing Interrogatories and the medical records previously produced in this case. See also the Certificate of Liability Insurance for the insurance policy identified in Answer to Interrogatory No. 2.

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF LIABILITY INSURANCE

PRODUCER: OLBERT'S INSURANCE AGENCY, INC.
30 EAST STATE STREET
PO BOX 666
SHARON, PA - 15146

INSURED: STEVEN GRACIA DO
145 HOSPITAL AVE
DUBOIS, PA - 15801

DATE: 09/01/2008

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY
AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS
CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE
AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: The Medical Protective Company
6514 Road Road, Fort Wayne, IN 46825
NAIC number: 11545 www.medicpro.com

COVERAGE

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.
NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE
MAY BE ISSUED OR MAY PERTAIN.

THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.
AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR ☐ ☐ OWN AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC				EACH OCCURRENCE \$ PER CLAIM \$ FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS-COMP/OP AGG \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS ☐				COMBINED SINGLE LIMIT (Each accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	PROFESSIONAL LIABILITY ☐ OCCURRENCE ☒ CLAIMS MADE RETRO DATE: 09/07/2003	717006	09/07/2006	09/07/2007	PER OCCURRENCE \$ PER CLAIM \$ 500,000 ANNUAL AGGREGATE \$ 1,500,000
	EXCESS LIABILITY ☐ OCCURRENCE ☐ CLAIMS MADE ☐ DEDUCTIBLE ☐ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY				☐ W/ STATUTORY LIMITS ☐ OTHER E.L. SA ACCIDENT \$ E.L. DISEASE-BA EMPLOYER \$ E.L. DISEASE-POLICY LIMIT \$
	OTHER: EMPLOYMENT PRACTICES LIABILITY DEFENSE COVERAGE RETRO DATE:				PER OCCURRENCE LIMIT OF DEFENSE \$ AGGREGATE LIMIT OF DEFENSE \$

DESCRIPTION OF OPERATIONS/LOCATION/INVESTIGATOR/SEE POLICY FOR SPECIFIC COVERAGE INFORMATION/SPECIAL PROVISIONS

Limits of Professional Liability Insurance: \$500,000 per CLAIMS MADE/\$1,500,000 annual aggregate. Insured in a Qualified Health Care Provider in
accordance with the Pennsylvania MCARE Fund. \$500,000 per CLAIMS MADE/\$1,500,000 annual aggregate.

CERTIFICATE HOLDER

STEVEN GRACIA
145 HOSPITAL AVE
DUBOIS, PA - 15801

CANCELLATION

THE MEDICAL PROTECTIVE COMPANY WILL NOT BE
RESPONSIBLE FOR INFORMING THE CERTIFICATE
HOLDER OF ANY CHANGES IN COVERAGE OR IN
THE
LIMITS OF LIABILITY OR IN THE EVENT OF THE
TERMINATION OR CANCELLATION OF THE POLICY.

The Medical Protective Company Representative

M.P.T. [Signature]

VERIFICATION

I, Steven W. Graeca, D.O., have read the Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Steven W. Graeca, D.O.
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

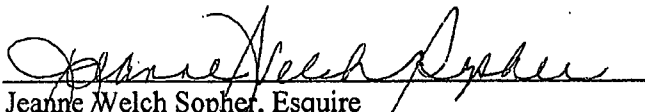
I, hereby certify that a true and correct copy of the foregoing Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. has been sent via first class mail, postage prepaid on this 19th day of June, 2009 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**SUPPLEMENTAL ANSWERS TO
DEFENDANT KRUSZEWSKI'S
INTERROGATORIES and RESPONSE
TO REQUEST FOR PRODUCTION (SET
ONE) FOR ANSWER BY DEFENDANT
STEVEN W. GRAECA, D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

SUPPLEMENTAL ANSWERS TO INTERROGATORIES
AND RESPONSE TO REQUEST FOR PRODUCTION

AND NOW, comes Steven W. Graeca, D.O. and provides the following Supplemental
Answers to Interrogatories to Defendant Kruszewski's Interrogatories and Request for Production
(Set One).

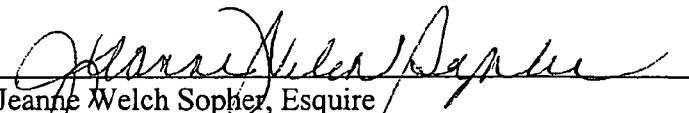
6. Have you, an employee, an agent or anyone affiliated with you or your office provided any written documents of any type to any insurance company, adjusting agency or any other individual or entity, regarding medical care provided to Melissa Swanson or regarding this lawsuit? If so, please produce copies of such written documentation.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so overly broad that it seeks information covered by the attorney client privilege and/or work product doctrines. Defendant further objects to the terms "agent" and "anyone affiliated with you or your office" as being so vague as to make this interrogatory incapable of eliciting a reasonable and meaningful response. Subject to and without waiving the foregoing objections, Defendant states that he is not aware of any documents that he or his office provided to any insurance company, adjusting agency or any other individual or entity regarding medical care provided to Melissa Swanson other than what is reflected in his chart for Melissa Swanson, medical records for Melissa Swanson sent to Kevin Lomupo, Esquire in July 2006 in response to his June 2006 request, and medical records provided to his attorney. Additionally, the Risk Management Department of DRMC obtained Dr. Graeca's medical chart for Melissa Swanson. See the request from Plaintiffs' counsel's office, authorization, and billing receipt obtained from the DRMC computer system for the records sent to Plaintiffs' counsel.

10. Have you prepared or had prepared by someone other than yourself, any letters, reports or other written documents of any type, which were provided or submitted to any individual, entity, agency or department regarding Melissa Swanson? If so, please produce the letters, reports or other written documents of any type.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so vague and overly broad that it is incapable of eliciting a reasonable and meaningful response. Defendant also objects in that this interrogatory is so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant refers Plaintiff to Answer to Interrogatory No. 6 and states that with respect to documents that he or his office staff prepared regarding medical care provided to Melissa Swanson, he is aware of those in his own office chart and some records maintained by DRMC.

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

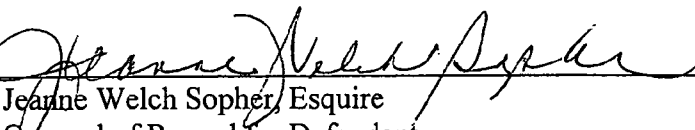
Defendants.

**SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION
OF DOCUMENTS (SET ONE) FOR ANSWER BY DEFENDANT GRAECA**

Defendant, Mary Kruszewski, D.O., pursuant to Rule 4009.1, 4009.11 and 4009.12 of the Pennsylvania Rules of Civil Procedure, hereby requests that Defendant Steven W. Graeca, D.O., produces for inspection and copying, all documents identified or referred to in the answers to the foregoing Interrogatories and all documents reviewed by Defendant Graeca or anyone acting on behalf of Defendant Graeca in the preparation of answers to the foregoing Interrogatories.

Response: See objections and answers to the foregoing Interrogatories and the medical records previously produced in this case. See also the Certificate of Liability Insurance for the insurance policy identified in Answer to Interrogatory No. 2. See also attached documents referenced in response to Interrogatory No. 6

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF LIABILITY INSURANCE

PRODUCER: ALBERT'S INSURANCE AGENCY, INC.

30 EAST STATE STREET

PO BOX 888

SHARON, PA - 15146

INSURED: STEVEN GRASCO DO

146 HOSPITAL AVE

ELIZABETH, PA - 15001

DATE: 09/01/2006

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY
AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS
CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE
AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURER A: The Medical Protective Company

2514 Road Road, Fort Wayne, IN 46825

NAIC Number: 11543; www.medicpro.com

COVERAGE

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.
NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE
MAY BE ISSUED OR MAY PERTAIN,
THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.
AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY ☐ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR ☐ _____ ☐ GEN. AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☐ LOC				EACH OCCURRENCE \$ PER CLAIM \$ FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS-COMP/OP AGG \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS ☐ _____				COMBINED SINGLE LIMIT (Each accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	PROFESSIONAL LIABILITY ☐ OCCURRENCE ☒ CLAIMS MADE RETRO DATE: 09/07/2003	717005	09/07/2005	09/07/2007	PER OCCURRENCE \$ PER CLAIM \$ 500,000 ANNUAL AGGREGATE \$ 1,500,000
	EXCESS LIABILITY ☐ OCCURRENCE ☐ CLAIMS MADE ☐ DEDUCTIBLE \$ ☐ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY				☐ NO STATUTORY LIMITS ☐ OTHER E.L. EA ACCIDENT \$ E.L. DISEASE-EA EMPLOYER \$ E.L. DISEASE-POLICY LIMIT \$
	OTHER: EMPLOYMENT PRACTICES LIABILITY DEFENSE COVERAGE RETRO DATE:				PER OCCURRENCE LIMIT OF DEFENSE \$ AGGREGATE LIMIT OF DEFENSE \$

DESCRIPTION OF OPERATIONS/LOCATION(S)/VES/POLES/SEE POLICY FOR SPECIFIC COVERAGE INFORMATION/SPECIAL PROVISIONS

Limits of Professional Liability Insurance: \$500,000 per CLAIMS MADE/\$1,500,000 annual aggregate. Insured is a Qualified Health Care Provider in
accordance with the Pennsylvania MCARE Fund. \$500,000 per CLAIMS MADE/\$1,500,000 annual aggregate.

CERTIFICATE HOLDER

STEVEN GRASCO
146 HOSPITAL AVE,
ELIZABETH, PA - 15001

CANCELLATION

THE MEDICAL PROTECTIVE COMPANY WILL NOT BE
RESPONSIBLE FOR INFORMING THE CERTIFICATE
HOLDER OF ANY CHANGES IN COVERAGE OR IN
THE
LIMITS OF LIABILITY OR IN THE EVENT OF THE
TERMINATION OR CANCELLATION OF THE POLICY.

The Medical Protective Company Representative

Paul T. Miller



GILARDI COOPER & LOMUPO
ATTORNEYS AT LAW

(pull)
June 21, 2006

Dr. Steven Graeca
145 Hospital Avenue
Suite 215
DuBois, PA 15801

Re: Melissa Swanson
DOB: 3/10/1975
SSN: 180-68-3825

Dear Dr. Graeca:

We have been retained to represent the above individual. Would you kindly provide us with copies of your complete office records, reports, visitation notes, test results, diagnosis and advise us of your total bill to date. We, of course, would be willing to pay any reasonable charge you indicate for sending us the requested information. An authorization is enclosed.

Thank you for your prompt attention to this matter.

Sincerely,

GILARDI, COOPER & LOMUPO

William J. Gagliardino/pal
William J. Gagliardino

WJG/pal
Enclosure

AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH CARE INFORMATION

PATIENT'S NAME: Melissa Swanson DATE OF BIRTH: 3/10/75
ADDRESS: _____ SOCIAL SECURITY NO.: 180-68-3825

I HEREBY AUTHORIZE Dr. Steven Graeca
Health Care Provider Name and Address

TO RELEASE my medical records of medical care for the following dates:
Complete medical records and an itemized billing statement FOR LEGAL PURPOSES
Dates of Treatment

TO MY ATTORNEYS: GILARDI, COOPER & LOMUPO;
223 Fourth Ave, 10th Floor; Pittsburgh, PA 15222 Tel: 412-391-9770; Fax: 412-391-9780

THE SPECIFIC INFORMATION THAT I WISH RELEASED SHOULD INCLUDE:

☐ COMPLETE in-patient record	☐ Emergency care
☒ Clinician's office notes	☐ Dental records
☐ Laboratory Reports/ Tests	☐ Physical Therapy records
☐ Clinician lab/ x-ray reports	☐ Pathology Reports
☐ Radiology (diagnostic and treatment) reports and films	☐ Correspondence
☐ Telephone messages	☐ Consultant writings
☐ Out-Patient Records	☐ Other: _____
☐ Including <u>Psychiatric/ Psychological Evaluation</u>	☐ Including <u>Drug & Alcohol Treatment</u>
☐ Including <u>HIV Laboratory Tests and Treatment</u>	☐ Including <u>Sexually Transmitted Diseases</u>
☒ Billing/ Business records: _____	

I understand that my express consent is required above for release of information relating to HIV, sexually transmitted diseases, mental health, or drug and alcohol use.

I further understand that:

- A photocopy or facsimile of this authorization is as valid as the original
- My health care records will not be released by any health care provider unless permission is provided for herein by the signature on this Authorization For Release of Protected Health Information.
- Release of my health records will be for the purpose stated on this form and only those items indicated will be released
- The staff and employees of the health facility have no responsibility or liability for re-disclosure of released health care information by Gilardi, Cooper & Lomupo
- This authorization is valid for six(6) months from the date of signature, unless a different time frame is indicated; no authorization will remain valid for more than one(1) year; Valid until: November 21, 2006
- I have the right to revoke this Authorization form at any time by sending a written request to the health facility above, but the revocation cannot apply to information already released to Gilardi, Cooper & Lomupo
- I am entitled to a copy of this completed Authorization form

I have read and understand the terms of this release.

Ruth Lawrence
Signature of Witness

Melissa Swanson
Signature of Patient

Signature of parent or guardian, patient is under 14 years of age
or legally declared incompetent

6-21-06
Date of Authorizing Signature

The signature of two (2) witnesses is needed if the patient is physically unable to sign but has given his/ her consent.

Signature of 1st Witness

Signature of 2nd Witness

A copy of this authorization: ☐ accepted ☐ rejected by the client/ patient

Unit Number: 343704	Patient Name: SWANSON	MELISSA	Birthdate:
Last		First	Middle
Patient's address is needed only for "Form Completion" requests.			
Patient Address:		Patient City State Zip:	
Requestor: Gilardi Cooper & Lomupo Attorneys	Type: Attorney	Authorization: Routine	Billable? ☒ State Disability ☐
Is this a Physician Transfer? ☐		Number of pages: 165	MANUAL Amount Due: \$0.00
Contact Person:	Number of microfilm: 0	Postage: \$4.05	Form Completion Amount Due: \$0.00
Requestor's reference number:	Regular Amount Due: \$120.25	Send Manual Invoice (Prepayment required)	Send Form Completion Invoice
☐ Send Invoice with records	☐ Send Invoice; (Prepayment required)	☐ Send records; no invoice needed	☐ Send Manual Invoice (Prepayment required)
Comments (Detail items sent):		Calculated Amount Due: \$111.63	
Amount Received:		RM Notified:	
Date Paid:		Ins Notified:	
Payment Rec'd by:			
Request Number: 2E+04	Entered By: Barnes, Dorina	Clinic: Endocrinology Clinic	
Status: Sent/Complete	Date Received: Tuesday, July 18, 2006	Date Sent: Tuesday, July 18, 2006	

CERTIFICATE OF SERVICE

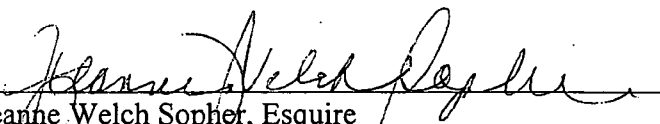
I, hereby certify that a true and correct copy of the foregoing Supplemental Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. has been sent via first class mail, postage prepaid on this 22nd day of June, 2009 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sophier, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

RAWLE & HENDERSON LLP



JEANNE WELCH SOPHER
412-261-5700
jwsopher@rawle.com

The Nation's Oldest Law Office • Established in 1783

www.rawle.com

THE HENRY W. OLIVER BUILDING
SUITE 1000, 535 SMITHFIELD ST.
PITTSBURGH, PA 15222

TELEPHONE: (412) 261-5700
FACSIMILE: (412) 261-5710

October 12, 2009

via facsimile

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

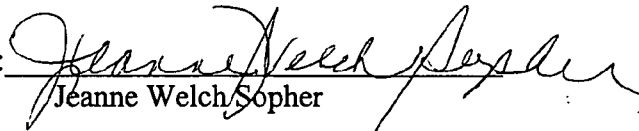
Re: Melissa A. Swanson, et ux. vs. Mary Kruszewski, D.O., et al.
PA/Clearfield - No. 2007-362-CD

Dear Mr. Blasko:

I am in receipt of your letter dated September 23, 2009 in the above-captioned matter.
Please be advised that we are in the process of preparing privilege logs.

Very truly yours,

RAWLE & HENDERSON LLP

By: 
Jeanne Welch Sopher

JWS/mlm

cc: Kevin R. Lomupo, Esquire
John L. McIntyre, Esquire



3260418-1

RAWLE & HENDERSON LLP



JEANNE WELCH SOPHER
412-261-5700
jwsopher@rawle.com

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THE HENRY W. OLIVER BUILDING
SUITE 1000, 535 SMITHFIELD ST.
PITTSBURGH, PA 15222

TELEPHONE: (412) 261-5700
FACSIMILE: (412) 261-5710

October 29, 2009

VIA FACSIMILE

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Re: Melissa A. Swanson, et ux. vs. Mary Kruszewski, D.O., et al.
PA/Clearfield - No. 2007-362-CD

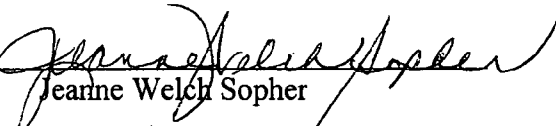
Dear Mr. Blasko:

We have attempted to prepare a privilege log applicable to Dr. Graeca's Answers and Supplemental Answers to Interrogatory Nos. 6 and 8 through 10 without success. We are unable to prepare the privilege log given our initial objection to this discovery as being overly broad, unduly burdensome, harassing and vague. As drafted, the Interrogatories contain multiple unlimited terms which we believe renders them unreasonable and incapable of eliciting a meaningful response.

Please do not hesitate to contact me to make another effort to resolve this discovery dispute by having Dr. Kruszewski define, identify or in some way limit the documents she is seeking. Otherwise, we anticipate that Dr. Kruszewski will proceed with the Motion to Compel and we are prepared to respond.

Very truly yours,

RAWLE & HENDERSON LLP

By: 
Jeanne Welch Sopher

JWS/dlp

cc: Kevin R. Lomupo, Esquire
John L. McIntyre, Esquire

3298587-1

PHILADELPHIA, PA PITTSBURGH, PA HARRISBURG, PA MEDIA, PA MARLTON, NJ NEW YORK, NY WILMINGTON, DE WHEELING, WV

MCQUAIDE BLASKO

ATTORNEYS AT LAW

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

(814) 238-4926 FAX (814) 234-6620
www.mqbllaw.com

FACSIMILE TRANSMITTAL

To: Jeanne Welch Sopher, Esq.
Rawle & Henderson, LLP

Fax: 412-261-5710

To: John L. McIntyre, Esq.
McIntyre, Hartye & Schmitt

Fax: 814-696-9399

To: Kevin R. Lomupo, Esq.
Gilardi Cooper & Lomupo

Fax: 412-391-9780

From: John W. Blasko
Client-Matter: 19018-1

Date: October 8, 2009
No. of Pages: 18
(including cover)

In Re: Swanson vs. Kruszewski, et al.

Original will not follow

*If you have not received all pages of this facsimile,
please call Terry Harris at (814)238-4926 . Thank you.*

☐ Urgent

☐ For Review

☐ Please Comment

☒ Please Reply

Message:



\\ODMANPC\DOCS\DOCS\LIB2\413848\1

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE MESSAGE CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE RECIPIENT. YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING OR DISTRIBUTION FOR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY COLLECT TELEPHONE CALL AND RETURN THE FACSIMILE MESSAGE TO US AT THE ADDRESS ABOVE VIA U.S. POSTAL SERVICE. THANK YOU.

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

October 8, 2009

Jeanne Welch Sopher, Esquire
 Rawle & Henderson, LLP
 Henry W. Oliver Building
 535 Smithfield Street, Suite 1000
 Pittsburgh, PA 15219

VIA FACSIMILE- 412-261-5710

RE: Swanson vs. Kruszewski, et al.
No. 2007-362-CD

Dear Ms. Sopher:

Enclosed is a Motion to Compel which we will be filing with the Court unless you forthwith provide the requested information.

Very truly yours,

MCQUAIDE BLASKO

By:


 John W. Blasko

JWB/th

Enclosure

cc (w/enc): Kevin R. Lomupo, Esq.
 John McIntyre, Esq.

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office John W. Blasko R. Mark Faulkner David M. Wojcik Steven S. Hurvitz James M. Horne Wendell V. Courtney Orryl R. Blinnik Mark Righia Daniel K. Bright
 Ianine C. Olanowick John A. Snyder April C. Simpson Allen P. Neely Katherine V. Oliver Katherine M. Allen Wayne L. Mowery, Jr. Chene L. Glenn-Hart
 Livinia N. Oluwalade C. Justin B. Long Anthony A. Simon Dominick J. Murawski Amanda L. Seelye Thomas S. Schreck Aaron T. Brooks Phillip K. Miles, III
 Ashley D. Cooper Suzette V. Sims

Hershey Office Ginni H. Fleming Maureen A. Gallagher Michael J. Mohr Jonathan B. Stepanian Erin K. Oregano

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

John Q. Love (1893-1966) Ray Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1977)

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	Civil Action-Medial Professional
	:	Liability Action
Plaintiffs,	:	
	:	
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007-362-CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
	:	
Defendants.	:	JURY TRIAL DEMANDED

MOTION TO COMPEL DEFENDANT, STEVEN W. GRAECA, D.O., TO RESPOND

COMES NOW, Defendant, Mary Kruszewski, D.O., by and through her attorneys,
McQuaide, Blasko, and files this Motion, and, represents the following:

1. On May 15, 2009, Defendant Kruszewski served on counsel for Defendant Steven W. Graeca, D.O., Interrogatories and Request for Production (Set I) for Answer.
2. On or about June 19, 2009, counsel for Dr. Graeca served answers to Interrogatories #6, #8, #9, and #10, a copy of which are attached hereto marked Exhibit "A". Counsel for Dr. Graeca objected in part, stating that the Interrogatories "seek information covered by the attorney-client privilege and/or work product doctrines".
3. On June 29, 2009, in an effort to resolve the issue without Court intervention, counsel for Dr. Kruszewski requested counsel for Dr. Graeca to provide a privilege log detailing any written documents that were being withheld based on attorney-client and/or attorney work product privileges. A copy of that letter is attached hereto marked Exhibit "B".
4. Counsel for Dr. Graeca failed to respond to the June 29, 2009 letter, and, as a result, on September 23, 2009, counsel for Dr. Kruszewski sent a letter to Dr. Graeca's counsel

extending another opportunity to respond without the involvement of the Court, a copy of which is attached hereto as Exhibit "C".

5. Over three months have expired since the initial request to Defendant Graeca's counsel to provide a privilege log detailing any and all written documents being withheld on the basis of attorney-client and/or attorney work product privileges as represented by counsel in Defendant Graeca's objections to the Interrogatories.

6. Responses from Defendant Graeca are necessary for the orderly progression of discovery and resolution of issues in this case.

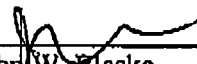
7. The inactions of Defendant Graeca's counsel requiring intervention of this Court are unreasonable, and, hinders judicial expediency and progress of the case.

WHEREFORE, it is requested that the Court enter an Order requiring Defendant Graeca and his legal counsel to provide a privilege log detailing all written documents being withheld on the basis of the objection and representation that such documents are subject to the attorney-client and/or attorney work product privileges, and, that counsel for Defendant Graeca and Dr. Graeca be assessed cost and expenses, including counsel fees, for failing to respond, requiring the filing of this Motion.

Respectfully submitted,

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY


John W. Blasko
Attorneys for Defendant,
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	
	:	Civil Action-Medial Professional
Plaintiffs,	:	Liability Action
	:	
v,	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	No. 2007-362-CD
STEVEN W. GRAECA, D.O., and	:	
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	JURY TRIAL DEMANDED
Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant, Mary Kruszewski, D.O.'s
Motion to Compel Response, in the above-captioned matter was mailed by regular mail, first
class, at the Post Office, State College, Pennsylvania, postage prepaid, this ____ day of October
2009 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
RAWLE & HENDERSON, LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and JASON
SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL
CENTER,

Defendants.

:
:
: Civil Action-Medial Professional
: Liability Action

:
:
: No. 2007-362-CD

:
:
: JURY TRIAL DEMANDED

ORDER

AND NOW, this ____ day of _____, 2009, upon consideration of Defendant

Mary Kruszewski, D.O.'s Motion to Compel, it is ORDERED that:

1. Defendant Kruszewski's Motion to Compel is GRANTED;
2. Dr. Graeca, D.O., produce a privilege log detailing all written documents being withheld in answer to Defendant Kruszewski's Interrogatories and Request for Production (Set I) on the basis of the attorney-client and/or attorney work product privileges within twenty (20) days of the date of this Order; and
3. Defendant Graeca and his counsel are assessed costs, expenses, and attorneys fees in an amount to be established by the filing of an affidavit by counsel for Defendant Kruszewski.

BY THE COURT,

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**ANSWERS TO DEFENDANT
KRUSZEWSKI'S INTERROGATORIES
and RESPONSE TO REQUEST FOR
PRODUCTION (SET ONE) FOR
ANSWER BY DEFENDANT STEVEN W.
GRAECA, D.O.**

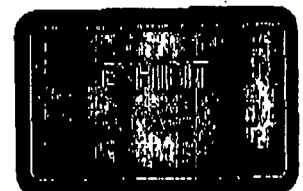
Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

ANSWERS TO INTERROGATORIES

1. Were you insured at the time of the incident complained of in this action against the risk of loss as claimed? If so, state:
 - (a) The type of insurance;
 - (b) The name, address and telephone number of the carrier;
 - (c) The limits of liability;
 - (d) The effective dates of the policy;
 - (e) The policy number;
 - (f) The named insured on the policy;
 - (g) The name, address & telephone number of the custodian of the policy; and
 - (h) The name of the insurer's claim representative who has been assigned to this claim.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing, and not calculated to lead to the discovery of admissible evidence. Without waiving and subject to the foregoing objections, Defendant states that he was insured by a medical professional liability insurance policy issued by The Medical Protective Company, 5814 Reed Road, Ft. Wayne, Indiana, 46835 at the time the claim was made. Occurrence limit: \$500,000. Effective dates of the policy: 9/7/06 to 9/7/07. Policy number: 717005. Named insured: Steven W. Graeca. All questions regarding this matter can be referred to Defendant's attorney identified herein.

2. Did you have an excess limit policy in force and effect at the time of the incident complained of in this action against the risk of loss claimed? If so, please state the following

- (a) The name, address and phone number of the carrier;
- (b) The limits of such coverage; and
- (c) The effective dates of the policy.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any such excess limit policy.

3. Did you have any other type of policy of insurance in force or effect at the time of the incident complained of in this action, covering you against the risk of loss claimed? If so, please state:

- (a) The type of insurance;
- (b) The name, address and phone number of the carrier;
- (c) The limits of such coverage; and
- (d) The effective dates of the policy.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Defendant further objects to this interrogatory in that it is so vague with respect to the phrase "any other type of policy" as to make it incapable of eliciting a reasonable and meaningful response. Subject to and without waiving these objections, Defendant states that he is unaware of any other policy of insurance that would cover medical malpractice claims against him for the relevant time period.

4. At the time of the incident complained of in this action, did you have any umbrella policy issued to you by any company covering you against the risk of loss claimed herein? If so, please state the following:

- (a) The name, address and phone number of the carrier; and
- (b) The limits of such coverage.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any such umbrella policy.

5. Are any of the aforementioned carriers defending this case under a reservation of rights assertion? If so, please identify each such carrier and, the basis for the reservation of rights.

ANSWER: Defendant objects to this interrogatory as overly broad, unduly burdensome, harassing and not calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant states that he is unaware of any reservation of rights assertions for Plaintiffs' claims.

6. Have you, an employee, an agent or anyone affiliated with you or your office provided any written documents of any type to any insurance company, adjusting agency or any other individual or entity, regarding medical care provided to Melissa Swanson or regarding this lawsuit? If so, please produce copies of such written documentation.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so overly broad that it seeks information covered by the attorney client privilege and/or work product doctrines. Defendant further objects to the terms "agent" and "anyone affiliated with you or your office" as being so vague as to make this interrogatory incapable of eliciting a reasonable and meaningful response. Subject to and without waiving the foregoing objections, Defendant states that he is not aware of any documents that he or his office provided to any insurance company, adjusting agency or any other individual or entity regarding medical care provided to Melissa Swanson other than medical records of Melissa Swanson sent to Kevin Lomupo, Esquire in February 2006 and medical records provided to his attorney. Additionally, the Risk Management Department of DRMC has Dr. Graeca's medical chart for Melissa Swanson.

7. Do you have any data contained on a computer hard drive (personal or business) regarding Melissa Swanson? If so, please provide copies of all such data.

ANSWER: The only data on a computer hard drive regarding Melissa Swanson of which this Defendant is aware, is that which is on the computers of DRMC.

8. Do you have, whether in hard copy or electronic form, any emails that you authored or were the recipient of, regarding Melissa Swanson? If so, please produce copies of all such emails.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that he is not aware of any such e-mails in hard copy or electronic form.

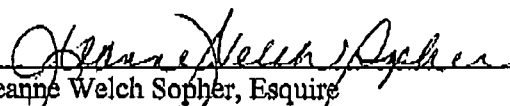
9. Are you aware of any written documents of any type concerning Melissa Swanson which are not part of your medical records? If so, please produce copies of such written documents.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so vague with respect to the phrase "any written documents of any type concerning Melissa Swanson" that it is incapable of eliciting a reasonable and meaningful response. Defendant also objects in that this interrogatory is so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that with respect to documents regarding medical care provided to Melissa Swanson, he is aware of documents in his own office chart and those provided by other defendants in this matter.

10. Have you prepared or had prepared by someone other than yourself, any letters, reports or other written documents of any type, which were provided or submitted to any individual, entity, agency or department regarding Melissa Swanson? If so, please produce the letters, reports or other written documents of any type.

ANSWER: Defendant objects to this interrogatory as harassing, unduly burdensome, and so vague and overly broad that it is incapable of eliciting a reasonable and meaningful response. Defendant also objects in that this interrogatory is so overbroad that it seeks information covered by the attorney client privilege and/or work product doctrines. Subject to and without waiving the foregoing objections, Defendant states that with respect to documents that he or his office staff prepared regarding medical care provided to Melissa Swanson, he is aware of those in his own office chart or those in the records of DRMC.

Rawle & Henderson LLP

By: 

Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

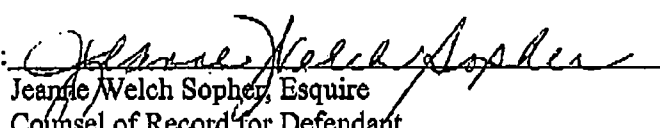
**RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE)
FOR ANSWER BY DEFENDANT GRAECA**

Defendant, Mary Kruszewski, D.O., pursuant to Rule 4009.1, 4009.11 and 4009.12 of the Pennsylvania Rules of Civil Procedure, hereby requests that Defendant Steven W. Graeca, D.O., produces for inspection and copying, all documents identified or referred to in the answers to the foregoing Interrogatories and all documents reviewed by Defendant Graeca or anyone acting on behalf of Defendant Graeca in the preparation of answers to the foregoing Interrogatories.

Response: See objections and answers to the foregoing Interrogatories and the medical records previously produced in this case. See also the Certificate of Liability Insurance for the insurance policy identified in Answer to Interrogatory No. 2.

Rawle & Henderson LLP

BY:


Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF LIABILITY INSURANCE				DATE: 10/01/2008	
PRODUCED BY: BLANKET'S INSURANCE AGENCY, INC. 10 EAST STATE STREET PO BOX 998 SHARON, PA - 15146 INSURED: STEVEN ORANCA DO 145 HOSPITAL AVE DUNEDIN, PA - 15001				THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. INSURERS AFFORDING COVERAGE INSURER A: THE MEDICAL PROTECTIVE COMPANY 6216 Penn Road, Fort Wayne, IN 46825 NAIC #097674 = 1/15/07 www.medpro.com	
COVERAGE THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
REQ LTH	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☐ OCCUR ☐ _____ ORAL AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRODUCTS ☐ LOG				EACH OCCURRENCE \$ PER CLAIM \$ PER DAMAGE (Any one (or)) \$ MED FOR (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS-COMP/OP AGG \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS ☐ HOVED AUTOS ☐ NON-OWNED AUTOS ☐ _____				COMBINED SINGLE LIMIT (Each section) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	PROFESSIONAL LIABILITY ☐ OCCURRENCE ☒ CLAIMS MADE RETRO DATE: 06/27/2003	717008	06/27/2008	06/27/2007	PER OCCURRENCE \$ PER CLAIM \$ 500,000 ANNUAL AGGREGATE \$ 1,000,000
	EXCESS LIABILITY ☐ OCCURRENCE ☐ CLAIMS MADE ☐ DEDUCTIBLE \$ ☐ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY				☒ WE STATUTORY LIMITS ☐ OTHER EL: EA ACCIDENT \$ EL: DISEASE-EA EMPLOYER \$ EL: DISEASE-POLICY MUST \$
	OTHER EMPLOYMENT PRACTICES LIABILITY DEFENSE COVERAGE RETRO DATE:				PER OCCURRENCE LIMIT OF DEFENSE \$ AGGREGATE LIMIT OF DEFENSE \$
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SEE POLICY FOR SPECIFIC COVERAGE INFORMATION/SPECIAL PROVISIONS Limits of Professional Liability Insurance: \$500,000 per CLAIMS MADE/\$1,000,000 annual aggregate. Insured is a Certified Health Care Provider in accordance with the Pennsylvania MCARE Fund. \$500,000 per CLAIMS MADE/\$1,000,000 annual aggregate.					
CERTIFICATE HOLDER STEVEN ORANCA 145 HOSPITAL AVE. DUNEDIN, PA - 15001				CANCELLATION THE MEDICAL PROTECTIVE COMPANY WILL NOT BE RESPONSIBLE FOR INFORMING THE CERTIFICATE HOLDER OF ANY CHANGES IN COVERAGE OR IN THE LIMITS OF LIABILITY OR IN THE EVENT OF THE TERMINATION OR CANCELLATION OF THE POLICY. The Medical Protective Company Representative <i>M. T. Blasko</i>	

VERIFICATION

I, Steven W. Gracca, D.O., have read the Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Gracca, D.O. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Steven W. Gracca, D.O.
Steven W. Gracca, D.O.

CERTIFICATE OF SERVICE

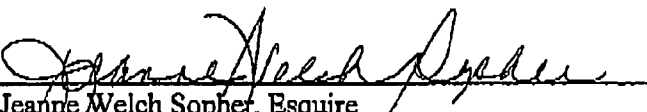
I, hereby certify that a true and correct copy of the foregoing Answers to Defendant Kruszewski's Interrogatories and Response to Request for Production (Set One) for Answer by Defendant Steven W. Graeca, D.O. has been sent via first class mail, postage prepaid on this 19th day of June, 2009 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sophet, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

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

June 29, 2009

Jeanne Welch Sopher, Esquire
 Wall & Henderson
 Henry W. Oliver Building
 535 Smithfield Street, Suite 1000
 Pittsburgh, PA 15219

RE: Swanson vs. Kruszewski, et al.
No. 2007-362-CD

Dear Ms. Sopher:

We are in receipt of your client's responses to the discovery requests of Defendant, Mary Kruszewski, DO. If possible, I would like to resolve the following issues related to those responses without the Court's involvement.

1. In response to Interrogatory #6, you object, in part, that "...it seeks information covered by the attorney-client privilege and/or work product doctrines." That leads us to question whether there is anything being withheld. Please provide a privilege log detailing any written documents you are withholding on the basis of attorney client and/or attorney work product privileges. At his deposition on June 23, 2009, Mr. Volpe produced the original of Dr. Graeca's chart, which included therein a fax transmission cover sheet from Dr. Graeca to Tim Santomieri at fax number 972-543-9203, who I believe Mr. Volpe identified as being a claims representative of Dr. Graeca's carrier. This also leads me to believe that there are documents responsive to Interrogatory #6 which have not been produced. We ask you to carefully consider your responses in view of Dr. Graeca's verification to the contents of the interrogatories.
2. ~~Objections to Interrogatories #7, 8, 9, and 10 that they "seek information covered~~ by the attorney client privilege and/or work product doctrines", again, leads to the question of whether there is anything being withheld. Please provide a privilege log detailing any information you are withholding on the basis that the information is subject to the attorney client and/or attorney work product doctrines.
3. We also note you failed to sign each objection as required by the rules.

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office John W. Blasko, R. Mark Faulkner, David M. Weixel, Steven S. Hurwitz, James M. Hays, Wendell V. Courtney, Darryl A. Slinn, Mark Righter, Daniel E. Bright, Janine C. Cismundi, John A. Snyder, April C. Simpson, Allen P. Neely, Katherine V. Oliver, Katherine M. Allen, Wayne L. Mowery, Jr., Chana L. Glenn-Tinn, Liviana N. Okwoli, Gilbert R. Long, Anthony A. Simon, Dominick J. Muraco, Amanda Seelye, Thomas S. Schreck, Aaron T. Brooks, Philip K. Miles, III, Ashley D. Connor, Suzette V. Sipes

Hershey Office Grant H. Fleming, Maurice A. Gallagher, Michael J. Mohr, Jonathan B. Stephenson, Erin A. Diagonal

Hollidaysburg Office Thomas M. Reese, J. Benjamin Yanger, Sean M. Burke, Michael P. Rouich

John G. Love (1893-1966) Roy Wilkinson, Jr. (1913-1985) Debra J. McQuaide (1936-1997)



McQUAIDE BLASKO

ATTORNEYS AT LAW

Jeanne Welch Sopher, Esq.

June 29, 2009

Page 2

The supplemental answers to Interrogatories #6 and #10 are not responsive to the issues of this letter. Further the supplemental answer to Interrogatory #10, states in part, "Subject to and without waiving the foregoing objections, Defendant refers Plaintiff to Answer to Interrogatory No. 6." Is that response to an interrogatory of the Plaintiffs, of which I am unaware and have not received a copy?

Very truly yours,

McQUAIDE BLASKO

By:


John W. Blasko

JWB/th

cc: Kevin R. Lomupo, Esq.
John McIntyre, Esq.

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

September 23, 2009

Jeanne Welch Sopher, Esquire
 Wall & Henderson
 Henry W. Oliver Building
 535 Smithfield Street, Suite 1000
 Pittsburgh, PA 15219

RE: Swanson vs. Kruszewski, et al.
No. 2007-362-CD

Dear Ms. Sopher:

Since I have not received the courtesy of a response to my letter of June 29, 2009, I assume the issues will have to be resolved with involvement of the Court.

Very truly yours,

MCQUAIDE BLASKO

By:

John W. Blasko

JWB/th

cc: Kevin R. Lomupo, Esq.
 John McIntyre, Esq.

MCQUAIDE, BLASKO, FLEMING & FAULKNER, INC.

State College Office: John W. Blasko, R. Mark Faulkner, David M. Welzel, Steven B. Hurvitz, James M. Harter, Wendell V. Courtney, Dmitry R. Slonim, Mark Alghier, Daniel E. Wright, Janine C. Diamond, John A. Snyder, April C. Skupson, Allen P. Neely, Katherine V. Oliver, Katherine M. Allen, Wayne L. Mowery, Jr., Chene L. Olson-Han, Livinia N. Oluwalé, Cristin B. Lang, Anthony A. Simon, Dominick J. Muraco, Amanda L. Seelye, Thomas E. Schrack, Aaron T. Brooks, Phillip K. Miller, III, Ashley D. Cooper, Siobhán V. Shna

Hershey Office: Grant H. Fleming, Maureen A. Gallagher, Michael J. Moler, Jonathan R. Stepanian, Erin G. Drayton

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

John Q. Love (1893-1966) Ray Wilkinson, Jr. (1915-1995) Delbert J. McQuaide (1936-1987)



Jeanne Welch Sopher

From: John Blasko [JWBlasko@mqblaw.com]
Sent: Friday, October 30, 2009 4:39 PM
To: Jeanne Welch Sopher
Cc: 'Kevin Lomupo'; 'John McIntyre'
Subject: RE: Swanson

Ms. Sopher: I appreciate your returning my call of October 29 on the discovery issues, but it was obvious that you and your associate who monitored our call had already concluded you would not address the issue which I specifically limited in my letter to you of June 29, 2009 as well as in the courtesy copy of my Motion To Compel which I forwarded to you on October 8, 2009. It has always been my desire, with which I was hoping that you would agree, that the issue could be resolved amicably and in a dignified manner after you ignored and failed to respond to my invitation to do so in my past unanswered correspondence to you.. Besides 'talking over me' in our conversation, I came away with the impression that you rely on your 'boilerplate' objections. It was clear that even if my requests were further narrowed, you would not respond, except by objections. You insinuate in your email after our conversation that I prefer to seek court involvement is disingenuous in view of the fact that I have been urging you to respond over the last 4 months to avoid court involvement. You did not give me a courtesy of a response. I suspect I will see your email of today as an exhibit to your Answer to the Motion in an attempt to impress the Court of your cooperative attitude which has been lacking for the past 5 months. If you have a change in attitude, I am always open to further discussions. Have a nice weekend and a happy Halloween. John W. Blasko

From: Jeanne Welch Sopher [mailto:jwsopher@rawle.com]
Sent: Friday, October 30, 2009 4:11 PM
To: John Blasko
Subject: RE: Swanson

Mr. Blasko:

I am glad that we had an opportunity to discuss these discovery issues this afternoon. As I indicated during our telephone conversation, my client relies on the objections made to your client's discovery requests including that they are overly broad, unduly burdensome, harassing, and so vague as to make them incapable of eliciting reasonable and meaningful responses.

If you would like to narrow your discovery requests to my client, then we can address those requests upon their receipt.

I did come away from our telephone conversation, however, with the impression that you would prefer to seek the Court's intervention rather than send less objectionable discovery requests. If that is your position, I assume that you will forward to me a motion to compel and notice of presentation.

Thank you for your consideration in this matter.

Jeanne Sopher

-----Original Message-----

From: John Blasko [mailto:JWBlasko@mqblaw.com]
Sent: Thursday, October 29, 2009 5:38 PM
To: Jeanne Welch Sopher
Cc: 'Kevin Lomupo'; 'John McIntyre'
Subject: Swanson

Ms. Sopher: This will confirm that at 5:32 pm on October 29, 2009, I left a voice mail with you relative to resolving the Motion to Compel and the issues you raised to the Interrogatories and Requests which were served on you over five months ago. I would appreciate the courtesy of a return call. John W. Blasko

11/2/2009



This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, is prohibited and may be unlawful.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

ORDER

AND NOW, this ____ day of _____, 2010, upon consideration of the Motion to
Compel of defendant, Mary Kruszewski, D.O. and the Response thereto of defendant, Steven W.
Graeca, D.O., it is hereby ORDERED that the Motion to Compel is denied.

BY THE COURT,

J.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Response to defendant, Mary K. Kruszewski, D.O.'s Motion to Compel has been sent via first class mail, postage prepaid on this 2nd day of December, 2009 to the following:

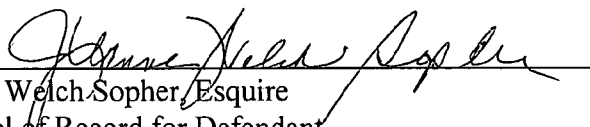
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant, DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: _____


Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

5

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

MELISSA A. SWANSON and JASON :
SWANSON, her husband :

-VS-

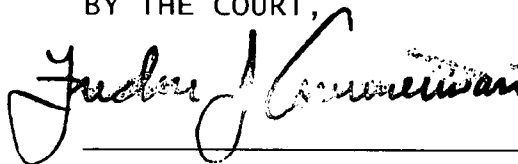
No. 07-362-CD

MARY KRUSZEWSKI, D.O., :
STEVEN W. GRAECA, D.O., and :
DUBOIS REGIONAL MEDICAL :
CENTER :

O R D E R

AND NOW, this 7th day of January, 2010, following argument on Defendant Mary Kruszewski's Motion to Compel and also in consideration of Defendant Steven Graeca's response thereto, it is the ORDER of this Court that counsel for both parties have no more than five (5) days to submit proposed order to the Court relative the said Motion. Counsel may submit the proposed Order by fax, if so desired.

BY THE COURT,



President Judge

FILED
014:00304
JAN 08 2010 (610)

William A. Shaw
Prothonotary/Clerk of Courts

1 CC Atty: Lomupo
Blasko
J. W. Sopher
J. McIntyre

FILED

JAN 08 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/8/10

X You are responsible for serving all appropriate parties.
X The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

Interrogatory No. 10: Have you prepared or had prepared by someone other than yourself, any letters, reports or other written documents of any type, which were provided or submitted to any individual, entity, agency or department regarding Melissa Swanson? If so, please produce the letters, reports or other written documents of any type.

3. Defendant Graeca is to provide a privilege log as to Interrogatory No. 8 within 20 days of the date of this Order.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

JAN 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/14/10

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) X Plaintiff(s) Attorney Other

 Defendant(s) X Defendant(s) Attorney

 Special Instructions:

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

MELISSA A. SWANSON and
JASON SWANSON, her husband,
Plaintiffs

vs

MARY KRUSZEWSKI, D.O., STEVEN W.
GRAECA, D.O. and DRMC PRIMARY CARE
ASSOCIATES,
Defendants

NO. 07-362-CD

FILED
01/14/10
JAN 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

100A Hy:
K. Zomupo
J. Blaske
J. Sopher
J. McIntyre
(60)

ORDER

NOW, this 13th day of January, 2010, upon consideration of Defendant Mary Kruszewski, D.O.'s Motion to Compel, Defendant Steven W. Graeca, D.O.'s Response, and oral argument of the same; it is hereby ORDERED that said Motion is DENIED. It is further ORDERED as follows:

1. Defendant Graeca is to provide any documents that he has regarding the alleged modification of the Telephone Log dated 7/6/04 found in the medical chart of Defendant DRMC Primary Care Associates, which reflect the care and treatment of Plaintiff, Melissa Swanson.
2. Interrogatory Nos. 6, 9 and 10, which read as follows, are so overbroad and contain so many unlimited terms that they are stricken.

Interrogatory No. 6: Have you, an employee, an agent or anyone affiliated with you or your office provided any written documents of any type to any insurance company, adjusting agency or any other individual or entity, regarding medical care provided to Melissa Swanson or regarding this lawsuit? If so, please produce copies of such written documentation.

Interrogatory No. 9: Are you aware of any written documents of any type concerning Melissa Swanson which are not part of your medical records? If so, please produce copies of such written documents.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF ANSWERS
TO DISCOVERY SET FORTH IN
JANUARY 13, 2010 ORDER**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

CERTIFICATE OF SERVICE

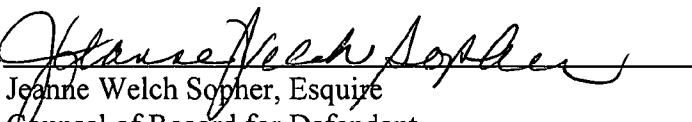
I, hereby certify that a true and correct copy of the foregoing Notice Of Service Of Interrogatories And Request For Production Of Documents Directed To Plaintiffs has been sent via facsimile and first class mail, postage prepaid on this 2nd day of February, 2010 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

FILED

m/11:47am
FEB - 8 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

**MOTION FOR SCHEDULING ORDER
PURSUANT TO Pa.R.C.P. 1042.41**

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.
PA Attorney I.D. No. 6787
MCQUAIDE BLASKO LAW OFFICES
811 University Drive
State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Counsel for Adverse Party:
Kevin R. Lomupo, Esquire

Dated: February 4, 2010

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

MELISSA A SWANSON and JASON
SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL
CENTER,

Defendants.

:
:
: Civil Action-Medical Professional
: Liability Action
:
:
:
: No. 2007-362-CD
:
:
: JURY TRIAL DEMANDED
:

DEFENDANT MARY KRUSZEWSKI, D.O.'s MOTION FOR SCHEDULING ORDER
PURSUANT TO Pa.R.C.P. 1042.41

Mary Kruszewski, D.O., Defendant, by and through her attorneys,
request that the Court schedule a Status Conference, and, pursuant to
Pa.R.C.P. 1042.41, the Court consider a Scheduling Order along the following
suggestions:

1. **DISCOVERY:**

All discovery, except responses to Expert Interrogatories and
Expert Reports shall be completed by April 30, 2010.

2. **EXPERTS:**

a) The Plaintiffs, expert reports, medical and non-medical,
and responses to Expert Interrogatories shall be provided to
the Defendants on or before July 31, 2010.

- b) The Defendants' expert reports, medical and non-medical, shall be provided to the Plaintiffs on or before October 31, 2010.

3. **MOTIONS:**

- a) All dispositive motions shall be filed on or before December 31, 2010.
- b) Any motion or petition regarding limitation or exclusion of evidence or testimony to be presented at trial, including but not limited to Motions in Limine, shall be filed no more than thirty (30) days prior to the trial date. The petition or motion shall be accompanied by an appropriate brief.
- c) The responding party thereto, shall file an answer and submit an appropriate response brief no later than fifteen (15) days prior to trial.

4. **TRIAL DEPOSITIONS:**

- a) All depositions to be used for trial presentation purposes shall be completed no later than forty (40) days prior to the scheduled trial date and the failure to do so shall preclude admission of the deposition at trial.

- b) A copy of the transcript of any such deposition shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition.

5. **OBJECTIONS:**

- a) Any party making objections relative to the testimony of any witness in the form of deposition at the time of trial shall submit the objections the Court in writing, no later than thirty (30) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition in question, along with the party's brief relative to same.
- b) The opposing party shall submit a brief in opposition to the objections no later than fifteen (15) days prior to the commencement of trial.

6. **MEDIATION:**

- a) Provided the Defendants have consented to settlement, the parties are directed to pursue mediation, the cost of which is to be borne by each party.

7. **TRIAL:**

- a) The case shall be trial ready, and a pre-trial conference scheduled on or before the ____ day of _____, 20__.

WHEREFORE, IT IS REQUESTED that a Scheduling Order be entered as
above.

Respectfully submitted,

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY



John W. Blasko
Attorneys for Defendant,
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

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

MELISSA A SWANSON and JASON
SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL
CENTER,

Defendants.

:
:
: Civil Action-Medial Professional
: Liability Action
:
:
:
: No. 2007-362-CD
:
:
: JURY TRIAL DEMANDED
:

CERTIFICATE OF CONCURRENCE

The undersigned certifies that counsel for all parties concur in the
Motion to Schedule Status Conference, but not all counsel concur with the
deadlines set forth in the Motion.



JOHN W. BLASKO

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

MELISSA A SWANSON and
JASON SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,
Defendants.

Civil Action-
Medial Professional Liability Action

No. 2007-362-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant Mary Kruszewski,
DO's Motion for Scheduling Order Pursuant to Pa.R.C.P. 1042.41 in the above-
captioned matter, was mailed by regular mail, first class, at the Post Office, State
College, Pennsylvania, postage prepaid, this 4th day of February 2010 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

FILED NoCC.

m/11:47am
FEB - 8 2010

William A. Shaw
Prothonotary/Clerk of Courts

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and JASON
SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and DUBOIS
REGIONAL MEDICAL CENTER,

Defendants.

Civil Action-Medial Professional
Liability Action

No. 2007-362-CD

JURY TRIAL DEMANDED

ORDER

AND NOW, this 12 day of Feb, ~~2009~~²⁰¹⁰, upon consideration of
the foregoing Motion for Scheduling Order, it is hereby **ORDERED** and
DIRECTED that a Status Conference is scheduled for 29th day of March,
2010, to consider the following: @ 2:00 pm. Judges Chambers

1. **DISCOVERY:**

- a) All discovery, except responses to Expert Interrogatories
and Expert Reports, shall be completed by **April 30, 2010**.

2. **EXPERTS:**

- a) The Plaintiffs, expert reports, medical and non-medical,
and responses to Expert Interrogatories shall be provided to
the Defendants on or before **July 31, 2010**.
- b) The Defendants' expert reports, medical and non-medical,
shall be provided to the Plaintiffs on or before **October 31,**
2010.

FILED

FEB 12 2010

William A. Shaw
Prothonotary/Clerk of Courts

(60)

3. **MOTIONS:**

- a) All dispositive motions shall be filed on or before **December 31, 2010**.
- b) Any motion or petition regarding limitation or exclusion of evidence or testimony to be presented at trial, including but not limited to Motions in Limine, shall be filed no more than **thirty (30) days prior to trial**. The petition or motion shall be accompanied by an appropriate brief.
- c) The responding party thereto, shall file an answer and submit an appropriate response brief no later than **fifteen (15) days prior to trial**.

4. **TRIAL DEPOSITIONS:**

- a) All depositions to be used for trial presentation purposes shall be completed no later than **forty (40) days prior to trial**, and, the failure to do so shall preclude admission of the deposition at trial.
- b) A copy of the transcript of any such deposition shall be provided to opposing counsel within no more than ten **(10) days following completion of the deposition**.

5. **OBJECTIONS:**

- a) Any party making objections relative to the testimony of any witness in the form of deposition at the time of trial shall submit the objections the Court in writing, no later than **thirty (30) days prior to trial**. All objections shall reference specific page and line numbers within the deposition in question, along with the party's brief relative to same.

- b) The opposing party shall submit a brief in opposition to the objections no later than **fifteen (15) days prior to trial.**

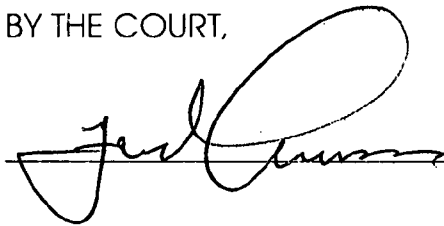
6. **MEDIATION:**

- a) Provided the Defendants have consented to settlement, the parties are directed to pursue mediation, the cost of which is to be borne by each party.

7. **TRIAL:**

- a) The case shall be trial ready, and a pre-trial conference scheduled on or before the ____ day of _____, 201__.

BY THE COURT,


J.

FILED

FEB 12 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/12/10

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 - 362 - CD

ISSUE:

Notice of Deposition of
Julie Hecker

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:

John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE, SCHMITT
& SOSNOWSKI
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 12th DAY OF FEBRUARY, 2010.

Attorneys for Named Defendant

FILED
m/11/18/01
FEB 17 2010

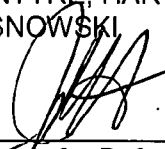
William A. Shaw
Prothonotary/Clerk of Courts

Street, Pittsburgh, PA, 15213, on the 23rd day of March, 2010, commencing at 11:00
a.m.

The scope of said deposition testimony will include inquiry into all facts
concerning the happening of the incident complained of and all other matters relevant to
the issues raised in the case.

You are invited to attend and participate.

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI



Attorney for Defendant
DuBois Regional Medical Center

JOHN L. MCINTYRE, ESQUIRE
PA I.D. #28015
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATE OF SERVICE

(re: Order dated 2/12/2010)

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.

PA Attorney I.D. No. 6787

MCQUAIDE BLASKO LAW OFFICES

811 University Drive

State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Counsel for Plaintiffs:

Kevin R. Lomupo, Esquire

Dated: February 18, 2010

FILED

110:5781
FEB 19 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,
Defendants.

Civil Action-
Medial Professional Liability Action
No. 2007-362-CD
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Judge Ammerman's Order dated February 12, 2010 in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 17th day of February 2010 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____



JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

5 FILED nrc
m/104935K
MAR 02 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATE OF SERVICE

*(Re: Answer and Objection to Plaintiffs'
Request for Production of Documents
Directed to Mary Kruszewski, DO)*

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.

PA Attorney I.D. No. 6787

MCQUAIDE BLASKO LAW OFFICES

811 University Drive

State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Dated: March 1, 2010

Counsel for Plaintiffs:
Kevin R. Lomupo, Esquire

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE
ASSOCIATES,

Defendants.

Civil Action-

Medial Professional Liability
Action

No. 2007-362-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

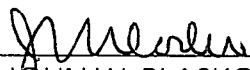
I hereby certify that a true and correct copy of Objection to Plaintiffs' Request for Production of Documents Directed to Mary Kruszewski, DO in the above-captioned matter, was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 1st day of March 2010 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE, HARTYE & SCHMITT
PO Box 533
Hollidaysburg, PA 16648-0533

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

ISSUE:

Notice of Service of
Response to Defendant Mary
Kruszewski, D.O.'s Request for
Production (Set Five) to DuBois
Regional Medical Center

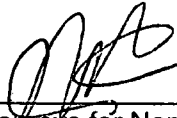
Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 11TH DAY OF MARCH, 2010.


Attorneys for Named Defendant

FILED NO
MAR 12 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF RESPONSE TO DEFENDANT MARY KRUSZEWSKI,
D.O.'S REQUEST FOR PRODUCTION (SET FIVE) TO DUBOIS REGIONAL
MEDICAL CENTER**

TO: PROTHONOTARY

You are hereby notified that on the 11TH day of **March, 2010**, defendant, DUBOIS REGIONAL MEDICAL CENTER, served Response to Defendant Mary Kruszewski, D.O.'s Request for Production (Set Five) to DuBois Regional Medical Center on the defendant, MARY KRUSZEWSKI, D.O. by mailing the originals of same via First Class U.S. Mail, postage prepaid, addressed to the following:

John W. Blasko, Esquire
McQuaide, Blasko
811 University Drive
State College, PA 16801-6699

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI

By

Attorneys for Defendant
DuBois Regional Medical Center

JOHN L. MCINTYRE, ESQUIRE
PA I.D. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

MELISSA A. SWANSON and
JASON SWANSON, her husband,
Plaintiffs

vs

MARY KRUSZEWSKI, D.O., STEVEN W.
GRAECA, D.O. and DRMC PRIMARY CARE
ASSOCIATES,
Defendants

NO. 07-362-CD

ORDER

NOW, this 5th day of April, 2010 following status conference among the Court and counsel; it is hereby ORDERED and DIRECTED as follows:

1. All discovery, except responses to expert interrogatories and expert reports, shall be completed by no later than May 30, 2010;
2. The Plaintiffs' expert reports, medical and non-medical, and responses to expert interrogatories shall be provided to Defendants on or before July 31, 2010. The Defendants' expert reports, medical and non-medical, shall be provided to the Plaintiffs on or before September 30, 2010.
3. All dispositive motions shall be filed on or before December 31, 2010. Any motion or petition regarding limitation or exclusion of evidence or testimony to be presented at trial, including but not limited to Motions in Limine, shall be filed no more than 45 days prior to trial. The petition or motion shall be accompanied by an appropriate brief. The responding party thereto shall file an answer and submit an appropriate response brief no later than 30 days prior to trial.

FILED

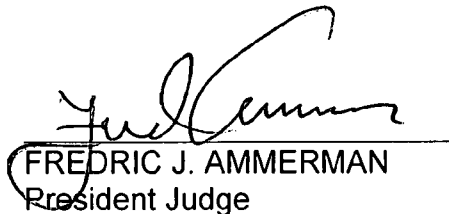
07-40601
APR 07 2010

William A. Shaw
Prothonotary/Clerk of Courts

Attys: Lomapo
Blasko
Sopher
McIntyre

4. All depositions to be used for trial presentation purposes shall be completed no later than 60 days prior to trial, and the failure to do so shall preclude admission of the deposition at trial. A copy of the transcript of any such deposition shall be provided to opposing counsel within no more than 10 days following completion of the deposition.
5. Any party making objections relative the testimony of any witness in the form of deposition at time of trial shall submit the objections to the Court in writing, no later than 45 days prior to trial. All objections shall reference specific page and line numbers within the deposition in question, along with the party's brief relative the same. The opposing party shall submit a brief in opposition to the objections no later than 30 days prior to trial.
6. Provided the Defendants have consented to possible settlement, the parties are directed to pursue mediation, the cost of which is to be borne by each party.
7. **Pre-trial conference, in Chambers, is hereby scheduled for October 8, 2010 at 1:30 p.m.**
8. The Court notes that the depositions of Connie Cribbs, Rose Campbell, Dr. Jerris Alajaji and in addition, three members of the office staff of Dr. Mary Kruszewski are scheduled on April 27th and 28th, 2010 at DuBois Regional Medical Center.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

APR 07 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/10

 You are responsible for serving all appropriate parties.

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

 Plaintiff(s) ☒ Plaintiff(s) Attorney Other

 Defendant(s) ☒ Defendant(s) Attorney

 Special Instructions:

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

ISSUE:

NOTICE OF SERVICE OF
INTERROGATORIES DIRECTED
TO PLAINTIFFS RELATING TO THE
AFFIDAVIT OF MELISSA SWANSON
DATED: 4/26/10

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

Laura O. Burke, Esquire
PA I.D. #200595

McINTYRE, HARTYE, SCHMITT
SOSNOWSKI
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 26TH DAY OF APRIL, 2010.

Laura O. Burke

Attorneys for Named Defendant

FILED

APR 27 2010

William A. Shaw
Prothonotary/Clerk of Courts

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

McINTYRE, HARTYE & SCHMITT

Laura O. Burke

Attorney for Defendant,
DUBOIS REGIONAL MEDICAL CENTER

John L. McIntyre, Esquire
PA I.D. No. 28015
Laura O. Burke, Esquire
PA I.D. No. 200595
P. O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATE OF SERVICE

*(Re: Interrogatories and Request for
Production of Documents Directed to
Steven W. Graeca, DO)*

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.

PA Attorney I.D. No. 6787

MCQUAIDE BLASKO LAW OFFICES

811 University Drive

State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Counsel for Plaintiffs:

Kevin R. Lomupo, Esquire

FILED

APR 28 2010

William A. Shaw

Prothonotary/Clerk of Courts

Dated: April 27, 2010

By: JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

No.: 2007-362-CD

Code: 007

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION DIRECTED TO
DEFENDANT, MARY KRUSZEWSKI,
D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

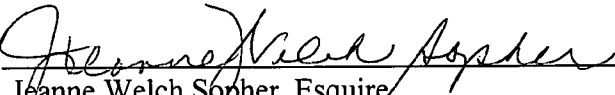
Defendants.

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION DIRECTED TO DEFENDANT, MARY KRUSZEWSKI, D.O.**

I hereby certify that the Interrogatories and Request for Production of Documents
Directed to Defendant, Mary Kruszewski, D.O. was sent to plaintiffs' attorney this 26th day of
April, 2010 via facsimile and U.S. Mail as listed below:

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Notice of Service of Interrogatories and Request for Production of Documents Directed to Defendant, Mary Kruszewski, D.O. has been sent via facsimile and first class mail, postage prepaid on this 26th day of April, 2010 to the following:

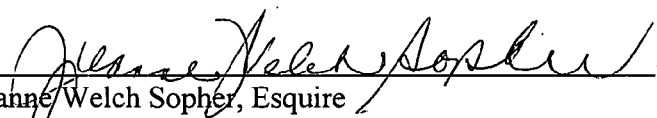
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: _____


Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATE OF SERVICE

*(Re: Request of Plaintiffs to Supplement
Prior Responses to Interrogatories and
Request for Production.)*

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.

PA Attorney I.D. No. 6787

MCQUAIDE BLASKO LAW OFFICES

811 University Drive

State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Counsel for Plaintiffs:

Kevin R. Lomupo, Esquire

FILED NO
APR 30 2010

William A. Shaw
Prothonotary/Clerk of Courts

Dated: April 29, 2010

MELISSA A SWANSON and
JASON SWANSON, her husband,

VS.

Defendants.

JURY TRIAL DEMANDED

By: JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST
FOR PRODUCTION DIRECTED TO
DUBOIS REGIONAL MEDICAL
CENTER**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

FILED

APR 30 2010

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR
PRODUCTION DIRECTED TO DUBOIS REGIONAL MEDICAL CENTER**

I hereby certify that the Interrogatories and Request for Production of Documents
Directed to Dubois Regional Medical Center was sent to its attorney this 29th day of April, 2010
via Federal Express as listed below:

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

Rawle & Henderson LLP

By: _____

Jeanne Welch Sopher
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Notice of Service of Interrogatories and Request for Production of Documents Directed to Dubois Regional Medical Center has been sent via Federal Express, postage prepaid on this 29th day of April, 2010 to the following:

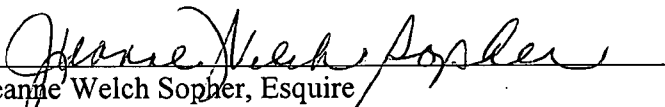
Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY:


Jeanie Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF REQUEST
FOR PRODUCTION OF
DOCUMENTS (SECOND SET)
DIRECTED TO PLAINTIFFS**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

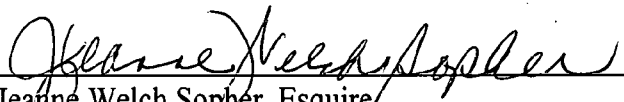
Defendants.

**NOTICE OF SERVICE OF REQUEST FOR PRODUCTION OF
DOCUMENTS (SECOND SET) DIRECTED TO PLAINTIFFS**

I hereby certify that the Request for Production of Documents (Second Set) Directed to
Plaintiffs was sent to Plaintiffs' attorney this 29th day of April, 2010 via Federal Express as listed
below:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

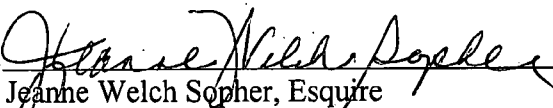
I, hereby certify that a true and correct copy of the foregoing Notice of Service of Request for Production of Documents (Second Set) Directed to Plaintiffs has been sent via Federal Express, postage prepaid on this 29th day of April, 2010 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**NOTICE OF SERVICE OF REQUEST
FOR PRODUCTION (SECOND SET)
DIRECTED TO DEFENDANT, MARY
KRUSZEWSKI, D.O.**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson LLP
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

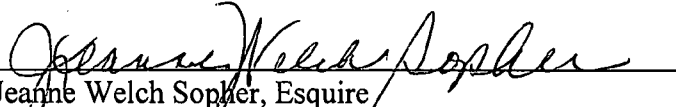
**NOTICE OF SERVICE OF REQUEST FOR PRODUCTION (SECOND SET)
DIRECTED TO DEFENDANT, MARY KRUSZEWSKI, D.O.**

I hereby certify that the Request for Production of Documents (Second Set) Directed to Defendant, Mary Kruszewski, D.O. was sent to plaintiffs' attorney this 29th day of April, 2010 via Federal Express as listed below:

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Rawle & Henderson LLP

By:


Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

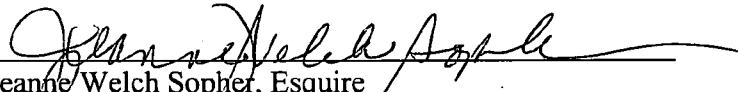
I, hereby certify that a true and correct copy of the foregoing Notice of Service of Request for Production of Documents (Second Set) Directed to Defendant, Mary Kruszewski, D.O. has been sent via Federal Express, postage prepaid on this 29th day of April, 2010 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

FILED

MAY 05 2010

W/10:50/Ch
William A. Shaw
Prothonotary/Clerk of Courts

no 6/c @

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL CENTER

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATE OF SERVICE

*Re: Request for Admissions Directed to
Defendant Steven W. Graeca, MD*

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.

PA Attorney I.D. No. 6787

MCQUAIDE BLASKO LAW OFFICES

811 University Drive

State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Counsel for Plaintiffs:

Kevin R. Lomupo, Esquire

Dated: May 4, 2010

JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED

MAY 05 2010

5 m/10:50/c
William A. Shaw
Prothonotary/Clerk of Courts
no 4/c

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL CENTER

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATE OF SERVICE

*Re: Interrogatories Directed to Defendant
Dubois Regional Medical Center*

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.

PA Attorney I.D. No. 6787

MCQUAIDE BLASKO LAW OFFICES

811 University Drive

State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Counsel for Plaintiffs:

Kevin R. Lomupo, Esquire

Dated: May 4, 2010

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants.

**CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

**PLEADING:
PLAINTIFFS' REPLY TO DEFENDANT
GRAECA'S SECOND SET OF REQUEST
FOR PRODUCTION OF DOCUMENTS**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, OLIVER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgol.com

JURY TRIAL DEMANDED

FILED

MAY 10 2010

William A. Shaw
Prothonotary/Clerk of Courts

1. Plaintiff is not in the possession of films or digital images of any breast ultrasounds performed on Melissa in 2004 and 2005 in the Radiology Department of DRMC, Breast Care Services at DRMC, or any other location or department owned or operated by DRMC. Back in 2005, the Plaintiff received what she believed to be copies of films/digital images of her breast ultrasounds and mammograms and hand carried them to Magee Women's Hospital in Pittsburgh. Upon information and belief, Plaintiff avers that the films/digital images were conveyed by Magee Women's Hospital back to Dubois Regional Medical Center. By way of further answer, Plaintiff believes and therefore avers that DRMC should have either original or copies of any and all films performed on Melissa back in 2004 and 2005 according to their policies and procedures testified to by DRMC employees in discovery.

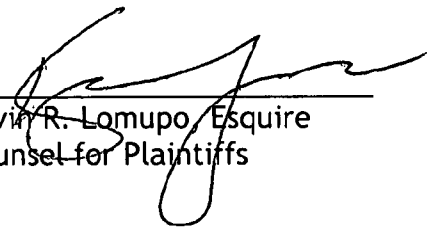
2. Melissa Swanson is in possession of radiology reports of her breast ultrasounds and mammograms which were performed in 2004 and 2005 in the Radiology Department of DRMC, Breast Care Services at DRMC, or any other location or department owned or operated by DRMC. Those radiology reports are attached hereto.

3. The Plaintiff is not in possession of any documents received from Dr. Mary Kruszewski from 2004 to the present.

Respectfully submitted,

GILARDI, OLIVER & LOMUPO

By


Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

SWANSON, MELISSA A
856 BRANDY CAMP RD
KERSEY PA 15846

Acct # D0418000288

PA 15801

Complete Duplicate

DUBOIS REGIONAL MEDICAL CENTER
100 Hospital Ave, DuBois, PA 15801

SWANSON, MELISSA A
856 BRANDY CAMP RD
KERSEY PA 15846

DIS - RAD
Age 31Y
03/10/75

Unit # 000343704
Acct # D0418400280

Date: 07/06/04 Time: 1016

KRUSZEWSKI, MARY
190 WEST PARK AVENUE
DUBOIS PA

15801

GRAECA, STEVEN W
145 HOSPITAL AVENUE
DUBOIS PA 15801

Chk-in #	Order	Exam	
695070	0001	48051	BC-MAMMOGRAPHY DIAGNOSTIC BILATER
			Ord Diag: 611.72-LUMP OR MASS IN BREAST

MAMMO VIEWS : Bilateral CC and MLO

ULTRASOUND OF RIGHT BREAST:

There is a poorly-defined hypoechoic 4 x 2 cm area at 8 o'clock in the right breast corresponding to an area of induration, redness, and pain. This is suggestive of mastitis post lactation. There is no cyst or fluid collection and no evidence of abscess formation. A follow-up ultrasound of the right breast is advised in 6-8 weeks after completion of a course of antibiotics.

BILATERAL MAMMOGRAM:

Craniocaudal and mediolateral oblique views of both breasts were obtained. There is a dense glandular pattern bilaterally with no prior exam for comparison. Slightly increased density is noted over the lower-inner quadrant of the right breast, probably related to mastitis. There is no suspicious focal lesion, microcalcification, spiculation, or architectural distortion.

IMPRESSION: MAMMOGRAPHICALLY BENIGN BREASTS, BILATERALLY, WITH
INCREASED DENSITY IN LOWER-INNER QUADRANT OF
RIGHT BREAST SUGGESTIVE OF MASTITIS.

CAD WAS UTILIZED.

A. A negative x-ray report should not delay biopsy if a dominant

ADDENDUM Duplicate

SWANSON, MELISSA A	DIS - RAD	Unit # 000343704
856 BRANDY CAMP RD		
KERSEY PA 15846	Age 31Y	Acct # D0418400280
	03/10/75	
Date: 07/06/04	Time: 1016	

GRAECA, STEVEN W
145 HOSPITAL AVENUE
DUBOIS PA 15801

mass or clinically suspicious mass is present. 10% of cancers are not identified by x-ray.

B. Adenosis and dense breasts may obscure an underlying neoplasm.

REPORT TO PHYSICIAN: 7-08-04

Tech Name : TAS

07/03/06 1347
JAH

ADDENDUM Duplicate

SWANSON, MELISSA A
856 BRANDY CAMP RD
KERSEY PA 15846

Acct # D0423000269

KRUSZEWSKI, MARY
190 WEST PARK AVENUE
DUBOIS PA

GRAECA, STEVEN W
145 HOSPITAL AVENUE
DUBOIS

Chk-in #	Order	Exam	
704400	0001	48057	BC-BREAST UNI OR BIL
			Ord Diag: 611.0-INFLAM DISEASE OF BREAST

Complete Duplicate

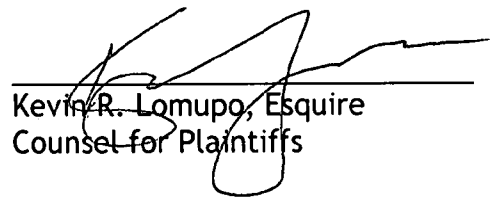
CERTIFICATE OF SERVICE

I hereby certify that a certified copy of ***Plaintiffs' Reply to Defendant Graeca's Second Set of Request for Production of Documents*** has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 7th day of May, 2010.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant Dubois Regional Medical Center



Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

FILED

5 MAY 26 2010
M/10:36/0
William A. Shaw
Prothonotary/Clerk of Courts
MO c/c (610)

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

MELISSA A SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL CENTER

Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

Type of Pleading ~

CERTIFICATES OF SERVICE

Re: Answers to Interrogatories and
Request for Production Propounded
by Defendant Steven W. Graeca

-and-

Objection to Request for Documents
(Second Set) Propounded by
Defendant Steven W. Graeca

Filed on Behalf of ~

DEFENDANT, MARY KRUSZEWSKI, D.O.

Filed By ~

JOHN W. BLASKO, ESQ.

PA Attorney I.D. No. 6787
MCQUAIDE BLASKO LAW OFFICES
811 University Drive
State College, PA 16801-6699

(814) 238-4926

JURY TRIAL DEMANDED

Dated: May 25, 2010

Counsel for Plaintiffs:
Kevin R. Lomupo, Esquire

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Mary Kruszewski, DO's Objection to Request for Documents (Second Set) propounded by Defendant Steven W. Graeca has been sent by facsimile and regular mail at the Post Office, State College, Pennsylvania, postage prepaid, this 24 day of May, 2010 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(fax) 412-391-9780

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648
(fax) 814-696-9399

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219
(fax) 412-261-5710

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

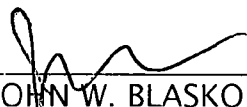
I hereby certify that a true and correct copy of Mary Kruszewski, DO's Responses to Interrogatories and Request for Production of Documents propounded by Defendant Steven W. Graeca has been sent by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 15th day of May, 2010 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(fax) 412-391-9780

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648
(fax) 814-696-9399

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219
(fax) 412-261-5710

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

No.: 2007-362-CD

Code: 007

**NOTICE OF SERVICE OF ANSWERS
TO INTERROGATORIES AND
OBJECTION AND RESPONSES TO
REQUEST FOR PRODUCTION OF
DOCUMENTS OF DR. KRUSZEWSKI**

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

FILED

JUN 01 2010 (60)

W/16:45/10

William A. Shaw
Prothonotary/Clerk of Courts

no 4/6

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

**NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES
AND OBJECTION AND RESPONSES TO REQUEST FOR
PRODUCTION OF DOCUMENTS OF DR. KRUSZEWSKI**

I hereby certify that the Answers to Interrogatories and Objection and Responses to
Request for Production of Documents of Dr. Kruszewski was sent to her attorney this 28th day of
May, 2010 via e-mail and U.S. Mail as listed below:

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Rawle & Henderson LLP

By: Jeanne Welch Sopher / JWS
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Notice of Service of Answers to Interrogatories and Objection and Responses to Request for Production of Documents of Dr. Kruszewski has been sent via e-mail and U.S. Mail, postage prepaid on this 28th day of May, 2010 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: Jeanne Welch Sopher / SAK
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

Code: 007

**NOTICE OF SERVICE OF
OBJECTIONS AND RESPONSES TO
REQUEST FOR ADMISSIONS
DIRECTED TO DEFENDANT
STEVEN W. GRAECA, DO**

FILED

⚡ JUN 01 2010
m/10:45/c
William A. Shaw
Prothonotary/Clerk of Courts
no C/1 @u

Filed on behalf of Defendant,
STEVEN W. GRAECA, D.O.

Counsel of Record for This Party:

Jeanne Welch Sopher, Esquire
PA. I.D. No. 71067

Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222

(412) 261-5700

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

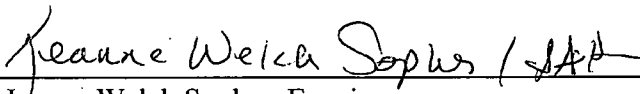
Defendants.

**NOTICE OF SERVICE OF OBJECTIONS AND RESPONSES TO REQUEST
FOR ADMISSIONS DIRECTED TO DEFENDANT STEVEN W. GRAECA, DO**

I hereby certify that the Objections and Responses to Request for Admissions Directed to
Defendant Steven W. Graeca, DO was sent to her attorney this 28th day of May, 2010 via e-mail
and U.S. Mail as listed below:

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699

Rawle & Henderson LLP

By: 
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Notice of Service of
Objections and Responses to Request for Admissions Directed to Defendant Steven W.
Graeca, DO has been sent via e-mail and U.S. Mail, postage prepaid on this 28th day of
May, 2010 to the following:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(Counsel of Record for Plaintiffs)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Rawle & Henderson LLP

BY: Jeanne Welch Sopher / JWS
Jeanne Welch Sopher, Esquire
Counsel of Record for Defendant,
Steven W. Graeca, D.O.

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

ISSUE:

Notice of Service of Answers
to Interrogatories and Request
for Production Directed to
Defendant DuBois Regional
Medical Center

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE WITHIN WAS
MAILED TO ALL COUNSEL OF RECORD
THIS 10th DAY OF AUGUST, 2010.

Attorneys for Named Defendant

FILED

AUG 11 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 – 362 – CD

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DIRECTED TO DEFENDANT DUBOIS REGIONAL MEDICAL
CENTER**

TO: PROTHONOTARY

You are hereby notified that on the 10TH day of **August, 2010**, defendant,
DUBOIS REGIONAL MEDICAL CENTER, served Answers to Interrogatories and
Request for Production Directed to Defendant DuBois Regional Medical Center by
mailing the originals of same via First Class U.S. Mail, postage prepaid, addressed to
the following:

Jean Sopher, Esquire
The Henry W. Oliver Bldg.
Suite 1000
535 Smithfield Street
Pittsburgh, PA 15222

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI

By

Attorneys for Defendant
DuBois Regional Medical Center

JOHN L. MCINTYRE, ESQUIRE
PA I.D. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

MELISSA SWANSON and
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vs.

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Defendants

No. 2007 – 362 – CD

ISSUE:

Notice of Service of Answers
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Defendant DuBois Regional
Medical Center

Filed on behalf of Defendant,
DUBOIS REGIONAL MEDICAL
CENTER

Counsel of Record:
John L. McIntyre, Esquire
PA I.D. #28015

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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CORRECT COPY OF THE WITHIN WAS
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THIS 10th DAY OF AUGUST, 2010.

Attorneys for Named Defendant

FILED

AUG 11 2010

William A. Shaw
Prothonotary/Clerk of Courts

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

JURY TRIAL DEMANDED

JOHN L. MCINTYRE, ESQUIRE
PA I.D. No. 28015
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED

OCT 05 2010
m/12:00 L
William A. Shaw
Prothonotary/Clerk of Courts
No 6/C

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants.

**CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

**PLEADING:
MOTION IN LIMINE TO PRECLUDE
EXPERT TESTIMONY FROM DEFENSE
EXPERTS, DRS. LEVINE, McTIGHE AND
MERAJVER, AS TO STANDARD OF CARE**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, OLIVER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgol.com

JURY TRIAL DEMANDED

1. The Defendant, Mary Kruszewski, D.O., is a board certified obstetrician/gynecologist. Her training and experience is limited to this specialty of medicine.
2. Dr. Levine, one of the multiple defense experts, is board certified in internal medicine. His area of expertise per his attached C.V. is epidemiology, biostatistics and biochemistry. He is not an obstetrician/gynecologist. He has never practiced in this specialty of medicine nor is he board certified in obstetrics/gynecology. (See C.V. of Dr. Levine attached as Exhibit 1.)
3. Dr. McTighe, another defense expert, is a pathologist. He is board certified in pathology and dermatology. He is not an obstetrician/gynecologist, has

never practice in that specialty and certainly is not board certified in the specialty.
(See C.V. of Dr. McTighe attached as Exhibit 2.)

4. Dr. Merajver is the third of Defendant's expert witnesses. This physician is board certified in internal medicine and medical oncology. She practices in the area of hematology/oncology. She is not an obstetrician/gynecologist and is not board certified in that specialty of medicine. (See C.V. of Dr. Merajver attached as Exhibit 3.)

5. None of the Defendant's experts practice in the medical specialty of obstetrics and gynecology. None are board certified by the American Board of Obstetricians and Gynecologist which is the governing board for this specialty. None of the experts could even sit to take the OB/GYN board certification test that requires four (4) years of specialized residency training in OB/GYN. Obstetrics and gynecology is not a subspecialty of internal medicine.

6. The MCARE Act provides that for a medical expert to testify on the standard of care he/she must "practice" in the same subspecialty as the Defendant physician or in a subspecialty which has a substantially similar standard of care for the specific care at issue (§ 512(c)(2)). The only possible exception to this requirement is provided in § 512(e) as follows:

"(e) Otherwise Adequate Training, Experience and Knowledge. - - a Court may waive the same specialty and board certification requirements for an expert testifying as to a standard of care if the Court determines that the expert possesses sufficient training, experience and knowledge to provide the testimony as a result of active involvement in or full time teaching of medicine in the applicable subspecialty or a related field of medicine within the previous five-year time period."

Drs. Levine, McTighe and Merajver are not practicing OB/GYN's, they are not board certified by the American Board of Obstetrics/Gynecology. Nor are they knowledgeable in the practices of OB/GYN involved in this case "as a result of active involvement in or full-time teaching of medicine in the applicable subspecialty or a related field of medicine within the previous five-year period."

7. In Dr. Levine's report dated September 10, 2010, he states "First, the initial management of the breast abnormality with antibiotics was appropriate and is standard treatment for a lesion indicative of mastitis." This is a standard of care opinion which Dr. Levine is not qualified to give.

8. In Dr. McTighe's report dated September 16, 2010, he opines "It is my opinion, therefore, that the medical care provided by Dr. Mary Kruszewski certainly met the standard of care and was not negligent in any way." This is a standard of care opinion which Dr. McTighe is not qualified to give.

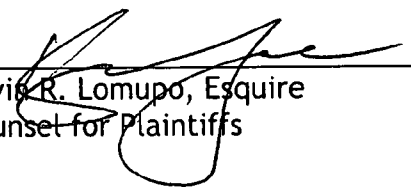
9. Dr. Merjaver opines in her September 23, 2010 report that "so, in summary, leading up to the diagnosis of IBC, Ms. Swanson received reasonable care, given the conditions and circumstances described above." This is a standard of care opinion which Dr. Merajver is not qualified to give.

10. All standard of care opinions by Drs. Levine, McTighe and Merajver, particularly those set forth above, should be precluded as these physicians are not OB/GYN's, have not practiced the specialty of OB/GYN and do not provide treatment and care to patients.

Respectfully submitted,

GILARDI, OLIVER & LOMUPO

By:


Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

○AUL HOWARD LEVINE, ○D.

Office Address

The George Washington University
School of Public Health and Health
Services
Washington, D.C. 20037
Office: 202-994-4582
Fax: 202-994-0082

Home Address

4816 Montgomery Lane
Bethesda, Maryland 20817
301-469-7394

Education

1963	M.D., University of Rochester Medical School, Rochester, New York
1959	B.A., Cornell University, Ithaca, New York

Postdoctoral Training

1966-1968 **Second and Third Year Resident in Medicine.** University of Colorado
Medical Center, Denver, Colorado

1965-1966 **First Year Resident in Medicine.** Roswell Park Memorial Institute,
Buffalo, New York

1964-1966 **Research Associate.** National Cancer Institute, (Assignment - Roswell
Park Memorial Institute, Buffalo, New York)

1963-1964 **Intern in Medicine.** Strong Memorial Hospital, University of Rochester,
Rochester, New York

Board Certification and Licensure

1969	American Board of Internal Medicine
1964	National Board of Medical Examiners

Medical Licensure: District of Columbia #21186

Professional Experience

Research Professor of Biochemistry and Molecular Biology (2010 to date). The George Washington University Medical Center

Research Professor of Epidemiology and Biostatistics (1997 to date). The George Washington University School of Public Health and Health Services

Clinical Professor of Medicine (1995 to date). George Washington University Medical Center, Washington, DC.

Guest Worker (2000 to date) Hormonal and Reproductive Epidemiology Branch, National Cancer Institute, Bethesda, Md.

Guest Worker (1995 to 2000). Viral Epidemiology Branch, National Cancer Institute, Bethesda, Maryland

Senior Clinical Investigator (1990 to 1995). Viral Epidemiology Branch, Bethesda, Maryland

Senior Investigator (1985 to 1990). Environmental Epidemiology Branch, NCI, NIH, Bethesda, Maryland

Senior Investigator (1982 to 1985). Clinical Epidemiology Branch.

Chief (1978 to 1982). Clinical Studies Section, Laboratory of Viral Carcinogenesis, Bethesda, Maryland

Head (1976 to 1978). Clinical Studies Unit, Laboratory of Viral Carcinogenesis, Bethesda, Maryland

Chairman (1976 to 1981). Clinical Advisory Group, Viral Oncology, Division of Cancer Cause and Prevention, Bethesda, Maryland

Head (1974 to 1976). Clinical Studies Section, Viral Leukemia and Lymphoma Branch, Bethesda, Maryland

Chairman (1972 to 1975). Immunology-Epidemiology Segment, Virus Cancer Program, Bethesda, Maryland

Co-Chairman (1971 to 1972). Immunology Group, Special Virus Cancer Program, Bethesda, Maryland

Research Coordinator (1968 to 1971). Viral Leukemia and Lymphoma Branch, Bethesda, Maryland

Research Associate (1964 to 1968). Division of Cancer Cause and Prevention, Bethesda, Maryland

Commissioned Officer (1964 to 1995). United States Public Health Service

Professional Associations

Past-President, American Association for Chronic Fatigue Syndrome

Fellow, American College of Physicians

American Association for Cancer Research

Fellow, Newsletter Editor American College of Epidemiology

International Association for Breast Cancer Research

International Retrovirology Association: HTLV

Other Professional Activities

2005-Present Chairman, DC Cancer Registry Advisory Board

2005-Present Co-Chair The George Washington Cancer Institute Office of Prevention and Control
 2007-Present Chairman, Cancer Subcommittee of the DC Health Disparities Advisory Committee
 2006-Present Chairman, Prostate Subcommittee of the Early Detection Committee, DC Cancer Consortium
 2005-Present Principal Investigator National Cancer Institute Study of Cancer Patterns in the District of Columbia
 2003-2005. Principal Investigator ASPH/CDC Study of Cancer Patterns In Gulf War Era Veterans
 2000-2004 Principal Investigator NCI Study of Hormones and Prostate Cancer
 2002-2005 Principal Investigator Department of Defense Study on Inflammatory Breast Cancer
 1999-2005 Advisory Board, District of Columbia Cancer Registry
 1998-Principal Investigator for Systems Assessment and Research Contract with Dept. of Defense on the development of guidelines for the management of breast cancer patients
 1996-2001 Chairman District of Columbia Women's Cancer Coalition

Adjunct Faculty Positions:

1978 to 1995 George Washington University Medical Center, Washington, D.C.
 1970 to 1986 Howard University Hospital and Medical School, Washington, D.C.

Editorial Board:

1994 to date *Journal of Chronic Fatigue Syndrome*
 1996 to 2003 *Neurologic Infections and Epidemiology*

Honors

Cornell University, Dean's Honorary Scholarship
 Cornell University, New York State Regents Scholarship
 National Honorary Journalism Society, Pi Delta Epsilon
 National Honorary Premedical Society, Alpha Epsilon Delta
 Monroe County Cancer Association Award
 Fellow of the American College of Physicians
 U.S. Public Health Service, Unit Commendation Award
 U.S. Public Health Service, Commendation Award
 William Evans Fellowship, New Zealand
 First Research Award, The George Washington University School of Public Health and Health Services

Administrative Service

Project Officer on more than 10 contracts with the National Institutes of Health, including:

- 1) Studies of Aggressive breast cancer in Tunisia
- 2) Laboratory Support for Processing and Storage of Biological Specimens from Persons at High Risk of Cancer
- 3) Studies of Epidemiology of Potentially Oncogenic and Immunosuppressive Viruses in West Africa

Chairman. National Cancer Institute, Epidemiology and Biostatistics Program
Biospeciman Repository Governing Board

Publications

1. Levine, P.H. and Kelley, M.L., Jr. Spontaneous perforation of esophagus simulating acute pancreatitis. *J Am Med Assoc* 191(4):343-345, 1965.
2. Niwayama, G., Levine, P.H., and Grace, J.T., Jr. *Manual of the tumor procurement program*, Buffalo, New York: Roswell Park Memorial Laboratory Inst, 1965.
3. Minckler, T.M., Newell, G.R., O'Toole, W.F., Niwayama, G., and Levine, P.H. Microbiology experience in collection of human tissue. *Am J Clin Pathol* 45(1):85-92, 1966.
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7. Levine, P.H. and Hamstra, R.M. Megaloblastic anemia of pregnancy simulating acute leukemia. *Ann Intern Med* 71(6):1141-1147, 1969.
8. Levine, P.H., Merrill, D.A., Kohler, P.F., and Claman, H.N. Changes in serum immunoglobulin and complement levels following renal homotransplantation. *Transplantation* 10(2):141-154, 1970.
9. Chan, S.P., Maca, R.D., Levine, P.H., and Ting, R.C. Immunologic studies of human breast cancer. I. Serum reactivity against a lymphoid cell line (belev) derived from a breast cancer patient as detected by complement-fixation test. *J Natl Cancer Inst* 47:511-517, 1971.
10. Levine, P.H., Ablashi, D.V., Berard, C.W., Carbone, P.P., Waggoner, D.E., and Malan, L. Elevated antibody titers to Epstein-Barr virus in Hodgkin's disease. *Cancer* 27 (2):416-421, 1971.
11. Levine, P.H. Wanted: Case reports of Burkitt's lymphoma in the U.S. *Med Times* 99 (2):124-126, 1971.
12. Levine, P.H., Merrill, D.A., Bethlenfalvay, N.C., Dabich, L., Stevens, D.A., and Waggoner, D.E. A longitudinal comparison of antibodies to Epstein-Barr virus and clinical parameters in chronic lymphocytic leukemia and chronic myelocytic leukemia. *Blood* 38 (4):479-484, 1971.
13. Stevens, D.A., Levine, P.H., Lee, S.K., Sonley, M.J., and Waggoner, D.E. Concurrent infectious mononucleosis and acute leukemia. *Am J Med* 50:208-217, 1971.
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16. Levine, P.H. Relationship of Epstein-Barr virus antibodies to disease state in Hodgkin's disease, chronic lymphocytic leukaemia and American Burkitt's lymphoma. In: *Oncogenesis and herpes-viruses*, edited by Biggs, P.M., de Thé, G., and Payne, L.N. Lyon, France: International Agency for Research on Cancer, 1972, p. 384-389.
17. Levine, P.H., O'Connor, G.T., and Berard, C.W. Antibodies to Epstein-Barr virus (EBV) in American patients with Burkitt's lymphoma. *Cancer* 30:610-615, 1972.
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22. Stevens, D.A., Easton, J.M., Levine, P.H., Waggoner, D.E., Manaker, R.A., and Schidlosky, G. Antilymphocyte serum and lymphoid cell-virus carrier culture: cell kinetics, morphology, EB virus replication, interferon. *Cell Immunol* 3:629-643, 1972.
23. Stevens, D.A., O'Connor, G.T., Levine, P.H., and Rosen, R.B. Acute leukemia with Burkitt's lymphoma cells and Burkitt's lymphoma. Simultaneous onset in American siblings; description of a new entity. *Ann Intern Med* 76:967-973, 1972.
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29. Levine, P.H. Conference and workshop on cellular immune reactions to human tumor-associated antigens. Introduction. *Natl Cancer Inst Monogr* 37:9-12, 1973.
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CURRICULUM VITAE

ARTHUR H. McTIGHE, MD

ADDRESS: 107 WITHERSPOON ROAD
BALTIMORE, MD 21212

DATE OF BIRTH: OCTOBER 7, 1944

PHONE: 410 433-0346

MEDICAL SCHOOL: UNIVERSITY OF PITTSBURGH
SCHOOL OF MEDICINE, M.D., 1969.

TRAINING:

INTERNSHIP IN PATHOLOGY, PRESBYTERIAN-UNIVERSITY HOSPITAL,
PITTSBURGH, PA 1969-70.

RESEARCH AND EXPERIMENTAL PATHOLOGY,
U.S. PUBLIC HEALTH SERVICE
ROCKVILLE, MD 1970-72.

FELLOW IN LABORATORY MEDICINE,
YALE NEW HAVEN HOSPITAL,
NEW HAVEN, CT 1972-74.

BOARD CERTIFICATION:

AMERICAN BOARD OF PATHOLOGY,
ANATOMIC AND CLINICAL PATHOLOGY, 1975.

AMERICAN BOARD OF PATHOLOGY,
MEDICAL MICROBIOLOGY, 1978.

AMERICAN BOARD OF DERMATOLOGY AND AMERICAN BOARD OF PATHOLOGY,
DERMATOPATHOLOGY, 1985.

AMERICAN BOARD OF PATHOLOGY,
CYTOPATHOLOGY, 1997.

LICENSED: MARYLAND, PENNSYLVANIA, AND DELAWARE

POSITIONS: UNION MEMORIAL HOSPITAL, BALTIMORE, MD
MEDICAL DIRECTOR, DEPARTMENT OF LABORATORY MEDICINE
and CHIEF OF PATHOLOGY, AUGUST 2004 TO PRESENT

EVANGELICAL COMMUNITY HOSPITAL, LEWISBURG, PA
DIRECTOR OF LABORATORIES, 1991-2004
VICE PRESIDENT FOR MEDICAL AFFAIRS/MEDICAL DIRECTOR,
JUNE 2000-2004
PATIENT SAFETY OFFICER, 2002-2004

SUNBURY COMMUNITY HOSPITAL, SUNBURY, PA
DIRECTOR OF LABORATORIES, MARCH 1997-2004

EXHIBIT 2

MARYLAND GENERAL HOSPITAL, BALTIMORE, MD
VICE CHIEF OF PATHOLOGY, 1979-91
ASSISTANT TO THE MEDICAL DIRECTOR, 1987-1991

FRANKLIN SQUARE HOSPITAL,
BALTIMORE, MD, 1977-79.

U. S. PUBLIC HEALTH SERVICE HOSPITAL,
BALTIMORE, MD, 1974-77.

FACULTY: PENN STATE COLLEGE OF MEDICINE
MILTON S. HERSHEY MEDICAL CENTER
CLINICAL ASSOCIATE PROFESSOR OF PATHOLOGY, 2001 TO PRESENT.

JOHNS HOPKINS UNIVERSITY, SCHOOL OF MEDICINE
INSTRUCTOR IN PATHOLOGY, 1978-1993.

FELLOW: AMERICAN COLLEGE OF PHYSICIAN EXECUTIVES
COLLEGE OF AMERICAN PATHOLOGISTS
AMERICAN MEDICAL ASSOCIATION
AMERICAN SOCIETY FOR CLINICAL PATHOLOGY
MARYLAND SOCIETY OF PATHOLOGISTS (PAST PRESIDENT, 1986-1988)
PENNSYLVANIA SOCIETY OF PATHOLOGISTS (CAP DELEGATE 1998-2004)
MARYLAND SOCIETY OF PATHOLOGISTS (CAP DELEGATE 2004-PRESENT)

HOSPITAL MEDICAL STAFF AND MEDICAL SOCIETY OFFICES:

UNION MEMORIAL HOSPITAL, BALTIMORE, MD:
MEMBER, MEDICAL EXECUTIVE COMMITTEE
CHAIRMAN, LAB MED. PERFORMANCE IMPROVEMENT COMMITTEE
MEDICAL DIRECTOR, LAB-NURSING COMMITTEE
MEMBER, INFECTION CONTROL COMMITTEE
MEMBER, TUMOR BOARD
MEMBER, CANCER COMMITTEE
MEMBER, RISK MANAGEMENT COMMITTEE

EVANGELICAL COMMUNITY HOSPITAL, LEWISBURG, PA:
PRESIDENT OF THE MEDICAL STAFF, 1999-2000
VICE PRESIDENT OF THE MEDICAL STAFF, 1997-1999
SECRETARY OF THE MEDICAL STAFF, 1995-1997
MEMBER, MEDICAL EXECUTIVE COMMITTEE, 1995-2004
CHAIRMAN, INFECTION CONTROL COMMITTEE, 1993-2004
VICE CHAIRMAN, BIOETHICS COMMITTEE, 1997-2004
MEMBER, QUALITY ASSURANCE COMMITTEE, 1995-2004
CHAIRMAN, PATIENT SAFETY COMMITTEE, 2002-2004
PATIENT SAFETY OFFICER, 2002-2004

UNION COUNTY (PENNSYLVANIA) MEDICAL SOCIETY,
PRESIDENT, 1994-1996
PROGRAM CHAIRMAN, 1996-2004

HOSPITAL MEDICAL STAFF AND MEDICAL SOCIETY OFFICES (CONTINUED):

SUNBURY COMMUNITY HOSPITAL, SUNBURY, PA:
MEMBER, MEDICAL EXECUTIVE COMMITTEE, 1997-2004
CHAIRMAN, INFECTION CONTROL COMMITTEE, 1997-2000
CHAIRMAN, TISSUE AND TRANSFUSION COMMITTEE, 1997-2000
MEMBER, PATIENT SAFETY COMMITTEE, 2002-2004

CURRENT MEDICAL STAFF PRIVILEGES:

UNION MEMORIAL HOSPITAL, BALTIMORE, MD (ACTIVE)
EVANGELICAL COMMUNITY HOSPITAL, LEWISBURG, PA. (NOW HONORARY)
SUNBURY COMMUNITY HOSPITAL, SUNBURY, PA. (NOW HONORARY)
MARYLAND GENERAL HOSPITAL, BALTIMORE, MD. (NOW AFFILIATE)

HONORS AND AWARDS:

GOLDEN APPLE AWARD, FOR OUTSTANDING TEACHING, 1984-1985,
PRESENTED BY THE DEPARTMENT OF MEDICINE HOUSESTAFF,
OF THE MARYLAND GENERAL HOSPITAL.

CERTIFICATE OF APPRECIATION, PRESENTED BY
THE BALTIMORE POLICE DEPARTMENT, 1987, FOR SERVICE
IN DEVELOPING A PROGRAM FOR EXPEDITED HIV TESTING.

CERTIFICATE OF APPRECIATION, PRESENTED BY THE MEDICAL STAFF
OF THE MARYLAND GENERAL HOSPITAL, 1991, FOR DEDICATED SERVICE TO
THE INSTITUTION AND THE MEDICAL STAFF (1979-1991).

CERTIFICATES OF APPRECIATION, PRESENTED BY THE COLLEGE OF
AMERICAN PATHOLOGISTS, IN 1999, 2000, 2001 AND 2003,
FOR OUTSTANDING AND DEDICATED SERVICE IN ADVOCATING
FEDERAL AND STATE ISSUES OF IMPORTANCE TO PATIENTS,
CLINICIANS AND PATHOLOGISTS.

CERTIFICATE OF APPRECIATION PRESENTED BY THE MEDICAL STAFF OF
EVANGELICAL COMMUNITY HOSPITAL, 2004, FOR FAITHFUL LEADERSHIP,
CLINICAL EXPERTISE, AND DEDICATION TO THE PHYSICIANS STAFF AND
PATIENTS OF EVANGELICAL COMMUNITY HOSPITAL (1991-2004).

AWARD IN RECOGNITION FOR CONTRIBUTION TO SURGICAL RESIDENCY
EDUCATION, UNION MEMORIAL HOSPITAL, 2007-2008.

BALTIMORE MAGAZINE'S TOP DOCTORS IN BALTIMORE, NAMED TOP DOCTOR IN
PATHOLOGY FOR 2009 (AWARD BASED ON A SURVEY OF PHYSICIANS IN THE
GREATER BALTIMORE COMMUNITY BY BALTIMORE MAGAZINE).

OTHER EXPERIENCE:

ASSISTANT TO THE MEDICAL DIRECTOR, MARYLAND GENERAL HOSPITAL,
1987-1991 WITH RESPONSIBILITY FOR HEALTH INFORMATION SERVICES,
QUALITY ASSURANCE, UTILIZATION REVIEW, AND INFECTION CONTROL.

CO-OWNER AND PATHOLOGIST OF THREE PRIVATE LABORATORIES
IN BALTIMORE, MARYLAND 1981-1991 (BALTIMORE BIOMEDICAL
LAB, PHYSICIANS' SERVICE LAB, AND BALTIMORE DIAGNOSTICS LAB).

MEDICAL DIRECTOR, SMITHKLINE BEECHAM CLINICAL LABORATORIES,
BALTIMORE REGIONAL LAB, 1986-1991.

COLLEGE OF AMERICAN PATHOLOGISTS (CAP):
INSPECTOR LAB ACCREDITATION PROGRAM, 1985 TO PRESENT
MEMBER, PATHOLOGY ADVOCACY NETWORK, 1992 TO PRESENT,
FOR ADVOCACY AT THE FEDERAL AND STATE LEVELS ON PATHOLOGY,
PHYSICIAN, HOSPITAL, AND PATIENT ISSUES.
DELEGATE FROM PENNSYLVANIA/MARYLAND TO CAP HOUSE OF DELEGATES
MEMBER CAP HOUSE OF DELEGATES STEERING COMMITTEE
MEMBER-AT-LARGE 2002-2006,
SARGENT-AT-ARMS 2006-2010.
CHAIR, CAP HOUSE OF DELEGATES STEERING COMMITTEE TASK FORCE
ON PATIENT SAFETY IN PATHOLOGY PRACTICE, 2004-2006.
MEMBER, BOARD OF DIRECTORS, PATHOLOGY POLITICAL ACTION
COMMITTEE (PathPAC), 1999-2007.
MEMBER, CAP SPOKESPERSONS NETWORK, 1995 TO PRESENT.
MARYLAND STATE COMMISSIONER, CAP, LAB ACCREDITATION PROGRAM,
2007 TO PRESENT.

PENNSYLVANIA STATE HOUSE OF REPRESENTATIVES,
MEMBER, WORK GROUP ON AIDS AND HIV POLICY, 1999.

TESTIMONY BEFORE THE INDEPENDENT REGULATORY REVIEW COMMISSION (IRRC)
OF PENNSYLVANIA, RE: HIV REPORTING REGULATIONS, 2002.

MEDICAL PROFESSIONAL LIABILITY EXPERT WITNESS IN PATHOLOGY.

PUBLICATIONS:

McTIGHE, A.H., ANTIMICROBIAL RESISTANCE OF *NEISSERIA GONORRHOEAE*,
LABORATORY MEDICINE, 9:45-48, 1978.

McTIGHE, A.H. and CHIN, B., USE OF AN AGGLUTINATION METHOD IN THE
LABORATORY DIAGNOSIS OF *NEISSERIA GONORRHOEAE*, ABSTRACTS OF THE
ANNUAL MEETING OF THE AMERICAN SOCIETY FOR MICROBIOLOGY
1979, (PRESENTED AT THE POSTER SESSION, MAY 5, 1979, HONOLULU, HI).

McTIGHE, A.H., CHIN, B., PATEL, C., and SMITH, L., USE OF AN AGGLUTINATION
METHOD IN THE LABORATORY DIAGNOSIS OF *NEISSERIA GONORRHOEAE*,
ABSTRACTS OF THE ANNUAL MEETING OF THE AMERICAN SOCIETY OF
CLINICAL PATHOLOGISTS 1980, (PRESENTED AT THE POSTER SESSION,
MARCH 26, 1980, ATLANTA, GA).

PUBLICATIONS (CONTINUED):

McTIGHE, A.H., PATEL, C., SMITH, L. ET AL, CONTINUING EDUCATION UPDATE MICROBIOLOGY I. LABORATORY MEDICINE, 11:524-532, 1980

McTIGHE, A.H., GONORRHEA DIAGNOSIS WITH CERTAINTY.
DIAGNOSTIC MEDICINE, 3:36-57, 1980.

WEINBERG, L.G. and McTIGHE, A.H., A SIMPLE, RAPID SCREENING SYSTEM FOR IDENTIFICATION OF THE BACTEROIDES *FRAGILIS* GROUP, ABSTRACTS OF THE ANNUAL MEETING OF THE AMERICAN SOCIETY FOR MICROBIOLOGY 1981, (PRESENTED AT THE POSTER SESSION, MACH, 1981, HOUSTON, TX).

McTIGHE, A.H., FISHER, B. and PATNAIK, P., PENICILLIN-RESISTANT GONORRHEA: CATCHING THE PENICILLIN RESISTERS.
DIAGNOSTIC MEDICINE, 4:47-50, 1981.

McTIGHE, A.H., THE SEASON FOR VIBRIOS.
DIAGNOSTIC MEDICINE, 4:33-36, 1981.

McTIGHE, A.H., ANTENATAL AND NEONATAL BACTERIAL INFECTIONS: PATHOGENESIS, SIGNIFICANCE, AND DIAGNOSIS.
CLINICS IN LABORATORY MEDICINE, 1: 345-360, 1981.

McTIGHE, A.H. (EDITOR), SYMPOSIUM: BACTERIOLOGIC SYNDROMES OF THE 1970s AND 1980s. LABORATORY MEDICINE, 13:611-643, 1982.

ANTHONY, W.C. and McTIGHE, A.H., MECHANISMS OF DRUG RESISTANCE: *STAPHYLOCOCCUS AUREUS* and *NEISSERIA GONORRHOEAE*.
LABORATORY MEDICINE, 13:618-620, 1982.

McTIGHE, A.H. *GARDNERELLA VAGINALIS*: ROLE IN NONSPECIFIC VAGINITIS AND OTHER SYNDROMES. LABORATORY MEDICINE, 13:624-626, 1982.

ORBEGOSO, C. M., ULANOWICZ, N.I. and McTIGHE, A.H., NEW ANAEROBIC BACTERIOLOGIC SYNDROMES. LABORATORY MEDICINE, 13:628-632, 1982.

McTIGHE, A.H., ASSOCIATION OF KAPOSÍ'S SARCOMA AND OPPORTUNISTIC INFECTIONS IN HOMOSEXUALS. LABORATORY MEDICINE, 13:633-636, 1982.

McTIGHE, A.H., *CHLAMYDIA TRACHOMATIS*: REVIEW OF HUMAN CHLAMYDIAL INFECTIONS AND LABORATORY DIAGNOSIS.
LABORATORY MEDICINE, 13:638-643, 1982.

McTIGHE, A.H., COMPARISON OF IMMULOK CULTURESET WITH REFERENCE TISSUE CULTURE METHODS IN THE DIAGNOSIS OF GENITAL HERPETIC INFECTION, ABSTRACTS OF THE ANNUAL MEETING OF THE AMERICAN SOCIETY FOR MICROBIOLOGY 1983, (PRESENTED AT THE POSTER SESSION, MARCH 1983, NEW ORLEANS, LA).

COURSES AND WORKSHOPS PRESENTED:

UPDATE IN MEDICAL MICROBIOLOGY,
AMERICAN SOCIETY OF CLINICAL PATHOLOGISTS WORKSHOP,
PHILADELPHIA, PA, APRIL 24, 1982.

NEW MICROBIOLOGICAL SYNDROMES OF THE 1970s AND 1980s,
AMERICAN SOCIETY OF CLINICAL PATHOLOGISTS WORKSHOP,
PHILADELPHIA, PA, SEPTEMBER 10, 1983.

NEW MICROBIOLOGICAL SYNDROMES OF THE 1970s AND 1980s,
AMERICAN SOCIETY OF CLINICAL PATHOLOGISTS WORKSHOP,
MONTGOMERY, AL, APRIL 27, 1984.

SEXUALLY TRANSMITTED DISEASES LAB THEORY AND PRACTICE,
PRESENTED AS A PART OF THE STD CLINICIAN TRAINING COURSE,
CITY OF BALTIMORE, HEALTH DEPARTMENT, 1983 AND 1984.

INTERPRETING LAB RESULTS, WORKSHOP SPONSORED BY RESOURCE
APPLICATIONS, PRESENTED IN WASHINGTON, DC, NEW YORK CITY, BOSTON,
TORONTO, MONTREAL, CALGARY, EDMONTON, VANCOUVER, LOS ANGELES AND
SAN FRANCISCO, 1983, 1984 AND 1985.

LABORATORY TESTS: INTERPRETATION AND IMPLICATIONS,
PRESENTED AT TRITON COLLEGE, RIVER GROVE, ILLINOIS, JULY 11, 1987.

OTHER PRESENTATIONS:

NUMEROUS MORBIDITY AND MORTALITY, TUMOR BOARD, SURGICAL PATHOLOGY,
AUTOPSY PATHOLOGY, GYNECOLOGIC PATHOLOGY, MEDICAL GASTROINTESTINAL
PATHOLOGY, AND GRAND ROUNDS PRESENTATIONS WITH ADDITIONAL DIDACTIC
PATHOLOGY LECTURES TO HOUSESTAFF (ON AVERAGE ONCE A WEEK FOR MANY
YEARS).

April 14, 2010

Sofia D. Merajver, M.D., Ph.D.
 Professor of Internal Medicine
 Scientific Director, Breast Oncology Program
 Director, Breast & Ovarian Cancer
 Risk Evaluation Program
 University of Michigan Comprehensive Cancer Center
 7217 Cancer Center, SPC 5948
 1500 East Medical Center Drive
 Ann Arbor, Michigan 48109
 (734) 936-6884 Phone
 (734) 936-7376 Fax
smerajve@umich.edu

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Curriculum Vitae

Sofia D. Merajver, M.D., Ph.D.
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smerajve@umich.edu

Education and Training

01/1971 - 11/1972	Working towards M.S. in Physics: University of Buenos Aires, Argentina
06/1973	B.S. Mathematics: University of Maryland, College Park, MD
05/1975	M.S. Physics: University of Maryland, College Park, MD
10/1978	Ph.D. Physics (Minor: Biophysics): University of Maryland, College Park, MD
11/1978 - 10/1980	National Research Council Postdoctoral Fellow, Naval Research Laboratory, Washington, D.C.
06/1987	M.D.: University of Michigan, Ann Arbor, MI
07/1988 - 06/1991	Resident in Internal Medicine, University of Michigan Medical Center
07/1991 - 06/1993	Fellow in Hematology/Oncology, University of Michigan Medical Center

Certification and Licensure

1991 - 2011	Diplomat, American Board of Internal Medicine
1995 - 2016	Board Certified in Medical Oncology
	Michigan Physician License # 4301053252, expires 1/31/2012

Academic, Administrative, and Clinical Appointments

Academic Appointments:

11/1980 - 05/1983	Assistant Professor of Physical Chemistry, Department of Chemistry, Polytechnic Institute of New York
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07/1983 - 06/1987	Associate Research Scientist, Biophysics Research Division, and Associate Professor of Physics (Adjunct), University of Michigan. Principal Investigator in laser spectroscopy laboratory
01/1988 - 06/1988	Associate Research Scientist in Endocrinology Laboratory of John Marshall, M.D., University of Michigan Medical Center
07/1993 - 06/1994	Lecturer in Oncology, Department of Internal Medicine, University of Michigan Medical Center
07/1994 - 06/1999	Assistant Professor of Internal Medicine, Division of Hematology/Oncology, University of Michigan Medical Center
07/1999 - 08/2004	Associate Professor of Internal Medicine, Division of Hematology/Oncology, University of Michigan Medical Center
09/2004 - Present	Professor of Internal Medicine, Division of Hematology/Oncology, University of Michigan Medical Center

Clinical Positions:

07/1995 – Present	Medical Oncologist, University of Michigan Comprehensive Cancer Center
07/1995 – Present	Staff Physician, VA Hospital
07/1995 – Present	Staff Physician, Spectrum Health
01/2010 – Present	Director, University of Michigan Center for Global Health

Research Interests

Laboratory research: Dr. Sofia D. Merajver is an expert in breast cancer genetics with research interests in the molecular genetics of breast cancer, gene function, cancer risk assessment, international breast cancer research, and prevention. Her laboratory studies aggressive forms of breast cancer, with inflammatory breast cancer being the primary model. She also performs clinical and translational research in breast cancer. She is especially well known as an educator and dedicated mentor of postdoctoral and predoctoral students and of junior faculty at the UM Medical School and SPH and at many institutions worldwide. Dr. Merajver's laboratory has discovered genetic alterations that contribute to an especially malignant phenotype of breast cancer called inflammatory breast cancer (IBC). They have isolated and characterized two markers specific for inflammatory breast cancer: a novel transforming oncogene RhoCGTPase and a tumor suppressor gene termed WISP3, which is a low affinity IGF-binding protein. The laboratory has embarked on the study of RhoC signaling in single live cells utilizing laser spectroscopic techniques and mathematical modeling. Dr. Merajver and colleagues are studying polymorphisms and mutations in new candidate tumor suppressor genes and their relationship to breast cancer risk in non-BRCA 1/2 families. Dr. Merajver has a portfolio of projects ranging from molecular genetics to epidemiology to clinical care that she organizes in international settings.

Grants

Present/Active

Sponsor:	Avon Foundation
Role:	Principal Investigator
Title:	Analysis and Control of the Embolic and Metastatic Phenotype to Develop Personalized Therapies
Total Project Period:	01/01/2010-12/31/2012

Total Costs: \$355,000

Sponsor: 5 P30 CA46592
Role: Program Director (PI: Wicha, M)
Title: Cancer Center Support Grant
Total Project Period: 06/01/2006-05/31/2011
Total Costs: \$3,261,927

Sponsor: Burroughs Wellcome Fund – Translational Scientist Award
Role: Principal Investigator
Title: Genetic Determinants of Aggressive Breast Cancer Phenotypes:
Translation to Clinic
Total Project Period: 01/01/2004-12/31/2010
Total Costs: \$750,000

Sponsor: Breast Cancer Research Foundation
Role: Principal Investigator
Title: Targeting RhoC in Breast Cancer: Novel Drugs, Mathematical
Models, and Laser Spectroscopic
Total Project Period: 10/01/2004-09/30/2010
Total Costs: \$250,000

Sponsor: NIH 1 R25 CA112383-01A2
Role: Co-Principal Investigator (PI: Soliman, AS)
Title: Cancer Epidemiology Education in Special Populations
Total Project Period: 09/01/2006-07/31/2011
Total Costs: \$1,131,462

Sponsor: DOD / Army
Role: Co-Investigator (PI: Ventura, A., Post-Doctoral Fellow)
Title: Mathematical Modeling of Rho Function in Breast Cancer:
Correlation with Spectroscopic and Biochemical Experiments
Total Project Period: 04/01/2006-4/1/2010
Total Costs: \$375,000

Sponsor: DOD / BC083262
Role: Mentor for Devin Rosenthal – Ranked 1.2
Title: Interactions between Inflammatory Breast Cancer and its Tissue
Microenvironment: The Making and Invading into the Vasculature
Total Project Period: 09/30/2009-09/29/2012
Total Costs: \$96,789

Sponsor: DOD / BC083217
Role: Mentor for John C. Brenner – Ranked 1.3
Title: Dissecting the Molecular Mechanism of RhoC GTPase Expression in
the Normal and Malignant Breast
Total Project Period: 09/01/2009-08/30/2012
Total Costs: \$94,427

Sponsor: UM CCMB Pilot Research Grant Program
Role: Principle Investigator
Title: Modularity in Cell Biology
Total Project Period: 04/01/2009-03/31/2010
Total Costs: \$70,000

Pending

Sponsor: National Institute of Health / NIH
Role: Principal Investigator
Title: Physical Sciences of Integrated Cancer Systems (PhysOnc Center)
Total Projected Period: 09/23/2009-09/22/2014
Total Costs: \$17,035,728

Sponsor: National Philanthropic Trust
Role: Principle Investigator
Title: Multicultural Breast Cancer Genetics Project: Accurate Evaluation of Risk Through Reaching out to Special Populations in the State of Michigan
Total Project Period: 09/01/2009-08/31/2012
Total Costs: \$360,000

Sponsor: National Institute of Health / NIH
Role: Principle Investigator
Title: Prevention of Mammary Cancer in Her-2neu Transgenic Mice
Total Project Period: 07/01/2009-06/30/2014

Sponsor: NIH/NCI – 1 P50 CA150952-01 Breast (SPORE)
Role: Co-Principal Investigator (PI: Hayes, Daniel)
Title: Analysis Control of the Embolic and Metastatic Phenotype
Total Project Period: 07/01/2010-06/30/2014
Total Cost: \$1,692,342

Recent

Sponsor: Spectrum Health, Inc.
Role: Principal Investigator
Title: Director, Cancer Risk Evaluation Program
Total Project Period: 10/01/1997-09/31/2009
Total Costs: \$72,000

Sponsor: NIH, R01 - CA77612-05
Role: Principal Investigator
Title: Prevention of Mammary Cancer in *Her-2/neu* Transgenic Mice
Total Project Period: 09/30/2003-06/30/2009
Total Costs: \$1,472,000

Sponsor:	NIH/NCI – K08 CA090876-03
Role:	Co-Principal Investigator (PI: Kleer, CG)
Title:	Role of LIBC in the Development of the Inflammatory Breast Cancer Phenotype
Total Project Period:	09/01/2003-08/31/2008
Total Costs:	\$630,000
Sponsor:	USAMRMC – Pre-Doctoral Award
Role:	Mentor for Sharon Alford Hensley
Title:	Significance of Pathways leading to RhoC Overexpression in Breast Cancer
Total Project Period:	03/29/2004-09/28/2008
Total Costs:	\$84,278
Sponsor:	Breast Cancer Research Foundation
Role:	Principal Investigator
Title:	Targeting RhoC in Breast Cancer: Novel Drugs, Mathematical Models, and Laser Spectroscopic
Total Project Period:	10/01/2007-09/30/2008
Total Costs:	\$250,000
Sponsor:	Rackham Graduate School Award
Role:	Mentor for Devin Rosenthal
Title:	Interactions between Inflammatory Breast Cancer and its Tissue Microenvironment: The Making of and Invading into Lymphatics
Total Project Period:	010/01/2007-09/30/2008
Total Costs:	\$1,500
Sponsor:	Attenuon, LLC.
Role:	Co-Principal Investigator with Dr. George J. Brewer
Title:	Studies of Anti-Copper Drugs and their Actions
Total Project Period:	01/01/2002-03/31/2008
Total Costs:	\$800,000
Sponsor:	NIH/NCI – R21 CA112173-01
Role:	Co-Principal Investigator (PI: Mycek, M)
Title:	Imaging RhoC Oncogene Function in Human Mammary Cells
Total Project Period:	03/01/2005-02/28/2008
Total Costs:	\$236,500
Sponsor:	NIH/NCI – R03 CA117350-01
Role:	Co-Principal Investigator (PI: Soliman, AS)
Title:	Molecular Characterization of Inflammatory Breast Cancer
Total Project Period:	09/01/2005-08/31/2007
Total Costs:	\$100,000
Sponsor:	NSABP Foundation, Inc. (NIH Prime) PIND-MIC-01
Role:	Principal Investigator

Title:	Protocol P-2: A Study of Tamoxifen and Raloxifene for the Prevention of Breast Cancer
Total Project Period:	04/01/1999-05/31/2007
Total Costs:	\$61,364
Sponsor:	NIH/NCI – Career Development Award
Role:	Mentor for Quintin Pan, Ph.D.
Title:	Role of PKCepsilon in Establishing an Aggressive Phenotype in Head & Neck Squamous Cell Carcinoma
Total Project Period:	07/01/2004-06/30/2007
Total Costs:	\$202,500
Sponsor:	USAMRMC – DOD
Role:	Mentor for Mei Wu
Title:	Development of Small Molecule Inhibitors of RhoC GTPase for Treatment of Inflammatory Breast Cancer
Total Project Period:	08/15/2005-09/14/2007
Total Costs:	\$112,104
Sponsor:	NIH/NCI – PAR-00-087
Role:	Co-Principal Investigator (PI: Teknos, TN)
Title:	SPORE in Head and Neck Cancer – Project 5: The use of Tetrathiomolybdate (TM) as a Antiangiogenic Therapeutic Agent Against Human Squamous Cell Carcinoma
Total Project Period:	07/01/2002-06/30/2007
Total Costs:	\$169,389
Sponsor:	NIH/NCI – P50 CA097248
Role:	Co-Investigator (PI: Wolf, GT)
Title:	SPORE in Head and Neck Cancer – The Molecular Basis of Head and Neck Cancer Therapy
Total Project Period:	07/01/2002-06/30/2007
Total Costs:	\$9,437,334
Sponsor:	Breast Cancer Research Foundation
Role:	Principal Investigator
Title:	Targeting RhoC in Breast Cancer: Novel Drugs, Mathematical Models, and Laser Spectroscopic
Total Project Period:	10/01/2006-09/30/2007
Total Costs:	\$250,000
Sponsor:	SAIC 22XS087A
Role:	Principal Investigator
Title:	Correlative Studies for the Evaluation of RhoC Oncogene and Pathways
Total Project Period:	01/15/2004-01/14/2007
Total Costs:	\$63,900
Sponsor:	USAMRMC – Concept Award

Role: Mentor for Quintin Pan, Ph.D.
Title: Are Breast Tumor Stem Cells Responsible for Metastasis and Angiogenesis?
Total Project Period: 09/01/2004-08/31/2006
Total Costs: \$110,510

Sponsor: NIH, R21 CA096314-05
Role: Co-Investigator (PI: Khan, Mohamed K.)
Title: Antiangiogenic Tetrathiomolybdate + XRT in NSCLC-Phase 1
Total Project Period: 07/01/2003-06/30/2005
Total Costs: \$500,000

Sponsor: USMRMC – Postdoctoral Traineeship Award
Role: Mentor for Dr. Quintin Pan
Title: Suppression of NFkB by Tetrathiomolybdate Inhibits Tumor Angiogenesis and Enhances Apoptosis in Human Breast Cancers
Total Project Period: 05/01/2002-04/30/2005
Total Costs: \$149,893

Sponsor: NSABP Foundation, Inc. (NIH Prime) PIND-MIC-01
Role: Principal Investigator
Title: Protocol P-2: A Study of Tamoxifen and Raloxifene for the Prevention of Breast Cancer
Total Project Period: 04/01/1999-06/30/2005
Total Costs: \$61,364

Sponsor: USAMRMC – Career Development Award
Role: Mentor for Dr. Celina G. Kleer
Title: Detection of Metastatic Potential in Breast Cancer by RhoC-GTPase and WISP3 Proteins
Total Project Period: 04/17/2002-04/16/2005
Total Costs: \$235,200

Sponsor: USAMRMC – Clinical Bridge Award
Role: Mentor for Dr. Celina G. Kleer
Title: Detection of Metastatic Potential in Breast Cancer by RhoC-GTPase and WISP3 Proteins
Total Project Period: 04/17/2002-04/16/2005
Total Costs: \$300,000

Sponsor: NCI, RAID
Role: Co-Principal Investigator with Dr. George J. Brewer and RAID team
Title: Development of Tetrathiomolybdate as an Antiangiogenic Agent
Total Project Period: 01/01/2000-12/31/2004
Total Costs: Approx. \$1,200,000

Sponsor: Susan G. Komen Breast Cancer Foundation
Role: Principal Investigator (Mentor for Postdoctoral Fellow, Dr. Vicki Goodman)

Title:	Blockade of NFκB Signaling by Tetrathiomolybdate Inhibits Tumor Angiogenesis of Human Breast Cancers
Total Project Period:	10/01/2001-09/30/2004
Total Costs:	\$105,000
Sponsor:	The Whitaker Foundation
Role:	Co-Investigator (PI: Mycek, M)
Title:	Fluorescence Lifetime Imaging: A Potential Source of Contrast for Detection of Pre-Neoplasia
Total Project Period:	12/01/2003-11/30/2004
Total Costs:	\$60,820
Sponsor:	NIH – R21 CA094510-03
Role:	Co-Investigator (PI: Smith, DC)
Title:	A Phase II Trial of Tetrathiomolybdate in Patients with Androgen-Independent Prostate Cancer
Total Project Period:	09/01/2001-08/31/2004
Total Costs:	\$611,550
Sponsor:	NIH R01-CA77612-02
Role:	Principal Investigator
Title:	Prevention of Mammary Cancer in <i>HER-2/neu</i> Transgenic Mice
Total Project Period:	07/01/1999-04/30/2003
Total Costs:	\$1,472,000
Sponsor:	USAMRMC – Idea Award
Role:	Principal Investigator
Title:	Genetic Determinants of Inflammatory Breast Cancer
Total Project Period:	06/15/2000-06/14/2004
Total Costs:	\$225,000
Sponsor:	The Charlotte Geyer Foundation
Role:	Principal Investigator
Title:	Prevention of Mammary Cancer in <i>Her-2neu</i> Transgenic Mice
Total Project Period:	08/01/2003 01/31/2004
Total Costs:	\$50,000
Sponsor:	The Undergraduate Life Sciences Initiative
Role:	Co-Investigator (PI: Steneck, NH)
Title:	Course in Ethics, Law, and the Life Sciences
Total Project Period:	02/01/2001-01/31/2004
Total Costs:	\$150,000
Sponsor:	Susan G. Komen Breast Cancer Foundation
Role:	Principal Investigator
Title:	Enhancement of Cancer Genetics Education for Patients
Total Project Period:	10/01/2000-04/30/2003
Total Costs:	\$30,000

Sponsor:	Blodgett-Butterworth Research Institution
Role:	Principal Investigator
Title:	Genomic Deletions in the <i>BRCA</i> Genes in the Dutch and the American Indians
Total Project Period:	06/11/1999-05/31/2003
Total Costs:	\$76,320
Sponsor:	UMHS VIF 011
Role:	Principal Investigator
Title:	Breast and Ovarian Cancer Genetic Risk Services in the State of Michigan
Total Project Period:	06/01/1999-05/31/2003
Total Costs:	\$272,262
Sponsor:	NIH / NCI
Role:	Co-Investigator (PI: Ethier, S)
Title:	Expression Cloning of Novel Breast Cancer Oncogenes
Total Project Period:	12/01/1998-11/20/2002
Sponsor:	Research Grant – John and Suzanne Munn Funds
Role:	Mentor for Dr. Celina G. Kleer
Title:	Protein Expression Profile Analysis of Human Breast Cancer Progression by Use of High Density Tissue Microarrays
Total Project Period:	08/01/2001-01/31/2003
Total Costs:	\$10,000
Sponsor:	USAMRMC - Concept Award
Role:	Mentor for Dr. Celina G. Kleer
Title:	Lost in Inflammatory Breast Cancer Gene Targeted Mice: A Novel Model to Develop and Test Gene Targeted Therapies for Inflammatory Breast Cancer
Total Project Period:	09/15/2000-09/14/2002
Total Costs:	\$75,000
Sponsor:	USAMRMC - Concept Award
Role:	Mentor for Dr. Kenneth L. van Golen
Title:	The RhoC Transgenic Mouse as a Realistic Model of Inflammatory Breast Cancer
Total Project Period:	09/01/2000-09/14/2002
Total Costs:	\$74,683
Sponsor:	NIH, R01 CA77416-01
Role:	Co-Investigator (PI: Ethier, SP)
Title:	Expression Cloning of Novel Breast Cancer Oncogenes
Total Project Period:	12/01/1998-11/30/2002
Total Costs:	\$596,828
Sponsor:	Michigan Department of Community Health
Role:	Principal Investigator

Title:	Study of Decision-Making Process by Practitioners and Patients Regarding Breast Cancer Genetics Education and Counseling in the State of Michigan.
Total Project Period:	10/01/1999-9/30/2000
Total Costs:	\$232,000
Sponsor:	U of M Comprehensive Cancer Center, Munn Idea Award
Role:	Principal Investigator
Title:	Genetic Determinants of the Aggressive Pancreatic Cancer Phenotype
Total Project Period:	08/01/1999-07/31/2000
Total Costs:	\$7,500
Sponsor:	NIH, R03 - CA77122-03
Role:	Principal Investigator
Title:	Phase I Study of Tetrathiomolybdate in Metastatic Cancer
Total Project Period:	09/30/1997-09/29/2000
Total Costs:	\$100,000
Sponsor:	Susan G. Komen Breast Cancer Foundation
Role:	Principal Investigator - Post-doctoral Fellowship for KL. van Golen, PhD
Title:	The Role of 8p Loci and <i>KAI1</i> Gene in Hereditary and Inflammatory Breast Cancer
Total Project Period:	05/01/1997-4/30/2000
Total Costs:	\$105,000
Sponsor:	NIH, P30-CA 46592
Role:	Co-Investigator (PI: Schott, A)
Title:	Psychological Effects of Treatments in Breast Cancer Survivors
Total Project Period:	06/01/1997-05/31/2000
Total Costs:	\$62,499
Sponsor:	USAMRDC, DAMD 17-96-1-6255
Role:	Principal Investigator
Title:	Bilingual Educational Tool for Breast Cancer Genetics
Total Project Period:	07/01/1996-9/30/1999
Total Costs:	\$96,935
Sponsor:	USAMRDC
Role:	Co-Investigator (PI: Ethier, SP)
Title:	Human Breast Cancer Cell/Tissue Bank and Database
Total Project Period:	09/01/1994-08/31/1998
Total Costs:	\$1,330,336
Sponsor:	NIH/NCI Supplement to Cancer Center Core Grant - P30-CA46592-10
Role:	Principal Investigator
Title:	Training and Education in Genetic Counseling
Total Project Period:	One Year

Total Costs: \$65,573

Sponsor: Cancer Center Gift Fund
Role: Principal Investigator
Title: The Effect of TM on *HER-2/neu* Transgenic Mice
Total Project Period: One year
Total Costs: \$7,500

Sponsor: U of M Rackham School of Graduate Studies
Role: Principal Investigator
Title: *BRCA1* Mutations In Sporadic Ovarian Tumors
Total Project Period: One Year
Total Costs: \$15,000

Sponsor: U of M Comprehensive Cancer Center
Role: Principal Investigator
Title: Synthesis of Polyclonal Antibodies to *BRCA1*
Total Project Period: One Year
Total Costs: \$7,500

Sponsor: National Institutes of Health
Role: Principal Investigator (PI: Betz, AL)
Title: GCRC-ORWH-Family Collection and High Resolution Mapping of the *BRCA2* Candidate Region
Total Project Period: Two Years
Total Costs: \$115,390

Sponsor: Rhone Poulanc Rorer
Role: Principal Investigator
Title: A Phase III Study of Taxol vs. Taxotere in Metastatic Breast Cancer
Total Project Period: Two Years
Total Costs: \$90,435

Sponsor: NIH, GCRC, Approved with 8.9 percentile priority score
Role: Principal Investigator
Title: Genetic Alterations in Familial and Sporadic Breast Cancer
Total Project Period: Two Years
Total Costs: \$121,367

Sponsor: NIH
Role: Co-Investigator
Title: P20 Environmental Factors: Breast Cancer and Organochlorine Pesticides
Total Project Period: Two Years
Total Costs: \$75,002

International Activities

Collaborative international project to arrive at a comprehensive definition of inflammatory breast cancer. Dr. Merajver led a group of over 20 clinicians and researchers gathered in Lyon for

crafting a list of crucial variables to study in our quest to understand the incidence of IBC in North Africa.

Collaborative case-control study of the incidence, epidemiology, clinical and molecular characteristics of IBC in North Africa.

Leads project to understand the molecular genetic determinants of IBC and aggressive breast cancer phenotypes in Egypt and North Africa. Comparisons with special populations (African and Arab Americans) in Detroit.

Assists Egyptian physicians in the design and execution of novel clinical trials for inflammatory breast cancer and other locally advanced breast cancers.

Assists physicians to develop educational resources to foster early detection of IBC, the most lethal form of breast cancer.

Works with physicians at Cairo University with infrastructure suggestions and patient care in the first multidisciplinary breast cancer clinic.

Lectures and tutorials in North Africa, the Middle East, Europe and South America.

Mentoring of approximately a dozen students conducting international research, with colleagues in the School of Public Health.

Co-investigator in training grant for master's students specializing in cancer epidemiology in special populations.

Assists the University of Buenos Aires with the process of selecting candidates for highly competitive professorships in the physical and biological sciences.

Part of a group of educators and scientists who are helping reform post-graduate medical and allied health education in Egypt.

Clinical Protocols

UMCC 9422	-	IRB #1994-387 - Phase III study of Taxol vs. Taxotere as Second Line Therapy for Metastatic Breast Cancer, Principal Investigator (closed)
UMCC 9121	-	IRB #1991-344 - Breast Cancer Genetics: Identification of Families at Increased Risk for Breast and Ovarian Cancer, Principal Investigator (open)
UMCC 9121	-	IRB #2000-479 - Randomized Trial of Novel Strategies to Enhance Genetic Counseling for Patients at Increased Risk for Breast Cancer, Principal Investigator (open)
UMCC 9121	-	IRB #2000-551 - Protocol for the Study of Impact of Cancer Risk Counseling on Psychosocial Variables and Health Behaviors of

Individuals Seen in the Breast and Ovarian Cancer Risk Evaluation Program, Principal Investigator (open)

UMCC 9708	-	IRB #1997-164 - A Phase I/II Study of Oral Tetrathiomolybdate (TM) as a De-Coppering and Antiangiogenesis Agent for Metastatic Cancer, Principal Investigator (closed)
UMCC 9826	-	IRB #1998-557 - Pilot Study of Deslorelin, Estradiol and Testosterone in Women at High Risk for Breast Cancer to Reduce Breast Density and Enhance Mammographic Screening, Principal Investigator (closed)
NSABP P-2	-	IRB #1999-286 - STAR Trial of Tamoxifen vs. Raloxifene for the Prevention of Invasive Breast Cancer, Principal Investigator (open)
UMCC 0076	-	IRB # 2000-260 - Genetic Determinants of Inflammatory Breast Cancer, Principal Investigator (open)
UMCC 0081	-	Ancillary Quality of Life Protocol for Phase I/II Trials of TM as an Antiangiogenic Agent for the Treatment of Cancer, Co-Investigator (closed)

Honors and Awards

1970 - 1972	Scholarship, University of Buenos Aires, Argentina
1973	Dean's List, University of Maryland, College Park, MD
1975	Honorable Mention for excellence in teaching graduate/undergraduate physics
1978	American Association of University Women (AAUW), Award to the best Ph.D. thesis all fields, University of Maryland, College Park, MD
1984 - 1987	Medical School Honors in Clinical Science, General Surgery, Pediatrics, Internal Medicine, Orthopedic Surgery, Dermatology, Cardiology Consult, Endocrinology Consult, Psychiatry, Senior Year Sub internships in Internal Medicine (V.A. Hospital, Ann Arbor) and Medical Intensive Care Unit (University Hospital, Ann Arbor), and Endocrinology Research
1989	Laure Edmonds Award for the Outstanding House Officer I in Internal Medicine, University of Michigan Medical Center
1993	Super Employee Award for Outstanding Performance Oncology Clinic, University of Michigan Hospitals Award to one of the top five abstracts by a junior investigator, Research Day, Department of Internal Medicine, University of Michigan Medical Center
1994	University of Michigan nominee for Culpeper Foundation Award
1995	University of Michigan nominee for Gertrude Elion Award
1996	Awarded membership in Central Society for Clinical Research
1997	Awarded the Tracy Starr Breast Cancer Memorial Fellowship, Cleveland Cancer Foundation
1998	Awarded an AACR Minority Scholar Award in Cancer Research

2001	Computerworld Honors Program Laureate Award for people who use information technology to benefit society – Breast Cancer Genetics Network.
2002	Ford Motor Company Leadership in Health Award for Outstanding Achievement, University of Michigan Comprehensive Cancer Center Spring to Life Benefit
2002	Miss Michigan Scholarship Organization's 2002 Avon Woman of Achievement Award
2002	University of Michigan Medical School Dean's Award for Excellence in Basic Research
2003	Burroughs Wellcome Translational Scientist Award
2004	Breast Cancer Research Fund, Estee Lauder Award Recipient
2008	Top 100 Health Professional, International Biographical Centre, Cambridge, England Nomination Victor, Michigan Difference Campaign. http://www.michigandifference.org/victors/
2009	Jane Family Annual Breast Cancer Lecture
2009	Best Doctors in American
2009-2010	Breast Cancer Research Fund, Estee Lauder Award Recipient

Memberships in Professional Societies

American Association for the Advancement of Science
 American Association for Cancer Research
 Central Society for Clinical Research
 American Society of Clinical Oncology
 American Board of Internal Medicine
 Metastasis Research Society
 Women in Cancer Research, AACR
 Molecular Epidemiology Group, AACR
 Minorities in Cancer Research, AACR
 American Society for Cell Biology
 International Consortium for Inflammatory Breast Cancer Research

Editorial Positions, Boards, and Peer-Review Service

2002 - Present	Editorial Board Member, <i>The American Journal of Oncology Review</i> (AJOR)
2003- 2008	Associate Editor, <i>Cancer Research</i>
2007- 2008	Editorial Board Member, <i>The Journal of Cell Communication and Signaling</i> (JCCS)
2008- Present	Editorial Board Member, <i>Journal of Oncology</i>
2008- Present	Associate Editor, <i>Cancer Prevention Research</i>
2008- Present	Senior Editor for <i>Cancer Research (Systems Biology & Emerging Technologies)</i> , Leader in Initiating Mathematical Oncology Section
2009 - Present	Editorial Board Member, <i>Therapeutic Advances in Medical Oncology</i>

Journal Reviews

American Journal of Clinical Oncology, American Journal of Pathology, Annals of Surgical Oncology, Cancer Cell, Cancer Research, Breast Cancer Research and Treatment, British Journal of Cancer, Clinical Cancer Research, Current Pharmaceutical Design, Endocrine-Related Cancer, FASEB Journal, Gynecology, Genes Chromosomes & Cancer, Human Mutation, International Journal of Biochemistry and Cell Biology, Journal of Leukocyte Biology, Journal of Medical Genetics, Journal of the National Cancer Institute, Molecular Biology of the Cell, Molecular Cancer Research, Molecular Cancer Therapeutics, Nature Genetics, Nature Medicine, Neoplasia, Nutrition and Cancer, Obstetrics & Gynecology, Oncogene, Oncology, Proceedings of the National Academy of Sciences (USA), Southern Medical Journal, Urology

Teaching Activities

March 1970 - December 1972

Elementary and Junior High School Science Teacher, Buenos Aires, Argentina

January 1973 - October 1978

Teaching Assistant, undergraduate and graduate physics courses, University of Maryland, College Park, MD

November 1980 - December 1982

Professor teaching courses in the Department of Chemistry, Polytechnic Institute of New York: Physical Chemistry for Chemistry majors, Laser Spectroscopy and Statistical Mechanics for graduate students, and General Chemistry for pre-medical students

July 1988 - June 1991

Teaching of medical students during ward months as a House Officer, University of Michigan Medical School

July 1991 - June 1993

Instructor, Hematology Laboratory Sequence for sophomore medical students, University of Michigan Medical School

1992

Preceptor for 3 junior medical students serving on the Hematology/Oncology ward (August)

1993 - 1994

Instructor in 2 small group sessions for sophomore medical students on Hodgkin's lymphoma and megaloblastic anemias, University of Michigan Medical School

Fellows teaching conference on stages III and IV breast cancer, University of Michigan Medical School

Advisor, Medical Scientist Training Program, University of Michigan Medical School

Preceptor for 3 junior medical students serving on the Hematology/Oncology ward (September)

1995

Preceptor for 3 junior medical students serving on the Hematology/Oncology ward (January)

Lecturer, Hematology/Oncology Research Conference for Staff and Fellows, "Susceptibility Genes: BRCA1." (February 2)

Lecturer, Forum on "Breast Cancer Genetics." Breast Care Center (April)
 Instructor on small group sessions for sophomore students on Hodgkin's lymphomas (October 6)
 Lecturer, Seminars in Medicine for junior medical students on "Management of Breast Cancer."
 Lecturer, Monthly Attending Rounds Session on Breast Cancer, Hematology/Oncology Ward, 4 Lectures
 Lecturer, Noon Conference for Internal Medicine House Officers on "Diagnosis and Treatment of Breast Cancer."
 Teaching Attending in Oncology Inpatient Service, Supervised 3 House Officers and 1 Fellow (April)
 Teaching Attending in Oncology Consult Service, Supervised 2 House Officers and 2 Fellows (October)
 Advisor, Medical Scientist Training Program, University of Michigan Medical School
 Advisor to 1st year Internal Medicine Resident, ACP Abstract, "Pericardial Effusions." (Michelle Azimov, M.D.)
 Advisor, Senior House Officer Research Project, "Hormonal Synchronization in Locally Advanced Breast Cancer." (Alison Krause, M.D.)
 Mentor to Undergraduate Biology Majors. Research course (4 credits) and senior projects:
 1) Martha Chen, "Interstitial Deletions on 13q in Breast Tumors."
 2) Devin DuPree, "Tissue Culture Models of Breast Cancer Cells."

1996

Lecturer, Forum on "Breast Cancer Genetics." Breast Care Center (January)
 Lecturer, Oncology sequence for sophomore medical students on "Breast Cancer I." (August)
 Lecturer, Cancer Biology Course for Graduate and Medical Students, "An Overview of Medical Oncology." (November)
 Lecturer, Hematology/Oncology Research Conference for Staff and Fellows, "Breast Cancer Genetics: From Bench to Clinic and Back Again." (October 14)
 Lecturer, Morbidity and Mortality Hematology/Oncology Conference, "Taxol Anaphylactoid Reactions."
 Lecturer, Monthly Attending Rounds Session on Breast Cancer, Hematology/Oncology Ward, 5 Lectures
 Morning Report, Internal Medicine (October 14)
 Teaching Attending in Oncology Consult Service, Supervised 2 House Officers and 2 Fellows (April)
 Teaching Attending in Oncology Consult Service, Supervised 3 House Officers and 1 Fellow (November)
 Mentor to Craig Cole, M.D., Case Report on "Breast Cancer Presenting as Orbital Vertex Syndrome." (November)
 Advisor, Medical Scientist Training Program, University of Michigan Medical School
 Mentor to Undergraduate Biology Major. Research course (4 credits) and senior project:
 1) Helen D'Sa, "Polymorphic Trinucleotide Repeats in the Androgen Receptor Gene."
 Mentor to Undergraduate Research Opportunity Student (UROP):
 1) Kris Earvitt, "Database of Psychosocial Factors and Screening Behaviors in Families with Inherited Breast Cancer."
 Author of 5 original instructional modules for House Officer, Fellow, and Medical Student
 Teaching consisting of 35 mm slides, outline, bibliography, and case presentations on the following subjects:
 1) Treatment of Breast Cancer
 2) Locally Advanced Breast Cancer

- 3) Breast Cancer Genetics
- 4) Epidemiology and Screening for Breast Cancer (for M2 Oncology sequence)
- 5) Introduction to Medical Oncology

1997

Lecturer, Monthly Attending Rounds Session on Breast Cancer, Hematology/Oncology (4 lectures)

Lecturer, Internal Medicine Grand Rounds Speaker (June)

Teaching Attending in Oncology Consult Service, supervised 2 House Officers and 1 Fellow (April)

Mentor to Undergraduate Pre-med Major, Honors Research Project (4 credits)

"Tetrathiolomolybdate as a Chemopreventive Agent in *Her-2/neu* Transgenic Mice." (Jennifer Irani)

Mentor to Undergraduate Biology Major, Senior Thesis, "Genetic Instability in Breast Cancer." (Christina Patrianakos)

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Monica Willis, "Familial Breast Cancer."
- 2) Shannon Arterburn, "Collection of Families with Inherited Breast Cancer."
- 3) Seena Davies, "Cloning of Genes Differentially Expressed in Inflammatory Breast Cancer."
- 4) J.R. Lovelace, "Mapping Inflammatory Cancer Genes."
- 5) Michael Tseng, "Genomic Instability in Breast Cancer."

Mentor to Postdoctoral Research Fellow, "The Role of 8p and KAI1 Gene in Breast Cancer." (Kenneth L. van Golen, Ph.D.)

Program, "Breast Cancer: Genetics and Risk Evaluation Workshop." (July)

Teaching Attending in Oncology Consult Service, Supervised 2 House Officers (November)

Member of Faculty, The Cancer Center Symposium Field for Dreams (October 17-18)

Lecturer, Internal Medicine Grand Rounds Speaker, Butterworth Hospital (November 13)

1998

Teaching Attending in Oncology Consult Service, (May)

Lecturer at Attending Rounds – Inpatient Oncology Service

Lecturer, GU Oncology Research Course, "Inherited Susceptibility to Cancer."

Lecturer, Cancer Biology Course, "Principles of Chemotherapy."

Lecturer, Clinical Conference (1 lecture)

Lecturer, Noon Conference (1 lecture)

Lecturer, Division Research Conference (2 lectures)

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Seena Davies, "Cloning of Genes Differentially Expressed in Inflammatory Breast Cancer."
- 2) Michael Tseng, "Genomic Instability in Breast Cancer."
- 3) Carolyn von Maur, "Mutation Analysis of the *BCL-2* Gene in Breast Cancer."
- 4) Joyoti Saha, "Studies in Familial Breast Cancer."
- 5) Jennifer Irani, "Prevention of Mammary Carcinogenesis in *Her-2/neu* Transgenic Mice."
- 6) Emily Peterson, "Psychosocial Concerns in *BRCA* Genetic Testing."

Mentor to Internal Medicine House Officer for Senior Research Project, "Influence of Counseling at Breast and Ovarian Cancer Risk Evaluation Clinic on Cancer Risk Management Behaviors." (Katherine Ruffner, M.D.)

1999

Lecturer at Attending Rounds – Inpatient Oncology Service (3 lectures)
Teaching Attending in Oncology Consult Service, Supervised 3 House Officers and 1 Fellow (April)
Presenter, Hematology/Oncology Research Conference (1 lecture)
Teaching Attending in Oncology Consult Service, Supervised 4 House Officers and 1 Fellow (October)
Lecturer, Cancer Biology Course, “Breast Cancer.”
Lecturer to M2 Medical Students, Oncology Sequence, “Hormonal Therapy of Breast Cancer.”
(2 lectures)

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Seena Davies, “Cloning of Genes Differentially Expressed in Inflammatory Breast Cancer.”
- 2) Michael Tseng, “The Role of Epstein-Barr Virus in Breast Tumors.”
- 3) Emily Peterson, “Impact of Fear of Insurance Discrimination on *BRCA1/2* Genetic Testing in a High Risk Clinic Population.”

Mentor to junior faculty member in the Department of Pathology specializing in Breast Cancer Research (Celina G. Kleer, M.D., Assistant Professor)

Mentor to Research Investigator, Department of Internal Medicine (Kenneth L. van Golen, Ph.D.)

2000

Teaching Attending in Oncology Consult Service, Supervised 2 House Officers and 1 Fellow (February)

Teaching Attending in Oncology Consult Service, Supervised 2 House Officers and 1 Fellow (October)

Organizer, Clinical Angiogenesis Group, University of Michigan, Ann Arbor

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Michael Tseng, “The Role of Epstein-Barr Virus in Breast Tumors.”
- 2) Tony Khouri
- 3) Tammy Chang
- 4) Rajiv Philip
- 5) Sanobar Ahmed
- 6) Emily A. Peterson
- 7) Kristen M. Bottema
- 8) Melinda M. DiVito

Mentor to Hematology/Oncology Fellow, to write and execute a trial of Tetrathiomolybdate in multiple myeloma (Craig E. Cole, M.D.)

Mentor to junior faculty member in the Division of Gastroenterology specializing in antiangiogenesis therapies for hepatocellular carcinoma (Jorge A. Marerro, M.D., Assistant Professor)

Mentor to junior faculty member in the Department of Pathology specializing in Breast Cancer Research (Celina G. Kleer, M.D., Assistant Professor)

Teaching, Inpatient Teaching: Attending Rounds: “Breast Cancer.” (March 22)

Teaching, Inpatient Teaching: Attending Rounds: “Principles of Oncology.” (March 30)

Lecturer, Reproductive Endocrinology/Gynecology sequence for second year medical students. “Breast Cancer Genetics.” (April 11)

Teaching, Reproductive Endocrinology/Gynecology sequence for second year medical students. Small groups discussion on “Medical and legal implications of breast cancer genetic screening.” (April 11)

Teaching, Inpatient Teaching: Attending Rounds: “Breast Cancer.” (May 24)

Mentor to Postdoctoral Research Fellow, Department of Internal Medicine (Quintin Pan, Ph.D.)

Mentor to SMR research project to House Officer from St. Joseph Mercy Hospital Oakland (Hamid R. Mirshahidi, M.D.) (6 weeks)

2001

Teaching Attending in Oncology Consult Service, Supervised 4 House Officers and 1 Fellow (February)

Teaching Attending in Oncology Consult Service, Supervised 3 House Officers and 1 Fellow (May 1-15)

Responsible for M4 in Breast and Ovarian Cancer Risk Evaluation Program (4 weeks)

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Tammy Chang
- 2) Melinda M. DiVito
- 3) Kristen M. Bottema
- 4) Tatiana K. Feuerstein
- 5) Nitin Gera

Mentor to Dr. Gary MacVicar, Senior Research Project

Mentor to Junior Faculty Member, Celina Kleer, M.D.

Co-Mentor to Dr. Rajan Ravikumar, Senior Research Project

Co-Creator and Lecturer, Undergraduate Life Sciences Initiative Course (UC 260) – Law, Ethics, and the Life Sciences (Fall 2001)

Lecturer, Faculty Speaker at the UROP Spring Symposium (April 4)

Lecturer, Internal Medicine Grand Rounds Speaker, “Antiangiogenesis Therapy.” (April 13)

Teaching, Reproductive Endocrinology/Gynecology sequence for second year medical students.

Small group’s discussion on “Clinical Breast Cancer.” (April 24)

Lecturer, Howard Hughes Medical Institute, Nephrology Division Basic Science Seminar, “The Role of RhoC in Cancer Progression.” (May 29)

2002

Lecturer, University of Michigan Breast Care Forum, “Breast and Ovarian Cancer Risk Evaluation: What are the Options for Risk Management and How do Patients Make Decisions?” (March 20)

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Tammy Chang
- 2) Kristen M. Bottema

Mentor to Dr. Gary MacVicar, Senior Research Project

Mentor to Dr. Celina Kleer, Junior Faculty Member

Mentor to Dr. Quintin Pan, Postdoctoral Fellow

Mentor to Dr. Mei Wu, Postdoctoral Fellow

Mentor to Dr. Vicki Goodman, Postdoctoral Fellow

Co-Mentor with Dr. Bruce Redman to Dr. Rajan Ravikumar, Senior Research Project

Lecturer, University of Michigan Medical School, “Biology of Cancer.” (October 4)

Co-Creator and Lecturer, Undergraduate Life Sciences Initiative Course (UC 260) – Law, Ethics, and the Life Sciences (Fall 2002)

Supervised M4 rotation in Breast and Ovarian Cancer Risk Evaluation Program

Supervised (2) fellows for rotations in Breast and Ovarian Cancer Risk Evaluation Program

2003

Mentor to Dr. Celina Kleer, Junior Faculty Member

Mentor to Dr. Quintin Pan, Postdoctoral Fellow

Mentor to Dr. Mei Wu, Postdoctoral Fellow

Mentor to Dr. Vicki Goodman, Postdoctoral Fellow

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Karl Merrick
- 2) Bryan Sack
- 3) Michael Gorin

Co-Creator and Lecturer, Undergraduate Life Sciences Initiative Course (UC 260) – Law, Ethics, and the Life Sciences (Fall 2003)

2004

Mentor to Dr. Celina Kleer, Junior Faculty Member

Mentor to Dr. Quintin Pan, Postdoctoral Fellow

Mentor to Dr. Mei Wu, Postdoctoral Fellow

Mentor to Dr. Vicki Goodman, Postdoctoral Fellow

Mentor to Dr. Nisha D'Silva, Faculty Member

Mentor to Sharon Hensley-Alford, Predoctoral Trainee

Mentor to Sarah Anne Lowndes, Postdoctoral Fellow

Mentor to Undergraduate Research Opportunity Students (UROP) and other:

- 1) Karl Merrick
- 2) Bryan Sack
- 3) Michael Gorin
- 4) Bhakti Patel
- 5) Aasia Rehman (graduate student)

“Molecular Genetics of Breast Cancer Research and Minorities” Invited Lecture, UROP Biomedical, University of Michigan, March 17.

“Clinical and Molecular Advances in Inflammatory Breast Cancer: A Paradigm of Translational Research.” Invited lecture, Internal Medicine Grand Rounds, University of Michigan, Ann Arbor, MI, February 20.

“Common Chemotherapies and their Regimens” Invited Lecture, Internal Medicine Genetic Counseling, Ann Arbor, MI, April 16.

2005

Mentor to Dr. Celina Kleer, Junior Faculty Member

Mentor to Dr. Quintin Pan, Postdoctoral Fellow

Mentor to Dr. Mei Wu, Postdoctoral Fellow

Mentor to Dr. Nisha D'Silva, Faculty Member

Mentor to Sharon Hensley-Alford, Predoctoral Trainee

Mentor to Dr. Alejandra Ventura, Postdoctoral Fellow

Mentor to Undergraduate Research Opportunity Students (UROP) and other.

- 1) Karl Merrick
- 2) Michael Gorin
- 3) Aasia Rehman (graduate student)
- 4) R. George Hauser
- 5) Elliot Rhee
- 6) Shi Jing

“Regulation and Imaging of RhoC in Cancer,” Invited Speaker, Breast and Ovarian Cancer Risk Evaluation Program, University of Michigan, Ann Arbor, MI, January 28.

“Molecular Imaging and Cancer Drug Development against Novel Targets,” Invited Lecture, University of Michigan Colleges of Engineering and Pharmacy, University of Michigan, Ann Arbor, MI, March 8.

“Common Chemotherapies and their Regimens,” Invited Lecture, Internal Medicine Genetic Counseling, Ann Arbor, MI, April 6.

2006

Mentor to Dr. Celina Kleer, Junior Faculty Member

Mentor to Dr. Quintin Pan, Research Investigator

Mentor to Dr. Mei Wu, Postdoctoral Fellow

Mentor to Dr. Nisha D'Silva, Faculty Member

Mentor to Sharon Hensley-Alford, Predoctoral Trainee

Mentor to Dr. Gazala Khan, Postdoctoral Fellow

Mentor to Dr. Alejandra Ventura, Postdoctoral Fellow

Mentor to Dr. Jie Zhang, Postdoctoral Fellow

Mentor to Undergraduate Research Opportunity Students (UROP) and other.

- 1) Michael Gorin
- 2) R. George Hauser
- 3) Elliot Rhee
- 4) Shi Jing
- 5) Stephen Remenapp

“Breast Cancer.” Invited Speaker, OB/GYN Residents Forum, University of Michigan, Ann Arbor, MI, June 7.

“The Breast, a Dialogue between Physicians and Humanists.” Invited Speaker, The Breast, Literature, History, and Medicine. IRWG, University of Michigan, Ann Arbor, MI, September 29.

“Inflammatory Breast Cancer.” Invited Speaker, Breast Cancer Management, Office of CME, University of Michigan, Ann Arbor, MI, September 30.

“Genetic Testing and Chemoprevention of Breast Cancer.” Invited Speaker, General Medicine Clinical Conference, University of Michigan, Ann Arbor, MI, November 21.

2007

Mentor to Dr. Celina Kleer, Faculty Member

Mentor to Dr. Quintin Pan, Junior Faculty Member

Mentor to Dr. Mei Wu, Postdoctoral Fellow

Mentor to Sharon Hensley-Alford, Predoctoral Trainee, SPH

Mentor to Chris Evelyn, Predoctoral Trainee

Mentor to Subhojit Dey, Predoctoral Trainee

Mentor to Dr. Gazala Khan, Postdoctoral Fellow

Mentor to Dr. Alejandra Ventura, Postdoctoral Fellow

Mentor to Dr. Maria Iniesta, Postdoctoral Fellow

Co-Mentor to Mara Steinkamp, Predoctoral Trainee

Mentor to Dr. Jie Zhang, Postdoctoral Fellow

Mentor to Meera Meerkov, Predoctoral Trainee

Mentor to Devin Rosenthal, Graduate Student

Mentor to John Chadwick Brenner, Graduate Student

Mentor to Undergraduate Research Opportunity Students (UROP) and other.

- 1) Michael Gorin
- 2) R. George Hauser, III
- 3) Shi Jing

- 4) Stephen Remenapp
- 5) Heather Auto
- 6) Anchi Lo
- 7) Lilia Perec

“Breast Cancer Research; The Genetic vs. Environmental Risk Factors.” Invited Speaker, Women Science and Engineering Residence Program, University of Michigan, Ann Arbor, MI, March 13.

“Inflammatory Breast Cancer, from Epidemiology to Genetics to Treatment.” Invited Speaker, International Cancer Research Course, Dept. of Epidemiology School of Public Health, University of Michigan, Ann Arbor, MI, March 23.

“Risk Assessment for Breast and Ovarian Cancer.” Invited Speaker, Topics in Cancer Prevention II, EPID 432, Cancer in Epidemiology Education in Special Populations, University of Michigan, Ann Arbor, MI, October 5.

2008

Mentor to Dr. Celina Kleer, Faculty Member

Mentor to Dr. Quintin Pan, Junior Faculty Member

Mentor to Sharon Hensley-Alford, Predoctoral Trainee, SPH

Co-Mentor to Chris Evelyn, Predoctoral Trainee

Co-Mentor to Subhojit Dey, Predoctoral Trainee

Co-Mentor to Yen-Ling, Predoctoral Trainee

Mentor to Dr. Gazala Khan, Postdoctoral Fellow

Mentor to Dr. Alejandra Ventura, Postdoctoral Fellow

Mentor to Dr. Maria Iniesta-Donata, Postdoctoral Fellow

Co-Mentor to Mara Steinkamp, Predoctoral Trainee

Mentor to Dr. Jie Zhang, Postdoctoral Fellow

Mentor to Meera Meerkov, Predoctoral Trainee

Co-Mentor to S. Marjan Varedi, Predoctoral Trainee

Mentor to Devin Rosenthal, Graduate Student

Mentor to Lauren McNeill, Graduate Student

Mentor to Heather Krueger, Graduate Student

Mentor to Undergraduate Research Opportunity Students (UROP) and other.

- 1) Silvia Escudero
- 2) Elizabeth Kennedy
- 3) Ling-Chen Chien
- 4) Samantha Thomas
- 5) Lian Zhu
- 6) Patrick Nelson
- 7) Lilia Perec
- 8) Erica Jaffee
- 9) Andrew Wei Cheng

Lecturer, “Women in Physics,” 1st Midwest Conference for Undergraduate Women in Physics, University of Michigan, Ann Arbor, MI, January 19.

Lecturer, Cancer in Africa Symposium

Invited Lecturer, International Cancer Research Course, Department of Epidemiology, School of Public Health, University of Michigan, Ann Arbor.

2009

Mentor to Dr. Celina Kleer, Faculty Member

Mentor to Sharon Hensley-Alford, Predoctoral Trainee, SPH. Graduated May 2009. Employed as a Staff Epidemiologist at Henry Ford Health System, Detroit, MI
 Co-Mentor to Chris Evelyn, Predoctoral Trainee. Graduated, Postdoctoral fellow at Vanderbilt University
 Co-Mentor to Subhojit Dey, Predoctoral Trainee. Graduated, Postdoctoral fellow at University of Washington
 Co-Mentor to Yen-Ling, Predoctoral Trainee
 Mentor to Dr. Gazala Khan, Postdoctoral Fellow. Junior faculty, University of Michigan
 Mentor to Dr. Alejandra Ventura, Postdoctoral Fellow. Promoted to Research Investigator
 Mentor to Dr. Maria Iniesta-Donate, Postdoctoral Fellow
 Mentor to Dr. Jie Zhang, Postdoctoral Fellow. Resident in Anesthesiology, Yale University
 Co-Mentor to S. Marjan Varedi, Predoctoral Trainee
 Mentor to Devin Rosenthal, Graduate Student
 Mentor to Lauren van Wassenhove, Graduate Student
 Mentor to Michelle Wynn, Bioinformatics Graduate Student
 Mentor to Heather Krueger, Graduate Student
 Mentor to Undergraduate Research Opportunity Students (UROP) and other.

- 1) Silvia Escudero. Applying to graduate school in molecular biology
- 2) Eric Bracken. Applying to medical school
- 2) Elizabeth Kennedy
- 3) Ling-Chen Chien
- 4) Samantha Thomas
- 5) Lian Zhu
- 6) Lilia Perec. Graduated, presently attending UM Medical School
- 7) Erica Jaffee. Applying to Medical School and grad school in Public Health

2010

Mentor to Dr. Celina Kleer, Faculty Member
 Co-Mentor to Yen-Ling, Predoctoral Trainee
 Mentor to Dr. Gazala Khan, Postdoctoral Fellow. Junior faculty, University of Michigan
 Mentor to Dr. Alejandra Ventura, Postdoctoral Fellow. Promoted to Research Investigator
 Mentor to Dr. Maria Iniesta-Donate, Postdoctoral Fellow
 Mentor to Dr. Jie Zhang, Postdoctoral Fellow. Resident in Anesthesiology, Yale University
 Co-Mentor to S. Marjan Varedi, Predoctoral Trainee
 Mentor to Devin Rosenthal, Graduate Student
 Mentor to Lauren van Wassenhove, Graduate Student
 Mentor to Michelle Wynn, Bioinformatics Graduate Student
 Mentor to Heather Krueger, Graduate Student
 Mentor to Undergraduate Research Opportunity Students (UROP) and other.

- 1) Silvia Escudero. Applying to graduate school in molecular biology
- 2) Eric Bracken. Applying to medical school
- 2) Elizabeth Kennedy
- 3) Ling-Chen Chien
- 4) Samantha Thomas
- 5) Lian Zhu
- 6) Erica Jaffee. Applying to Medical School and grad school in Public Health
- 7) Steve Allen

Mentoring SPH (3) students that will be funded through CEESP.

- 1) Ann Marie Hoffman

- 2) Qian Xiao
- 3) Sam Gilbert

Committee, Organizational, and Volunteer Service

1993	Interdisciplinary Committee on Inpatient Services Ad-hoc Fellows Committee on Oncology/Hematology literature for Internal Medicine House Officers
1993 - 1994	Search and co-supervisor of technical support personnel, Dr. B. Weber's laboratory
1994 - Present	Executive Committee, Breast Care Center
1994 - Present	Director, Breast and Ovarian Cancer Risk Evaluation Program, University of Michigan Medical Center
1995 - Present	Member, Breast Cancer Epidemiology Training Grant Committee
1996 - 1997	Member, Cancer Biology Training Grant Committee
1997 - Present	Member, Learning Resource Center Committee, University of Michigan Medical School
1998 - 1999	Member, Venture Fund Review Committee, University of Michigan Health Systems
2000	Leader and organizer, Cancer Genetics Network of Michigan (http://www.mi.cancergenetics.org)
2002 - Present	Member, UCUCA Committee, University of Michigan Health Systems
2003	Institutional Setting Sub-Committee, University of Michigan Health Systems Auditor for Quality Assurance Review Committee, University of Michigan Health Systems
2003	Member, Center of Biomedical Research Excellence (COBRE) in Angiogenesis grant, Division of Research Resources at National Institutes of Health
2003 - Present	Co-Director (Scientific Director) Breast Oncology Program, University of Michigan Comprehensive Cancer Center
2004	Member, Cancer Center Epidemiology Working Group, University of Michigan Health Systems
2004	Member, Planning Committee, Clinical Research Core Group, University of Michigan Health Systems
2005	Member, MECC Joint Project Steering Committee, Haifa, Israel Member, COBRE, Maine Medical Center Research Institute, Scarborough, ME
2006	Member, MBS Executive Committee, University of Michigan Health Systems Member, Data Safety and Monitoring Board, University of Michigan Health Systems
2007 - 2008	Fellow, Committee on CIC Academic Leadership Program, University of Michigan
2008	Member, American Medical Women's Association (AMWA), University of Michigan
2008-2009	Member, Interdisciplinary Junior Faculty Initiative Committee, University of Michigan

Scientific Advisory Committee

1994 - Present	Member, Executive Committee, Breast Care Center, University of Michigan Medical Center
1994	Panelist, Roundtable Discussion, Breast Cancer Progress Review Group, National Cancer Institute, National Institutes of Health, Bethesda, MD
1998	Chairperson, Symposium on "Breast Cancer: Basic Science and Clinical Aspects," AACR Annual Meeting, New Orleans, LA
1998	Member, Breast Cancer Committee, Southwest Oncology Group
1998 - 1999	Member, NCCN Committee on Cancer Genetics Counseling Guidelines for Patients' Evaluation and Follow-up
2000 - Present	Member, NCCN Committee on Breast Cancer Risk Reduction Guidelines
2000 - Present	Founder and Leader, Breast Cancer Genetics Network of Michigan
2002	Member, Grant Review Committee, Fogarty International Training Center
2003	Member, California Breast Cancer Research Program, "Breast Biology Study Section"
2003	Member, Department of Defense, Breast Cancer Research Program, "Molecular Biology and Genetics", Reston, VA
2003	Member, National Institute of Health Study Section, ES 03-002 "Breast Cancer and Environment Research Center", Raleigh, N.C.
2004	Member, Cellular and Molecular Biology Program Committee, University of Michigan Graduate Program
2004	Member, COBRE External Advisory Board, Maine Medical Research Center, Portland, Maine
2005	Chairperson, 2005 AACR Program Committee, Philadelphia, PA
2005	Member, Advisory Committee for MBSTP Training Program, University of Michigan
2005	Member, Cancer Stem Cell Translational Research Group, University of Michigan Cancer Center
2006	Member, University of Michigan Comprehensive Cancer Center Senior Leadership Committee
2006	Member, Burroughs Wellcome Fund, Clinical Scientist Awards in Translational Research Advisory Committee, Research Triangle Park, NC
2007	Co-Chair, School of Epidemiology Dissertation Committee Service, University of Michigan
2007	Cognate, Department of Human Genetics, Dissertation Committee Service, University of Michigan
2007	Member, Department of Pharmacology, Dissertation Committee Service, University of Michigan
2007 - Present	Member, Biomedical Research Committee, BMRC, University of Michigan
2008 - 2009	Vice-Chair, BMRC, University of Michigan
2009 - Present	Chair of the Biomedical Research Committee of the University of Michigan Medical School
2009 - Present	Member, Internal Advisory Committee, Center of Global Health
2010 - Present	Director, Center of Global Health

Study Sections and Symposiums

1995 - 1996 National Cancer Institute Contract Review Branch, Ad-Hoc Member

	Reviewer for American Cancer Society of New Zealand
1996	Reviewer for U.S. Army Breast Cancer Program, Cell Biology-2 Study Section
1998	Reviewer for Susan G. Komen Foundation Grant Applications
	Symposium/Workshop on Teaching Research Ethics, Poynter Center, University of Indiana, Bloomington, IN
1999 - 2001	Reviewer for U.S. Army Breast Cancer Research Program, Institutional Breast Cancer Research Training Grants, Cell Biology-4 Study Section
2001	Reviewer for The Department of Veterans Affairs Office of External Reviews, Merit review applications
2002	Reviewer for NIH Study Section, Genetics Education International Grants
2003	Reviewer for University of California, Breast Cancer Research Program (CBCRP) Funding
2003	Reviewer for the Department of Defense, Breast Cancer Research Program, "Molecular Biology and Genetics"
2003	Reviewer for the NIH Study Section, ES 03-002 "Breast Cancer and Environment Research Center"
2004	Reviewer for COBRE External Advisory Board, Maine Medical Center Research Institute
2004	Ad hoc Member for the NIH Institute Review Office, Cancer Therapeutics Branch.
2005 - 2007	Permanent Member for the NIH Study Section, CSD "Cellular Signaling and Dynamics Cell Biology Integrated Review Group"
2006	Reviewer for the CDMRP Breast Cancer Concept Award Peer Review Program – "Concept Clinical and Experimental Therapeutics." USAMRMC
2006	Reviewer for the CDMRP Breast Cancer Concept Award Peer Review Program – "Concept – Cell Biology." USAMRMC
2007	Reviewer for the CDMRP "Breast Cancer Training 1 Panel." USAMRMC
2007 – 2009	Permanent Member for the NIH Study Section, CSRS "Cellular Signaling and Regulatory Systems Study Section"
2008	Member, Ad hoc, Integration Panel, DOD CD MRP
2009	Co-Chair, New Topics in Cancer, Annual AACR Meeting, Denver, CO
2009	Member, Student Biomedical Research Program, (SBRP), University of Michigan, Ann Arbor, MI
2009	Reviewer Komen Research Foundation
2009	Reviewer Program Project Special Emphasis Panel, NIH
2010	Member, Michigan Department of Community Health (MDCH), Scientific Advisory Board for Michigan BioTrust for Health, Lansing, MI.

Consulting Positions

1980 - 1982	Uniroyal, Inc.
1980 - 1982	3M Chemical Co.
1996 - Present	Visiting Professor (6/96) and advisor to initiate a regional BRCA1 genetic testing for high-risk women, University of Ulm, Germany
1998	Institute for Continuing Health Care Education
2001 - 2007	Attenuon, L.L.C., San Diego, CA, Consultant and medical advisor on tetrathiomolybdate and angiogenesis

Extramural Invited Presentations

International

1981

"Laser Spectroscopy of Polyethylene at High Pressure." Joint US-Japan Polymer Symposium, Palm Springs, CA.

1996

"BRCA1 Function and Regulation." University of Ulm, Germany, Visiting Professor, June 12.
"Molecular Genetics of Breast Cancer." A series of 3 lectures presented at the International Congress on Genetics of Mammary Cancer, São Paulo, Brazil, October 4-5.

2000

"Tetrathiomolybdate as an Antiangiogenic Agent for Cancer." Research Seminar Series, Invited lecture and individual discussions with Senior Scientists/Clinicians, Sunnybrook and Women's College Health Sciences Centre, Toronto, Ontario, Canada, June 28.
"RhoC GTPase Induces a Motile and Invasive Phenotype in Inflammatory Breast Cancer." Lecture, VIII International Congress of the Metastasis Research Society (presented by Kenneth van Golen, Ph.D.), Imperial College, Kensington, London, England, September 25.
"Preclinical and Clinical Studies of the Antiangiogenic Effect of Copper Deficiency Induced by Tetrathiomolybdate." Invited lecture, VIII International Congress of the Metastasis Research Society, Imperial College, Kensington, London, England, September 26.
"Antiangiogenic Therapy with a Copper Reducing Agent, Tetrathiomolybdate, Inhibits Solid Tumor Growth in Pre-Clinical Models and Humans." Invited lecture, International Society for Preventive Oncology, 5th International Symposium on Predictive Oncology & Therapy, Geneva, Switzerland, October 31.

2001

"Copper Chelating Agents as Antiangiogenic Drugs." Third International Symposium on Antiangiogenic Agents, Irving, Texas, January 19-20.
"Copper Chelants as Novel Antiangiogenic Agents for Cancer therapy." Second Argentine-American Medical Congress, New York, NY, May 12.
"Principios y Practica de la Genetica del Cancer de Mama." ("Genetic Predisposition for Breast Cancer.") Invited lecture, 21st Asociación Argentina de Oncología Clínica (AAOC) Annual Working Meeting/ASCO Breast Cancer Symposium, Buenos Aires, Argentina, June 24.
"Antiangiogenic Strategies Based on Copper Modulation." Invited lecture Cancer Biology Seminar Series, Ottawa Regional Cancer Center, Ottawa, Ontario, Canada, October 3.
"The Role of Copper in Angiogenesis and the Ability of the Copper Chelator Ammonium Tetrathiomolybdate to Inhibit Angiogenesis in Preclinical Models." Invited lecture, Angiogenesis and Cancer: Molecular Mechanisms and Targeted Therapies Symposium, Università Cattolica del sacro Cuore, Roma, Italy, October 9.
"The Antiangiogenic and Antitumoral Activity of the Copper Chelator Ammonium Tetrathiomolybdate in Human Tumors." Invited lecture, Angiogenesis and Cancer: Molecular Mechanisms and Targeted Therapies Symposium, Università Cattolica del sacro Cuore, Roma, Italy, October 9.

2002

"How WISP3 and RhoC GTPase Contribute to Inflammatory Breast Cancer." Invited lecture, Breast Cancer Symposium "Think Tank-12," St. Maarten, The Netherlands Antilles, January 25.

“How Copper Deficiency Inhibits Angiogenesis: Mechanisms and Human Trials.” Invited lecture, International Society for Trace Elements in Humans, Quebec City, Canada, September 18.
“Potentiation of Apoptosis and Inhibition of Angiogenesis by Copper Deficiency: Basic Mechanisms and Translation to the Clinic.” Invited lecture, 9th International Congress of the Metastasis Research Society, Chicago, IL, September 20.
“WISP3 is a Novel Tumor Suppressor Gene for Inflammatory Breast Cancer.” Invited lecture, The International CCN Society, Saint Malo, France, October 23.

2003

“Breast Cancer Prevention by Copper Deficiency: Effects on Mammary Gland Morphology and Signaling.” Invited Lecture, Breast Cancer Symposium “Think Tank-13,” Palm Beach, Aruba, January 19-25.
“Morphologic and Vimentin Expression Changes Induced by Modulation of RhoC-GTPase Activity in Melanoma Cells in Culture.” Invited Lecture, 2003 Boden EMT, Port Douglas, N. Queensland, Australia, October 7.

2004

“Antiangiogenic tetrathiomolybdate protects against Her2/neu-induced breast carcinoma by hypoplastic remodeling of the mammary gland.” Invited Lecture, 7th International Symposium on Predictive Oncology and Intervention Strategies, Nice, France, February 8.
“Genetic Determinants of Inflammatory Breast Cancer.” Marseille, France, September 14.
“Inflammatory Breast Cancer.” Cairo National Institute of Health, Cairo, Egypt, November 27.

2005

“The Rho Cycle in Breast Cancer: A Problem for Medicine, Epidemiology, Biology and Physics.” Invited Special Speaker, University of Buenos Aires, Buenos Aires, Argentina, August 10.
“Integrin $\alpha 2$ Expression and Localization is Regulated by RhoC GTPase, not RhoA in Malignant Breast Cancer Cells In Vitro.” Epithelial Mesenchymal Transition (EMT) Conference 2005, Vancouver, BC, October 2.
“Inflammatory Breast Cancer.” Cairo National Institute of Health, Cairo, Egypt, March 24-26.

2006

“RhoC: Oncogene and Therapeutic Target in Breast Cancer.” Invited Lecture, Breast Cancer Symposium, “Think Tank-16”, Grand Cayman Island, British West Indies, January 16.
“Identification and Biological Characterization of a Small-Molecule Antagonist of RhoC GTPase for Treatment of Aggressive Breast Cancer Phenotypes.” BRECOSM Breast Cancer and Metastasis Meeting, Institut Curie, Paris, France, June 22-24.
“Inflammatory Breast Cancer.” Cairo National Institute of Health, Cairo, Egypt, July 12.
“Inflammatory Breast Cancer.” Cairo National Institute of Health, Cairo, Egypt, November 29.

2007

“Inflammatory Breast Cancer in the US and in Africa.” Invited Lecture, Breast Cancer Symposium, “Think Tank-17,” Cancun, Mexico, January 14-20.
“Inflammatory Breast Cancer.” Cairo National Institute of Health, Cairo, Egypt, May 3-11.
“Breast Cancer Genetics and Inflammatory Breast Cancer.” Invited Speaker, Associacao Hospitalar Moinhos de Vento, Porto Alegre, Brazil, May 16.

“Challenge in Understanding Why Cancer Cells are Different from Normal Cells.” Invited Speaker, Institut de Universite de Nice, INLN, September 28.

2008

“Molecular Advances in Inflammatory Breast Cancer.” Invited Seminar, International Cancer Research Organization, Lyon, France, May 22.

“Inflammatory Breast Cancer.” Cairo National Institute of Health, Cairo, Egypt, August 1-8.

“Molecular Drivers of the Metastasis Potential in IBC.” 1st Annual International Inflammatory Breast Cancer Conference, M.D., Anderson Cancer Center, Houston, TX, December 6.

2009

“Molecular Genetics of Inflammatory Breast Cancer Emboli: How They Arise and How to Eliminate Them.” Invited Seminar, 2nd Annual Africa Breast Cancer Conference, Cairo, Egypt, March 17 – 19.

“This is an International Educational and Scientific Meeting that focuses on the clinical implications of breast cancer genetic and phenotypic subtyping.” Eighth International Congress on the Future of Breast Cancer Conference, Wailea, Hawaii, July 22-25.

National

1978

“Phase Transitions in Biomembranes: A Statistical Mechanics Model.” Gordon McKay Laboratories of Applied Physics, Harvard University, Cambridge, MA.

Plenary Lecture, American Association of University Women, College Park, MD.

1979

Department of Physics, Trinity College, Hartford, CT.

Department of Physics, Bryn Mawr College, Bryn Mawr, PA.

Department of Physics, Middlebury College, Middlebury, VT.

1980

Department of Chemistry, Polytechnic Institute of New York, Brooklyn, NY.

Plenary Session on Polymers at High Pressure, Eastern Analytical Society Meeting, NY.

1982

“The Conformation of Polypropylene at High Pressure.” Invited Plenary Lecture, Gordon Research Conferences, Polymers, Concord, NH.

“The Sphingomyelin Lipid Bilayer.” Department of Chemistry, MIT, Boston, MA.

“Conformation of Polymers at High Pressure.” Invited Plenary Lecture, IUPAC Conference, Amherst, MA.

1983

“Protein-Lipid Interactions in Bilayer Systems.” American Chemical Society Meeting, Oahu, HA.

1994

“The Tamoxifen Chemoprevention Study” and “The Genetics of Breast Cancer.” American Society of Osteopathic Surgeons, Breast Cancer Update, Key Biscayne, FL, July 1-4.

“Issues Surrounding Predictive Testing for a Breast Cancer Gene.” Sacred Heart Medical Center, Spokane, WA, August 13.

"Biomarkers" and Co-chair of Workshop on "Emerging Technologies." American Cancer Society/National Cancer Institute Joint Meeting on the Feasibility of Screening Young Women for Breast Cancer, Atlanta, GA. August 20-22.

"Breast Cancer Genetics." 5th Annual Cancer Conference, H. Lee Moffitt Cancer Center and Research Institute, Orlando, FL, September 1-4.

"The Genetics of Breast Cancer." Fall Oncology Series, St. Joseph Radiation Oncology, St. Louis, MO, October 27.

1995

"Step Carefully When You Answer: The Monumental Problem Inherent in Using the *BRCA1* Gene Test." Virginia Breast Cancer Foundation, Primary Care Perspectives, Williamsburg, VA, November 10-12.

1996

"Breast Cancer Genetics." Fourth Annual Oncology Seminar, Shadyside Hospital, Pittsburgh, PA, March 21.

"Breast Cancer Genetics." National SWOG Breast Committee Meeting, Westlake Comprehensive Breast Center, San Francisco, CA, April 28.

"*BRCA1* Localization." First National Cancer Institute Director's Workshop, Bethesda, MD, May 13.

"Inherited Breast Cancer Genes and Clinical Management." Georgia Cancer Specialists: Meet the Professor lecture on "Breast Cancer Genetics," Atlanta, GA, September 19.

"From the Bench to the Clinic: Breast Cancer Genes." Forbes Health Foundation and St. Francis Medical Center, The Ninth Annual Dr. Virgil E. Thon Memorial Lectureship, Churchill, PA, October 29.

"Breast and Ovarian Cancer Risk Management." Guest Lecturer and High Risk Clinic, Visiting Attending, The University of Kansas, Kansas City, MO, December 4-5.

1997

"Perspectives in Breast Cancer." Promina Health Systems, Marietta, GA, April 25.

"Breast Cancer Genes: Pathways to Prevention." Invited Speaker, Multidisciplinary Breast Cancer Conference, University of Texas-Southwestern Medical Center, Dallas, TX, June 17-18.

"Clinical and Ethical Implications of the *BRCA* Genes for Patients," CSCR Annual Meeting Plenary Lecture, Chicago, IL, September 25-27.

1998

"Copper Deficiency as an Antiangiogenic Strategy for Chemoprevention in Breast Cancer." Breast Care Center Invited Lecture, University of Southern California, Los Angeles, CA, April 8.

"Copper Depletion as an Antiangiogenic Strategy in *HER-2/neu* Transgenic Mice," Breast Cancer: Basic Science and Clinical Aspects, American Association for Cancer Research, New Orleans, LA, March 31.

"Breast Cancer: Prevention and Early Detection." The Nelly Reitlinger Doll Lecture, St. Joseph Mercy Hospital, December 1.

1999

"Tetrathiomolybdate as an Antiangiogenic Agent: Molecular, Pre-Clinical, and Clinical Evidence." NCI-Frederick Cancer Research and Development Center, Frederick, MD, December 20.

2000

“Clinical Trials in Antiangiogenesis Therapy Using Copper Chelation.” H. Lee Moffitt Cancer Center and Research Institute Grand Rounds, Tampa, FL, January 7.
“Genetic Determinants of Breast Cancer Phenotypes: Between Patients and G.” Plenary speaker and co-chair General Session 2. U.S. Department of Defense Breast Cancer Research Program “Era of Hope,” Atlanta, GA, June 9.

2001

“Copper Chelants as a Novel Antiangiogenic Agent for Cancer Therapy.” Division of Hematology/Oncology Grand Rounds, New York Presbyterian Hospital, Weill Medical College of Cornell University, New York, NY, June 12.
“Anti-Cancer Strategies based on Copper Deficiency.” Invited speaker, Center for Molecular Medicine, Maine Medical Center Research Institute, Scarborough, ME, July 6.
“Anti-Cancer Strategies based on Copper Modulation by Tetrathiomolybdate.” Invited lecture, Basic Science Research Seminar, Mayo Clinic Scottsdale, AZ, October 25.
“Genetic Basis of Inflammatory Breast Cancer.” Invited lecture, Medical Grand Rounds, Mayo Clinic Scottsdale, AZ, October 26.
“RhoC-GTPase: A Major Genetic Determinant of Inflammatory Breast Cancer.” Invited lecture, Mayo Clinic Rochester, MN, November 15.
“Genetic Determinants of Inflammatory Breast Cancer.” Invited lecture, Department of Cancer Biology’s Cancer Metastasis Research Program Seminar Series, University of Texas of M.D. Anderson Cancer Center, Houston, TX, November 27.
“Antiangiogenic Strategies based on Copper Deficiency: from the Lab to the Clinic.” Invited lecture, Laboratory for Membrane Transport, Harvard Medical School, Boston, MA, December 4.

2002

“Defining the Genetic Determinants of Inflammatory Breast Cancer: From the Clinic to the Lab and Back.” Invited lecture, Cancer Center Grand Rounds, University of Rochester Medical Center, Rochester, NY, January 30.
“How WISP3 and RhoC GTPase contribute to Inflammatory Breast Cancer.” Invited lecture, Biochemistry & Molecular Biology Program Seminar Series, Walther Cancer Center, Purdue University, West Lafayette, IN, February 4.
“Angiogenesis, Cancer, and Copper.” Invited lecture, 1st Annual Nutrition Week, A Clinical and Scientific Forum and Exposition, San Diego, CA, February 26.
“Genetic Determinants of Inflammatory Breast Cancer: From Clinic to Lab to Clinic.” Invited lecture, Human Cancer Genetics Seminar Series, Clinical Cancer Genetics Program, Ohio State University, Columbus, OH, April 23.
“Antiangiogenic Strategies Based on Tetrathiomolybdate Induced Copper Deficiency.” Invited lecture, U.S. DOD Breast Cancer Research Program, Era of Hope 2002 Meeting, Orlando, FL, September 28.
“Antiangiogenic and Anti-Inflammatory Strategies based on Copper Deficiency: Molecular Basis and Clinical Outlook.” Grand Rounds, Norris Cotton Cancer Center, Dartmouth-Hitchcock Medical Center, Lebanon, NH, December 5.

2003

“Toward Understanding and Attacking Aggressive Breast Cancer Phenotypes.” Burroughs Wellcome Fund Translational Research Award Presentation, Carey, N.C., February 6.
“Hereditary Breast and Ovarian Cancer: Update and Patient Management Issues.” Clinical Genomics Symposium, Milwaukee, WI, March 14.

“Inflammatory Breast Cancer: Genetic Determinants and Challenges for Novel Therapeutics”
NIH Wednesday Afternoon Director’s Lecture Series, April 23.
“Genetic Determinants of Inflammatory Breast Cancer: Can They Help Modulate the Phenotype?” Invited Speaker, Lankenau Institute for Medical Research, LIMR, Philadelphia, PA, September 25.

2004

“Epithelial Mesenchymal Transition in Aggressive Breast Cancer Phenotypes: Translation to the Clinic.” Edward Rotan Visiting Professor, Invited Speaker, Women’s Cancer Research Group (WCRG) Lecture Series, University of Texas, M.D. Anderson Cancer Center, March 10.

2005

“Molecular Correlates of Response and Survival.” Minisymposium, 2005 AACR, Anaheim, CA, April 17.
“Navigating the Road to a Successful Career in Cancer Research. Career Transitioning: From Medical School to Careers in Research.” MICR Professional Advancement Roundtable, 2005 AACR, Anaheim, CA April 17.
“Cancer Control Strategies based on Copper Deficiency.” Meet-the-Expert Sunrise Session, 2005 AACR, April 20.

2006

“Genetic Determinants of Aggressive Breast Cancer Phenotypes: Translation to the Clinic.” Burroughs Wellcome Fund, Clinical Scientist Awards in Translational Research Advisory Committee Meeting, Research Triangle Park, NC, February 8.
“The Effect of Tetrathiomolybdate on Cytokine Expression, Angiogenesis, and Tumor Growth in Squamous Cell Carcinoma of the Head and Neck.” 4th Annual Opinion Leader Consortium on Novel and Targeted Therapies for head and Neck Cancer, Sonesta Beach, FL, February 11.
“Inflammatory Breast Cancer: A Paradigm of Translational Research.” Women’s Cancer Program, USC/Norris Comprehensive Cancer Center, Los Angeles, CA, June 12.

2007

“Inflammatory Breast Cancer: A Paradigm of Translational Research.” Moffitt Cancer Center and Research Institute, Tampa, FL, February 28.
“Inflammatory Breast Cancer: A Paradigm of Translational Research.” Genentech Inc., San Francisco, CA, March 14.

2008

“Molecular Genetics of Inflammatory Breast Cancer: What Structures do the Tumor Emboli Occupy?” Invited Lecture, Breast Cancer Symposium, “Think Tank-18,” Kohala Coast, Hawaii, January 20-26.
“Lentivirus-mediated RNA Interference of EZH2 Inhibits Proliferation, Invasion, and Decreases Aneuploidy in Breast Cancer Cells.” Minisymposium Oncogenic and Tumor Suppressor Pathways, 2008 AACR, San Diego, CA, April 16.
“Genetic Counseling in Breast Cancer.” Promina Health Systems, Atlanta, GA, April 17.
“Inflammatory Breast Cancer.” Co-Chair Symposium 13. U.S. Department of Defense Breast Cancer Research Program Meeting “Era of Hope,” Baltimore, MD, June 25-28.
“Genetics, Cancer and You.” Breakthrough, Changing the Way You Think about Cancer. Riverbend Cancer Center, South Bend, IN, October 30.

“Genetics for High Risk Families & It’s Role in Cancer Prevention.” Northern Indiana Oncology Symposium Public Education Event, South Bend, IN, October 31.
“Incorporation Angiogenesis Inhibitors into Breast Cancer Treatment Strategies.” New Developments in Breast Cancer, Minneapolis, MN, November 15.

2009

“Hereditary Cancer Risk, Family Functioning and Decision – Making” Poster Presentation, 10th National Conference on Cancer Nursing Research, Orlando, FL, February 13
“Inflammatory Breast Cancer: A Global Perspective of Translation from the Laboratory to the Clinic.” Invited Seminar, New Concepts Session, 2009 AACR Annual Meeting, Denver, CO, April 18 – 22.
“This is an International Educational and Scientific Meeting that focuses on the clinical implications of breast cancer genetic and phenotypic subtyping.” Eighth International Congress on the Future of Breast Cancer Conference, Wailea, Hawaii, July 22-25.
“Oncogenomics of Breast Cancer: The Oncogenomics of Creaset Cancer: “New Targeted Therapies in Advanced Disease.” ProMedica Health, Toledo, OH. October 9.

Local and Regional

1982

“The Lipid Bilayer and Its Proteins.” Department of Physics Colloquium, University of Michigan, Ann Arbor, MI.

1992

“The Breast Cancer Gene.” American Cancer Society. Reach for Recovery Program Speaker, Livonia, MI.

1993

“The Genetics of Breast Cancer.” Keynote Speaker, Focus on Women's Health Issues - Bon Secours Hospital, Detroit, MI.

1994

“The Genetics of Breast Cancer.” Bon Secours Hospital, Detroit, MI, October 18.
“Breast Cancer and the Human Project” and “The Genetics of Breast Cancer.” Mercy Hospital Cancer Care Symposium, Port Huron, MI, November 5.

1995

“The Diagnosis and Treatment of Breast Cancer.” Department of Biology, Eastern Michigan University, Ypsilanti, MI, March 7.
“Chemotherapy for Breast Cancer.” The University of Michigan Medical School, Department of Family Practice, Ann Arbor, MI, March 21-25.
“Early Indicators of Breast Cancer.” The University of Michigan Medical School, 23rd Annual Spring Update, Advances in Internal Medicine, Ann Arbor, MI, April 24-28.
“BRCA1: From Bench to Bedside and Back.” Internal Medicine Grand Rounds, Henry Ford Hospital, Dearborn, MI, May 18.
“Detection and Management of Breast Cancer.” The University of Michigan Medical School, Internal Medicine Resident Noon Conference, Ann Arbor, MI, June 8.
“BRCA1 and BRCA2.” Flower Hospital, Sylvania, OH, October 13.
“Familial Breast Cancer.” University of Michigan Comprehensive Cancer Center, Colleagues In Care, Ann Arbor, MI, November 2.

"Familial Breast Cancer Susceptibility Genes." University of Michigan Comprehensive Cancer Center, Cancer Biology Research Seminar, Ann Arbor, MI, December 13.

1996

"Genetics of Breast Cancer - What the Surgeon Needs to Know." International College of Surgeons United States Section (Michigan Division), Annual Scientific Session, Sinai Hospital, Detroit, MI, February 7.

"Finding the Breast Cancer Gene: Genetics Research Applications in Medicine." Ann Arbor Dietetic Association, Inc., St. Joseph Mercy Hospital, Ann Arbor, MI, February 13.

"Molecular Genetics of Breast Cancer." Forty-Third Annual Meeting, Michigan Chapter, American College of Surgeons, Campus Inn, Ann Arbor, MI, May 3.

"Breast Cancer Susceptibility Genes: Implications for Patient Care and Screening." The University of Michigan Medical School, 10th Annual Symposium on Breast Disease: Diagnostic Imaging and Current Management, Mackinaw Island, MI, July 16.

"Breast Cancer Genetics: Understanding Your Risk." The University of Michigan Community Health Education Programs, Temple Israel, West Bloomfield, MI, October 16.

"Women's Health: Basic Science, Ethical and Clinical Issues for the 21st Century," Michigan State University, Kalamazoo Center for Medical Studies Conference, Kalamazoo, MI, November 1.

"Health Night Out: The Genetics of Cancer." The University of Michigan Community Health Education Programs, W.K. Kellogg Eye Center Auditorium, Ann Arbor, MI, November 12.

"BRCA1, Implications for Genetic Testing and Future Therapy." The Michigan American Cancer Society 7th Annual Research Conference: Innovations in Breast Cancer. Ann Arbor, MI, November 22.

1997

"Genetics of Breast Cancer." The Blue Cross Blue Shield of Michigan, "Genetics Symposium" Southfield, MI, January 25.

"Molecular Genetics of Breast Cancer." 6th Annual Seminar on Molecular Pathology: DNA Technology in the Clinical Laboratory, William Beaumont Hospital, Royal Oak, MI, March 14-15.

"Genetics and Cancer." Keynote Speaker. Butterworth Hospital's 2nd Annual Workshop, Living with Cancer: Survivorship. Grand Rapids, MI, March 22.

"Genes and Cancer: Linkages in Women's Health." Institute for Research on Women and Research: "Sex and Sensibility: Challenging Conventional Wisdom about Women and Gender." The University of Michigan, Ann Arbor, MI, May 15.

"Breast Cancer Genes and the Implications in Clinical Practice." Michigan State University's GRAMEC OB/GYN Visiting Professor Program, Grand Rapids, MI, September 17.

"Hereditary Breast and Ovarian Cancer: Challenges for the Future." Hurley Medical Center's Women's Cancer Conference, Flint, MI, September 18.

"Understanding Your Breast Cancer Risks." McLaren Women's Center, Flint, MI, October 1.

"Genetic Markers and Breast Cancer Risks." St. Joseph's Mercy of Macomb Conference: Breast Cancer: Options for Treatment and Diagnosis, Clinton Township, MI, October 4.

"An Angiogenesis Model of Chemoprevention." Annual Meeting of the University of Michigan Comprehensive Cancer Center External Scientific Review, Ann Arbor, MI, October 21.

"Breast Cancer Genetics." Joint Women's Day Program, Southfield, MI, October 30.

"Breast Cancer Update." The 6th Annual Primary Health Care of Women, The University of Michigan, Ann Arbor, MI, December 4-5.

1998

“Breast Cancer Prevention with Tetrathiomolybdate.” Breast Care Center Forum, University of Michigan, Ann Arbor, MI, January 2.

“Cancer Risk Evaluation Program in Western Michigan.” Internal Medicine Grand Rounds Inauguration of Breast Cancer Risk Evaluation Clinic, Butterworth and Blodgett Hospital, Grand Rapids, MI, February 19.

“Breast Cancer Genetics.” St. John Hospital and Medical Center, Detroit, MI, March 4.

“Breast Cancer Screening.” 26th Annual Spring Update in Internal Medicine, Ann Arbor, MI, May 14.

“Practical Issues in Breast Cancer Genetics.” Women Health Day, Breast Cancer Risk and Prevention Washtenaw Community College, Ann Arbor, MI, May 27.

“Breast Cancer Biology and Metastatic Breast Cancer.” ASCO Highlights Conference, UMCCC, Ann Arbor, MI, June 20.

“Strategies for Cure: Breast Cancer.” Providence Hospital Cancer Center Symposium, Southfield, MI, September 18.

“Breast Care Risk Evaluation.” Michigan State Medical Society Dean’s Reception, Dearborn, MI, October 29.

“Innovations in Breast Cancer Prevention and Treatment.” Physicians Health Plan of Western Michigan Business Breakfast Symposium, Muskegon, MI, October 29.

“Antiestrogens and their Role in the Treatment of Breast Cancer/Chemo Prevention of Breast Cancer.” Fall Oncology Symposium, Omaha, NE, October 30.

1999

“Study of TM as a Decoppering & Antiangiogenesis of Cancer.” General Clinical Research Center Seminar Series, University of Michigan, Ann Arbor, MI, January 19.

“Cancer Genetics Counseling.” William Beaumont Hospital Obstetrics and Gynecology Grand Rounds, Royal Oak, MI, February 4.

“Tamoxifen and *BRCA1/BRCA2*: Can We Prevent Breast Cancer?” Office of Continuing Medical Education, University of Michigan Medical School, Ann Arbor, MI, March 25.

“Breast Cancer Genetics.” St. Joseph Mercy - Oakland Second Annual Breast Cancer Symposium, Novi, MI, April 30.

“STAR Trial.” Hematology/Oncology Section Meeting, Oakwood Healthcare System, Dearborn, MI, May 20.

“Genetics of Cancer.” Continuing Medical Education Program, St. Mary Hospital, Livonia, MI, June 23.

“Controversies in Breast Care Management: 1999.” Michigan State Medical Society, Committee on Continuing Medical Education Programming, Grand Traverse Resort, Acme, MI, September 18.

“Standards of Care in Breast Care Treatment.” Michigan Inter-Tribal Council, Munson Medical Center, Traverse City, MI, September 20.

“Breast Cancer – Are you at risk?” University of Michigan Health System, Office of Planning and Marketing, Health Night Out Presentation, Kellogg Eye Center, Ann Arbor, MI, October 12.

“Role of Genetic Markers.” The Institute for Continuing Medical Education, Hurley Medical Center, Flint, MI, October 13.

“Controlling the Growth of Breast Cancer by Limiting its Blood Supply: Translation of a Novel Idea to the Clinic.” Tempting Tables 1999 at the Torrent House, Muskegon, MI, November 18.

2000

“Genetics and Cancer.” Cancer Lecture Series, Saint Joseph Mercy Health System, Ann Arbor, MI, January 12.

“Genetic Testing in Breast Cancer.” 24th Annual Spring Family Practice Review, University of Michigan, Ann Arbor, MI, March 9.

“Women’s Issues in Cancer Today.” United States House of Representatives, Dingell-Rivers Women’s Health and Life Forum, University of Michigan Dearborn Campus, Dearborn, MI, March 18.

“Advances in Breast and Ovarian Cancer Genetics and Therapies.” Gilda’s Club Metro Detroit, Royal Oak, MI, March 30.

“Scientific Rationale for Current and Future Breast Cancer Treatment.” 2nd Annual Betty Ford Breast Cancer Symposium for the Patient: Complementary and conventional option for today and tomorrow, Power Centre, University of Michigan, Ann Arbor, MI, July 29.

“Risk Reduction Strategies for Patients at High Risk for Breast and Ovarian Cancer: What are the Options and When to Use Them.” Genetics in Cancer Control Programs, Genetics in Public Health: Connecting Research, Education, Practice and Community, University of Michigan School of Public Health, Ann Arbor, MI, September 18.

“Breast Cancer Genetics.” Breast and Cervical Cancer Control Programs, Annual Meeting 2000, Michigan Public Health Institute, Traverse City, MI, September 21.

“Breast Cancer Genetics in the Clinic.” 6th Annual Oncology Conference, Saint Mary’s Hospital, Saginaw, MI, November 18.

2001

“Breast Cancer Genetics: Managing Patients at Increased Risk.” Invited lecture, Northern Indiana Cancer Research Consortium’s Michiana Breast Cancer Symposium 4th Annual Conference, South Bend, IN, November 2.

2002

“Breast Cancer Risk Assessment.” Invited lecture, University of Michigan’s Field of Dreams Symposium: Frontiers in Breast Cancer, Dearborn, MI, April 12.

“Breast Cancer Genetics in the Real World: How to Use the Emerging Knowledge to Help Patients Now.” Invited lecture, McLaren Tumor Board, McLaren Regional Medical Center, Flint, MI, June 24.

2003

“Hereditary Breast and Ovarian Cancer Syndrome: Genetic Analysis and Cancer Risk Management.” Invited lecture, LSVSP Public Lecture Series, Ann Arbor, MI, March 23.

“Update on Management of Ovarian and Breast Cancer” Invited Lecture, Crittenton Continuing Medical Education for the Department of Pathology. Rochester, Michigan, September 17.

“Reflections on Research in Breast Cancer: Science and Community Working Together.” Tempting Tables 2003 at the Torrent House, Muskegon, MI, November 5.

2004

“Molecular Genetics of Breast Cancer Research and Minorities” Invited Lecture, UROP Biomedical, University of Michigan, Ann Arbor, MI, March 17.

“Clinical and Molecular Advances in Inflammatory Breast Cancer: A Paradigm of Translational Research.” Invited lecture, Internal Medicine Grand Rounds, University of Michigan, Ann Arbor, MI, February 20.

“Common Chemotherapies and their Regimens” Invited Lecture, Internal Medicine Genetic Counseling, Ann Arbor, MI, April 16.

"Inflammatory Breast Cancer." Invited Lecture, 2nd Annual Contemporary Issues in Multidisciplinary Breast Cancer Management, Dearborn, MI, June 12.
"New Insights in Cancer Development," Invited Lecture, 9th Annual Distinguished Lecture Series, "New Directions in Oncology Practice," Grand Rapids Clinical Oncology Program, Grand Rapids, MI, November 12.

2005

"Regulation and Imaging of RhoC in Cancer," Invited Speaker, Breast and Ovarian Cancer Risk Evaluation Program, University of Michigan, Ann Arbor, MI, January 28.
"Molecular Imaging and Cancer Drug Development against Novel Targets," Invited Lecture, University of Michigan Colleges of Engineering and Pharmacy, University of Michigan, Ann Arbor, MI, March 8.
"Importance of Cancer Research and Programs," Relay for Life Research Panel, American Cancer Society, Michigan Union, Ann Arbor, MI, March 15.
"Common Chemotherapies and their Regimens," Invited Lecture, Internal Medicine Genetic Counseling, Ann Arbor, MI, April 6.
"3rd Annual Contemporary Issues in Multidisciplinary Breast Cancer Management," Invited Speaker, Office of CME, University of Michigan, Ann Arbor, MI, October 29.
"Breast Cancer and the Newest Equipment used for Detection, Current Research and Medicines," Invited Speaker, Tempting Tables Patron Tea, Muskegon, MI, November 9.
"Identifying and Managing Hereditary Risk for Breast and Ovarian Cancer," Invited Lecture, 14th Annual Cancer Care Symposium, Mercy Hospital, Port Huron, MI, November 12.
"Genetic Testing for Cancer," Invited Lecture, Lakeshore CME Grand Rounds, Hackley Hospital, Muskegon, MI, November 28.
"Breast Cancer: Why does the Physician Scientist Matter?" Invited Lecture, University of Michigan Veteran Administration, Ann Arbor, MI, November 30.

2006

"The Woman's Perspective: Industry Network." Movement of Underrepresented Sisters in Engineering in Science and Society of Women Engineers-Graduate Component. Ann Arbor, MI, March 15.
"Breast Cancer." Invited Speaker, OB/GYN Residents Forum, University of Michigan, Ann Arbor, MI, June 7.
"The Breast, a Dialogue between Physicians and Humanists." Invited Speaker, The Breast, Literature, History, and Medicine. IRWG, University of Michigan, Ann Arbor, MI, September 29.
"Inflammatory Breast Cancer." Invited Speaker, Breast Cancer Management, Office of CME, University of Michigan, Ann Arbor, MI, September 30.
"Practical Considerations in Breast Cancer Genetics for the Clinician." Invited Speaker, 2006 Breast Imaging Conference, Michigan Radiological Society, East Lansing, MI, October 29.
"Genetic Testing and Chemoprevention of Breast Cancer." Invited Speaker, General Medicine Clinical Conference, University of Michigan, Ann Arbor, MI, November 21.

2007

"Breast Cancer Research; The Genetic vs. Environmental Risk Factors." Invited Speaker, Women Science and Engineering Residence Program, University of Michigan, Ann Arbor, MI, March 13.
"Inflammatory Breast Cancer, from Epidemiology to Genetics to Treatment." Invited Speaker, School of Epidemiology, University of Michigan, Ann Arbor, MI, March 23.

“The Real Deal: Addressing the Issues that Face Women of Color in the Workplace.” Invited Speaker, MUSES, University of Michigan, Ann Arbor, MI, March 26.

“Inflammatory Breast Cancer: A Paradigm of Translational Research.” Invited Speaker, Breast Care Educational Forum / Translational Medicine Lecture, University of Michigan, Ann Arbor, MI, June 6.

“Inflammatory Breast Cancer Clinic at the University of Michigan.” Invited Speaker, Breast Center Task Force Meeting, University of Michigan, Ann Arbor, MI, August 30.

“Risk Assessment for Breast and Ovarian Cancer.” Invited Speaker, Topics in Cancer Prevention II, EPID 432, Cancer in Epidemiology Education in Special Populations, University of Michigan, Ann Arbor, MI, October 5.

“Mammograms, Breast Cancer Myths, Self-Exams, Family History/Genetics and New Research.” Invited Speaker, Channel 7 Town Hall Panel Presentations, WXYZ-TV, Southfield, MI, December 10.

2008

“Transition to Medicine from Physics.” Invited Speaker, Midwest Conference for Undergraduate Women in Physics, University of Michigan, Ann Arbor, MI, January 19.

“Breast Cancer: What a Practicing OB/GYN Needs to Know Including Genetic Testing.” Invited Speaker, Residency Program for Obstetrics and Gynecology Department, University of Michigan, Ann Arbor, MI, March 5.

“Development of a Tribal Specific Comprehensive Cancer Control Plan: University of Michigan Resources and Program Assets.” Invited Speaker, Native American Cancer Research Project, Mt. Pleasant, MI, March 13.

“A Two-Way Trip from Clinics to the Lab.” Invited Speaker, Bioinformatics Seminar Series, University of Michigan Center for Computational Medicine and Biology (CCMB), Ann Arbor, MI, September 17.

“Cancer Knows No Boundaries: Perspectives on International Breast Cancer Research.” Invited Speaker, Breast Care Educational Forum / Translational Medicine Lecture, University of Michigan, Ann Arbor, MI, September 19.

“Inflammatory Breast Cancer.” Invited Speaker, 6th Annual Contemporary Issues in Multidisciplinary Breast Cancer Management, University of Michigan Comprehensive Cancer Center, Dearborn Inn, Dearborn, MI, October 18.

“Clinical Features of Aggressive Breast Cancer in Africa.” Cancer in Africa and African Americans, Second Symposium, University of Michigan School of Public Health, Ann Arbor, MI, November 8-10.

“Discussions, Conclusions, and Future Directions.” Cancer in Africa and African Americans, Second Symposium, University of Michigan School of Public Health, Ann Arbor, MI, November 10.

2009

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“Inflammatory Breast Cancer: From Molecules to Treatments, a Global Challenge.” Janz Family Annual Breast Cancer Lecture, Henry Ford Hospital, Dearborn, MI, March 27.

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“Who Owns Your Genes? Intellectual Property, Innovation Policy and the Future of Genetic Medicine”, University of Michigan, Ann Arbor, MI, September 14.

2010

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Patents

Designation: Inventor
Title: Methods and Compositions for the Prevention or Treatment of Cancer
Date of Application: 09/03/1999

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67. Wang C, Gonzalez R, Milliron KJ, Merajver SD: "Genetic Counseling as a Decision aid: Using Counseling for Hereditary Breast/Ovarian Cancer as an Example." Society for Medical Decision Making, Baltimore, MD, October 2002.
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104. Jia S, Gorin M, Merajver SD: “A Plausible Mechanism for Genome Plasticity: Lessons from Parasitic Wasps.” 100th Annual Meeting AACR 2007, Los Angeles, CA, April 12 - 17, 2007. (Abstract 4419)

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108. Rosenthal DT, Lo AC, Soliman AS, Merajver SD: "Inflammatory Breast Cancer Utilizes a Novel Mechanism for Metastasis." Annual Meeting AACR 2008, San Diego, CA, April 12-16, 2008. (Abstract 4440)
109. Brenner CJ, Rosenthal DT, Percec L, Merajver SD: "Down Regulation of NfκB1 Expression Blocks Cell Motility in a Cell Line Model of Inflammatory Breast Cancer." Annual Meeting AACR 2008, San Diego, CA, April 12 - 16, 2008. (Abstract 1991)
110. Wu M, Wu ZF, Liu CJ, Ventura AC, Whiteman EL, Margolis B, Merajver SD: "RhoC Disrupts Tight Junction Formation and Epithelial Polarity in Inflammatory Breast Cancer." Annual Meeting AACR 2008, San Diego, CA, April 12 - 16, 2008. (Abstract 3572)
111. Huang W, Zhang Y, Varambally S, Merajver SD, Kleer CG: "The CCN Family Member CCN6: Inhibition of CCN6 Regulates E-Cadherin Expression in the Breast Epithelium Through Up-Regulation of Snail and Zeb1." Annual Meeting AACR 2008, San Diego, CA, April 12 - 16, 2008. (Abstract 5249)
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114. Ventura AC, Sepulchre JA, Wu ZF, Wu M, Tredicce JR, Merajver SD: "Understanding the Role of RhoC GTPase in Inflammatory Breast Cancer: A Dual Mathematical-Experimental Study." U.S. Department of Defense Breast Cancer Research Program Meeting "Era of Hope," Baltimore, MD, June 25 - 28, 2008 (P65-7).
115. Evelyn CR, Wade SM, Larsen SD, Showalter HD, Merajver SD, Neubig RR: "Small-Molecule Inhibitors of the Rho/MLK1 Transcriptional Pathway Identified by High-Throughput

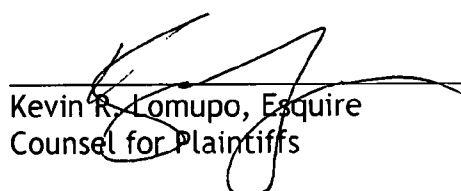
CERTIFICATE OF SERVICE

I hereby certify that a certified copy of ***Motion in Limine to Preclude Expert Testimony from Defense Experts, Drs. Levine, McTighe and Merajver, as to Standard of Care*** has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 4th day of October, 2010.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant Dubois Regional Medical Center


Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

FILED
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William A. Shaw
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

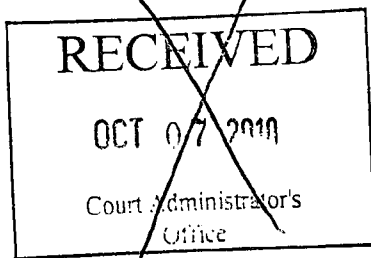
Defendants.

CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION

No. 2007-362-CD

Code: 007

PLEADING:
MOTION IN LIMINE TO PRECLUDE
CUMULATIVE EXPERT TESTIMONY



FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, OLIVER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgol.com

JURY TRIAL DEMANDED

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William A. Shaw
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**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION**

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

: No. 2007 - 362 - CD

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JURY TRIAL DEMANDED

MOTION IN LIMINE TO PRECLUDE CUMULATIVE EXPERT TESTIMONY

AND NOW, comes the Plaintiff, Melissa A. Swanson, by and through her counsel Gilardi, Oliver & Lomupo and Kevin R. Lomupo, Esquire and files the within Motion in Limine to Preclude the Testimony of Medical Witnesses as Cumulative:

1. This medical malpractice case involves the failure to timely diagnose and treat breast cancer. It is basic text book medicine that when a woman reports a lump in her breast that a physician is expected to perform a clinical exam and send the woman for a biopsy if the lump is clinically suspicious or does not respond to treatment in a reasonable period of time. Dr. Kruszewski never examined the Plaintiff's breast for eight (8) months and haphazardly prescribed antibiotics without seeing any improvement in the "mastitis" over that time period.

2. Defendant Kruszewski has submitted the expert reports of three (3) internal medicine physicians, Dr. Levine, Dr. McTighe and Dr. Merajver.

3. The proposed testimony of these three (3) internal medicine physicians on the standard of care is cumulative. Defendants are essentially trying to present

three medical experts to say the same thing. Plaintiff seeks to limit or exclude the testimony that would be cumulative.

4. Each proposed defense expert has produced a report outlining his/her conclusions. Each of the physicians reviewed the same or similar medical records, depositions and other evidence. They essentially reached the same, if not identical conclusions, regarding the care provided by Defendant Kruszewski. Copies of the reports from Drs. Levine, McTighe and Merajver are attached hereto as Exhibits "1" through "3" respectively.

5. In Dr. Levine's report dated September 10, 2010, he writes as follows:

"First, the initial management of the breast abnormality with antibiotics was appropriate and is standard treatment for a lesion indicative of mastitis."

6. Dr. McTighe's report dated September 16, 2010, states:

"It is my opinion, therefore, that the medical care provided by Dr. Mary Kruszewski certainly met this standard of care and was not negligent in any way."

7. The September 23, 2010, report of Dr. Merajver contains the following conclusion:

"So, in summary, leading up to the diagnosis of IBC, Ms. Swanson received reasonable care, given the conditions and circumstances described above."

8. Although the above referenced reports differ in the level of detail provided, the ultimate opinions expressed by these three medicine experts are the same. Without question, the opinions expressed in these reports duplicate one another. Even a cursory review of Defendants' expert reports leaves no doubt that the opinions are so similar, they could be interchangeable. Allowing all three of these

experts to say essentially the same thing is unduly prejudicial to the Plaintiff. Three attempts to convince a jury to find in their favor is an open invitation for the jury to focus improperly on the *number* of witnesses rather than the substance of their testimony. Jurors might well speculate that because three physicians said the same thing it must be correct.

9. Pennsylvania Rule of Evidence 403 provides for the exclusion of relevant evidence on the grounds of prejudice, confusion or waste of time:

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by consideration of undue delay, waste of time, or needless presentation of cumulative evidence.

10. Prior to the adoption of Rule 403, it was well-settled that a trial court had the authority to exclude cumulative evidence. *Baker v. Morton, Inc.*, 574 A.2d 676 (Pa. Super. 1990); *McDaniel v. Merck, Sharp & Dohme*, 533 A.2d 436 (Pa. Super. 1987) *appeal denied*, 551 A.2d 215 (Pa. 1988) (no error to exclude testimony of physician for the additional reason that such testimony would have been cumulative.) The court's exercise of discretion in this regard will not be disturbed absent a clear abuse thereof. *Concorde Investments, Inc. v. Gallagher*, 497 A.2d 637 (Pa. Super. 1985).

11. Pennsylvania law recognizes that the trial court has the discretion to exclude evidence that is cumulative of other evidence. *Burgh v. Sears Roebuck & Co.*, 467 A.2d 615 (Pa. Super. 1983).

12. Pa. R.C.P. 223(1) provides that the trial court may limit the testimony of witnesses whose testimony is similar or cumulative. Moreover, Pennsylvania law discourages the use of cumulative evidence. See, *Commonwealth v. Smith*, 694 A.2d

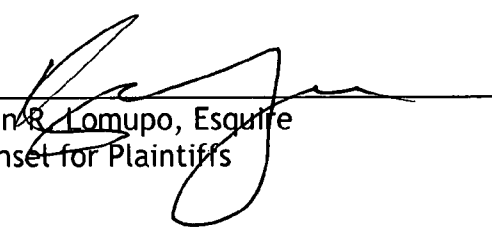
1086 (Pa. 1997) (trial court properly excluded second expert's testimony when it would have been cumulative to testimony of first expert); *McDaniel v. Merck*, 533 A.2d 436 (Pa. Super. 1987).

13. Plaintiff will be severely prejudiced if Drs. Levine, McTighe and Merajver, all internal medicine physicians, are permitted to testify when their opinions are essentially the same. Cumulative evidence, particularly provided by expert witnesses in the same specialty of medicine, may cause the jury to base its decision on something other than the legal propositions relevant to the case.

For the above-stated reasons, at the time of trial, Defendants should be permitted to present the testimony of only one physician on the issue of standard of care and not three (3).

Respectfully submitted,

GILARDI, OLIVER & LOMUPO



Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

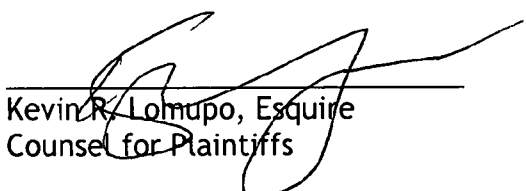
CERTIFICATE OF SERVICE

I hereby certify that a certified copy of *Motion in Limine to Preclude Cumulative Expert Testimony* has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 5th day of October, 2010.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant Dubois Regional Medical Center



Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

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OCT 21 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL CENTER
Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

JURY TRIAL DEMANDED

Pleading:
ANSWER TO PLAINTIFFS' MOTION IN
LIMINE TO PRECLUDE CUMULATIVE
EXPERT TESTIMONY

Filed on Behalf of:
MARY KRUSZEWSKI, DO

Counsel of Record for this Party:
JOHN W. BLASKO, ESQUIRE
Attorney I.D. # 6787
811 University Drive
State College, PA 16801
(814) 238-4926

Counsel of Record for Adverse Party:
KEVIN P. LOMUPO, ESQUIRE

Dated: October 20, 2010

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	Civil Action–Medial Professional
Plaintiffs,	:	Liability Action
	:	
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007–362–CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

**DEFENDANT MARY KRUSZEWSKI, D.O.'s ANSWER TO PLAINTIFFS' MOTION IN
LIMINE TO PRECLUDE CUMULATIVE EXPERT TESTIMONY**

COMES NOW, Defendant, Mary Kruszewski, D.O., by and through her attorneys, McQuaide Blasko, and files this Answer to Plaintiffs' Motion in Limine, representing the following:

1. Paragraph 1 is denied as stated. It was determined that the Plaintiff, Ms. Swanson, had inflammatory breast cancer (IBC), which is an uncommon type of breast cancer, and very rare, occurring in only 1–5% of cases. It is unique in that IBC does not produce a distinct mass or lump that can be felt within the breast. IBC cells infiltrate the skin and lymph nodes of the breast. When the lymph vessels become blocked by the

cancer cells, the breast may become swollen. The skin changes associated with IBC can cause the breast skin to look like the skin of an orange. From July 6, 2004 through November 9, 2004, Dr. Kruszewski was provided, and relied upon, the following reports of the radiologist's ultrasound interpretations:

A. July 6, 2004 – Ultrasound was suggestive of mastitis (an infection); there was no evidence of cysts, fluid collection or abscess formation; the recommendation was that after completion of a course of antibiotics, a follow-up sonogram be performed.

B. August 17, 2004 – A sonogram was done. It was reported there were no obvious masses or abscess noted, and, it was stated, "It most likely represents mastitis." There was a recommendation to have a follow-up sonogram in 6–8 weeks.

C. September 28, 2004 – A sonogram was done and the report stated that, when compared to the sonogram of August 17, 2004, it was suggestive of healing mastitis (infection) and there was no definite mass. Ultrasound was recommended in 6–8 weeks.

D. November 9, 2004 – A sonogram was done with the impression of an area of mastitis in the right breast with no changes from the sonogram of September 28, 2004.

Dr. Kruszewski accepted the recommendations set forth in the reports of the radiologist and prescribed antibiotics, which caused the mastitis area to be reduced. All of the radiologist's reports from July 6, 2004 through November 9, 2004 stated the area was benign or probably benign, and, copies of the reports were sent by the radiologist to Defendant, Steven W. Graeca, DO. In February 2005, Dr. Kruszewski referred Mrs. Swanson to a surgeon for evaluation.

2. Paragraph 2 is admitted, except that Dr. McTighe is a pathologist, not an internist.

3. Paragraph 3 is denied. As will be alleged hereinafter, Defendant, Dr. Kruszewski, did not produce three internal medicine physicians regarding the standard of care. Reports were produced by Arthur H. McTighe, MD, a Board Certified Pathologist; Paul H. Levine, MD, Board Certified in Internal Medicine; and Sofia D. Merajver, M. D., Ph.D., Board Certified in Internal Medicine and Medical Oncology. Each of the experts set forth in their reports the basis and reasoning for their

opinions, as well as criticism of Plaintiff's expert reports. Any testimony on the reports should be presented at trial as determined by defense counsel, at which time Plaintiffs would have an opportunity to object if cumulative.

4. Paragraph 4 is admitted in that each expert produced their own report and came to their own conclusions. Since the medical malpractice case involves Melissa Swanson, all experts would necessarily have to review her medical records, depositions, and other evidence pertaining to her, and, all of the records would necessarily result in conclusions that Dr. Kruszewski complied with the standard of care.

5. Paragraph 5 is admitted. It is further averred that Paragraph 5 is a mischaracterization of Dr. Levine's complete report, which consists of five pages of reasoning, including reference to eleven medical articles.

6. Paragraph 6 is admitted. It is further averred that Paragraph 6 is a mischaracterization of the full report of Dr. McTighe, which consists of seven pages.

7. Paragraph 7 is admitted. It is further averred that Paragraph 7 is a mischaracterization of the full report of Dr. Merajver, which consists of four pages.

8. Paragraph 8 is denied as stated. Plaintiffs' position that any expert in support of Dr. Kruszewski's care would be prejudiced is untenable since any opposing testimony is always prejudicial. It would be up to the jury, after hearing the testimony on the qualifications of each expert, to give such weight to the testimony of each expert as they desire. The Court's standard charge to the jury on experts provides *inter alia*:

"In determining the weight to be given to the expert opinions, you should consider the qualifications and reliability of the expert and the reasons and facts given for the opinion. You are not bound by an expert's opinion merely because he or she is an expert; you may accept or reject it, as in the case of the other witnesses. Give it the weight, if any, to which you deem it is entitled."

Dr. Kruszewski's experts have different qualifications, which the jury would consider:

- A. Paul H. Levine, MD is Board Certified in Internal Medicine, and has been studying and doing research on inflammatory breast cancer for 30 years. He has studied and done research during this 30-year period for the National Institute of Health, and was Chairman of the National Cancer Institute Epidemiology and Biostatistics Program Biospecimen Repository Governing Board. He has performed ten (10) clinical studies and research for the National Institute of Health and the National Cancer

Institute on breast cancer and diseases. He has published over 300 articles on Inflammatory Breast Cancer, and various issues relating to breast cancer. Presently, he is in charge of an IBC registry with 161 patients who have breast cancer.

- B. Sofia D. Merajver, MD is Board Certified in Internal Medicine and Medical Oncology, and is an expert on inflammatory breast cancer and its clinical presentation and management around the world. She is the Director of the University of Michigan Center for Global Health, and, medical oncologist for the University of Michigan Comprehensive Cancer Center. She is an expert in breast cancer, cancer risk assessment, and, international breast cancer research and prevention. She studies aggressive forms of breast cancer, with inflammatory breast cancer being the primary model. She has projects on clinical care, which she has organized in international settings. She spends 20% of her time in direct patient care at the University of Michigan, 25% on breast cancer research, both clinical and molecular, and, 45% on leading a center for global health, with breast cancer being a major area of emphasis.
- c. Arthur H. McTighe, MD, is a Board Certified Pathologist in anatomic and clinical pathology, microbiology, dermatopathology and cytopathology. He reviewed and studied the pathology slides of Mrs. Swanson's breast from when the diagnosis was made in April 2005.

The experts have different qualifications and experience in inflammatory breast cancer on which their reports are based. The jury should be permitted to pass on those different qualifications and decide to accept or reject them. As to the standards and causation, there are differences in their reasoning and basis for their reports, as the following examples illustrate:

- a. In her report, Dr. Merajver not only refers to the mammogram of July 6, 2004 and its findings, but also to the evidence that DRMC mailed Mrs. Swanson a letter informing her that her mammogram and ultrasound reports were normal, with no evidence of cancer, and, that until the diagnosis of April 2005, there was no imaging study suggesting IBC.
- b. Dr. Merajver also discusses the BIRADS (a classification of benign or non-benign) assigned to each ultrasound report and the meaning of BIRADS 2 and 3 insofar as findings are concerned.
- c. Dr. Merajver states there is no imaging study indicating a differential diagnosis, which is not included in Dr. Levine's report.
- d. Dr. Merajver mentions Mrs. Swanson's visits to Dr. Kruszewski in the weight loss program, which visits were more frequent than would be expected of an OBGYN.

- e. Dr. Merajver refers to the advocacy programs in the United States as specializing in Inflammatory Breast Cancer, and speaks to the education on IBC. Dr. Merajver gives different views concerning the treatment.
- f. Dr. Levine discusses his criticism of Plaintiffs' expert, Dr. Dash, which is not commented on by Dr. Merajver.
- g. Dr. Levine also discusses the accepted definition of Inflammatory Breast Cancer by the American Joint Committee on Cancer, and points out the fallacy of Plaintiff's expert, Dr. Duboe.
- h. Unlike Dr. Levine, Dr. Merajver states that Mrs. Swanson had no evidence of disease recurrence and it is her opinion that Mrs. Swanson did not incur any damage with respect to her survival by having the IBC suspected in February 2005 and diagnosed in April 2005.
- i. Dr. Merajver also mentions that Dr. Schachter treated Mrs. Swanson conservatively.
- j. Dr. Levine states that initial surgery would be inappropriate for IBC, and there is no such entity as in situ IBC, which is different from the other expert reports.
- k. Dr. Levine also states that for two months in November and December of 2004, there was no change in the size of the breast, which is incompatible with IBC. This is not commented on by Defendant's other experts.

- l. Different from the other experts, Dr. Levine also comments that the opinion of Plaintiffs' expert, Dr. Duboe, is subjective and questionable.
- m. Dr. McTighe's report indicates that as a surgical pathologist, he reviewed the surgical pathology slides from when the diagnosis was made. He is the only expert of Dr. Kruszewski's who reviewed the pathology slides. He also concludes that the likelihood of cancer recurrence declines significantly after 5½ years; and that IBC is relatively rare. He discusses the mammographic findings in IBC; the average age of patients with IBC; and the findings of breast tenderness and nipple discharge being consistent with mastitis. He criticizes Plaintiffs' expert pathologist, Dr. Raj Dash, and disagrees with his conclusions, which is different from Dr. Levine's criticism.
- n. The above are only illustrations of the differences among Dr. Kruszewski's experts, and, at trial, they will be questioned and testify on subjects that will not be cumulative. Dr. Kruszewski does not have the burden of proof, and, can introduce expert testimony on the various matters contained in each expert's report.

The Plaintiffs allegation that allowing Dr. Kruszewski to have three attempts to convince a jury to find in her favor would cause the jury to improperly focus on the number of witnesses, rather than the substance of their reports, and, may cause the jury to speculate that

because the three experts reached the same conclusion, they must be correct, is denied. To the contrary, Plaintiffs' allegations overlook the fact that all evidence is intended to prejudice the party against whom it is offered, and, any possibility of prejudice is counterbalanced by the need to give the jury the entire picture of the case from the view and aspects of three experts.

Further, if Plaintiffs' counsel requests the Court, there most likely would be a charge, "That the number of witnesses offered by one side or the other does not of itself determine the weight of the evidence. The jury must also determine whether a witness is biased or unbiased, interested or disinterested, but of importance is the quality of the testimony. It is the quality of the testimony, not who has the greater number of witnesses."

The Court can make further instructions that one witness may outweigh the testimony of all others. Further, an expert testimony instruction could be requested to the effect that the jury is not bound by an expert opinion merely because he or she is an expert. The jury is instructed to accept or reject expert opinion as in the case of any witness, and to give it the weight, if any, to which they deem it entitled. "It is beyond argument that the fact finder is free to accept or reject the

credibility of both expert and lay witnesses, and, to believe all, part or none of the evidence they give." *Nemirovsky v. Nemirovsky*, 776 A.2d 988, 993.

9. Paragraph 9 is admitted. Further, the introduction of three well-qualified experts to inform and educate the jury on the complicated issue would aid it in its deliberations, rather than hinder it.

10. Paragraph 10 is a statement of Plaintiffs' legal position, to which a response is not necessary.

11. Paragraph 11 is a statement of Plaintiffs' legal position, to which a response is not necessary. It is further averred that by improperly excluding appropriate expert testimony may be an abuse of discretion, requiring reversal.

12. Paragraph 12 is denied. Pennsylvania law promotes the use and introduction of sufficient evidence to educate the jury. Plaintiffs' citation of *Commonwealth v. Smith*, 694 A.2d 1086 is misapplied, in that, the defendant in that case introduced an expert; rested his case; the Commonwealth put on additional evidence; and the defendant wanted to reopen his case to put on an expert in rebuttal, which should have been

done in their case in chief. It was under those particular circumstances that an additional expert was disallowed.

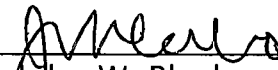
13. Paragraph 13 is denied. As pointed out above, Dr. Kruszewski's three experts are specialists in their own areas, based on their studies, research and clinical experience. Each of Dr. Kruszewski's experts has a different education and background. The three experts differ in their specialties: internal medicine, internal medicine with a hematology and oncology subspecialty; and pathology. The Court should permit Defendant Kruszewski to present the testimony of all three experts at the trial, and, Plaintiffs would have the right to cross-examine, as well as assert objections if the testimony is cumulative.

WHEREFORE, IT IS REQUESTED that Plaintiffs' Motion in Limine to Preclude Cumulative Expert Testimony be dismissed without prejudice to Plaintiffs to object to any cumulative evidence at the trial of this case.

Respectfully submitted,

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY


John W. Blasko
Attorneys for Defendant,
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	Civil Action–Medial Professional
	:	Liability Action
Plaintiffs,	:	
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	No. 2007-362-CD
STEVEN W. GRAECA, D.O., and	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED
	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant, Mary Kruszewski, D.O.'s Answer to Plaintiffs' Motion in Limine to Preclude Cumulative Expert Testimony, in the above-captioned matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 20th day of October 2010 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
RAWLE & HENDERSON, LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: _____


JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

5

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OCT 27 2010
William A. Shaw
Prothonotary/Clerk of Courts
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MELISSA A SWANSON and
JASON SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL CENTER
Defendants.

:
: Civil Action-
: Medial Professional Liability Action
:
: Docket No. 2007-362-CD
:
: JURY TRIAL DEMANDED
:
: Pleading:
: PRAECIPE TO WITHDRAW MOTION TO
: COMPEL with CERTIFICATE OF SERVICE
:
: Filed on Behalf of:
: MARY KRUSZEWSKI, DO
:
: Counsel of Record for this Party:
: JOHN W. BLASKO, ESQUIRE
: Attorney I.D. # 6787
: 811 University Drive
: State College, PA 16801
: (814) 238-4926
:
: Counsel of Record for Adverse Party:
: KEVIN P. LOMUPO, ESQUIRE
:
:

Dated: October 26, 2010

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	Civil Action–Medial Professional
Plaintiffs,	:	Liability Action
	:	
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007–362–CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

PRAECIPE TO WITHDRAW MOTION TO COMPEL

TO THE PROTHONOTARY:

Please withdraw Defendant Mary Kruszewski, D.O.'S Motion to Compel Plaintiffs to Update and Provide Reports, Records, and Other Materials Referenced in their Expert Reports, without prejudice.

Respectfully submitted,

McQUAIDE, BLASKO

BY  _____
John W. Blasko
Attorneys for Defendant,
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	
	:	Civil Action–Medial Professional
Plaintiffs,	:	Liability Action
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007–362–CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

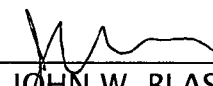
I hereby certify that a true and correct copy of Defendant, Mary Kruszewski, D.O.'s Praecipe to Withdraw Motion to Compel, in the above-captioned matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 24 day of October 2010 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
RAWLE & HENDERSON, LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

FILED ⁶⁰

OCT 18 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

MELISSA A SWANSON and
JASON SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL CENTER
Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

JURY TRIAL DEMANDED

Pleading:

MOTION TO COMPEL PLAINTIFFS TO
UPDATE AND PROVIDE REPORTS,
RECORDS, AND OTHER MATERIALS
REFERENCED IN THEIR EXPERT REPORTS

Filed on Behalf of:

MARY KRUSZEWSKI, DO

Counsel of Record for this Party:

JOHN W. BLASKO, ESQUIRE

Attorney I.D. # 6787

811 University Drive

State College, PA 16801

(814) 238-4926

Counsel of Record for Adverse Party:

KEVIN P. LOMUPO, ESQUIRE

Dated: October 15, 2010

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	Civil Action–Medial Professional
Plaintiffs,	:	Liability Action
	:	
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007-362-CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

**DEFENDANT MARY KRUSZEWSKI, D.O.'s MOTION TO COMPEL PLAINTIFFS TO
UPDATE AND PROVIDE REPORTS, RECORDS, AND OTHER MATERIALS
REFERENCED IN THEIR EXPERT REPORTS**

COMES NOW, Defendant, Mary Kruszewski, D.O., by and through her attorneys, McQuaide Blasko, and files this Motion representing the following:

1. By this Motion, Dr. Kruszewski seeks to compel Plaintiffs to produce reports and records previously requested, but not provided, that are now referenced in Plaintiffs' expert reports and Pre-Trial Memorandum. This Motion is based on the following:

- a. The failure of Plaintiffs to completely and fully respond to "Defendant Mary Kruszewski, DO's Request of Plaintiffs to Supplement Prior Responses to Interrogatories and Request for Production";

- b. To compel production of updated employment records of the Plaintiff, Melissa Swanson
- c. To compel Plaintiffs to produce the pathology slides relied upon by their expert for his report; and
- d. To compel Plaintiffs to produce articles referred to in their expert report of Raj C. Dash, MD.

2. On April 29, 2010, Dr. Kruszewski filed a Request to Plaintiffs to Supplement Prior Discovery Responses, specifically, "Interrogatories for Answer by Plaintiffs and Request for Production of Documents (Set 1)" and "Defendant's Request for Production of documents (Set 2)." A copy of April 29, 2010 Request is attached hereto marked Exhibit "A".

3. Plaintiffs responded by supplementing their answer to Interrogatory #14 only, a copy of which is attached hereto marked Exhibit "B".

4. Plaintiffs failed to supplement any of their other responses to Interrogatories or Requests for Production relating to the employment, medical reports, or medical records.

I. MEDICAL REPORTS

5. Under "Section I – Statement of Case" of their Pretrial Memorandum, Plaintiffs state, "At this time, she [Mrs. Swanson] remains cancer free, but still carries a dismal prognosis. She has developed lymphedema, weight gain and depression. A prophylactic contralateral breast mastectomy had been advised, but it has not yet occurred."

6. The Interrogatories and Requests for Production served on Plaintiffs on May 7, 2007, which Defendant requested be supplemented on April 29, 2010, were, *inter alia*, as follows:

6. Regarding any injuries which you allege were caused by the alleged incident, state the following:
 - (a) A precise and full description of all injuries which you claim to have sustained as a result of the incident;
 - (b) The identity of all health care providers who have examined, attended or treated you concerning the injuries referenced in response to paragraph (a);
 - (c) As to each person identified in the preceding subparagraph, the nature of the treatment provided and the dates on which you visited each listed health care provider;
 - (d) Whether any of the health care providers identified in response to subparagraph (c) were consulted on advice or referral of your attorney, and if so, which health care provider(s).
7. Do you contemplate the necessity of further examination and/or treatment in the future due to the alleged malpractice by Defendant Kruszewski? If so, please set forth a full description of examination and/or treatment which will be necessary, as well as any physician(s) who has advised of the need for such treatment.

• • •

13. Are you seeking damages for emotional or psychological injuries and/or for pain and suffering? If so, specify:
- (a) The nature of the emotional or psychological injuries claimed, including a description of any physical manifestations;
 - (b) The anticipated duration of the emotional or psychological injuries;
 - (c) The identity and address of all health care professionals who have treated you for said injuries and/or expressed an opinion as to the subject matter addressed at subinterrogatories (a) and (b);
 - (d) All treatment received for said problems, including counseling, therapy and/or medications; and,
 - (e) The dates of such examination, consultation and/or therapy.
18. To the extent not already specified above, state the name, specialty, and address of any health care provider who provided any medical treatment or examination whatsoever to you at any time, along with the date and description of the type of service rendered and the reason for same.

DOCUMENTS TO BE PRODUCED

- I. Copies of any and all medical records in connection with any care and treatment you may have received from any physician, hospital or medical facility for the ten (10) years preceding the said procedure at issue in this action, and all medical records for care received since said procedure. This request includes hard copies of any computer-generated records and other records in the form of electronic media.
- 10. Copies of any and all documents which support, establish, or relate in any manner whatsoever to any of the claims/allegations set forth by Plaintiff regarding this incident, or which will be relied upon by Plaintiff in the prosecution of this action.

7. Although now claimed as damages, Plaintiffs have failed to provide or supplement any medical records or reports establishing that Mrs. Swanson has a "dismal prognosis"; developed lymphedema; gained

weight; developed depression; or that a prophylactic contralateral breast mastectomy will be required because of the cancer in her right breast.

8. It is requested that this Court enter an Order requiring Plaintiffs to produce medical reports and records establishing Mrs. Swanson's dismal prognosis, and, evidencing she has gained weight, developed depression, and is required to undergo a prophylactic contralateral breast mastectomy as a result of the alleged malpractice.

II. EMPLOYMENT RECORDS

9. Plaintiff's economic report of Donal F. Kirwin dated October 1, 2010, relies in part on Mrs. Swanson's IRS forms W-2 for 2005 and 2006; income tax returns for 2007, 2008 and 2009; and her pay voucher dated August 19, 2010. Mr. Kirwin states that as of August 19, 2010, her pay rate was \$15.89 per hour in addition to certain employer-paid fringe benefits, and, that his calculation of Mrs. Swanson's increased future annual wages were as per the Consumer Price Index, which was consistent with "Ms. Swanson's 2011 wage [which] was increased by that percentage."

10. The Interrogatories and Requests for Production served on Plaintiffs on May 7, 2007, which Defendant requested be supplemented on April 29, 2010, were, inter alia, as follows:

2. Please provide the following employment and income information:
 - (a) Your employer, job description, rate of pay and average weekly wages, **currently**;
 - (b) Your employer, job description, rate of pay and average weekly wages **at the time of the alleged incident**;
 - (c) Your employer, job description, rate of pay and average weekly wages for each job for **ten years preceding the alleged incident**; and
 - (d) Your gross income for each of the past five (5) years.
12. Are you seeking damages for loss of future earning capacity? If so, state:
 - (a) Whether you are claiming partial or full disability;
 - (b) The anticipated duration of disability;
 - (c) The precise nature of the claimed disability and medical reason(s) why you claim entitlement to damages for loss of future earning capacity;
 - (d) The identity and address of all health care professionals who have expressed an opinion as to the subject matter addressed at subinterrogatories (a), (b), and (c); and
 - (e) The amount claimed as damages and the method of computing this amount.

DOCUMENTS TO BE PRODUCED

8. Copies of federal, state and municipal income tax returns and supporting documentation for Plaintiffs for the five (5) year period preceding the incident and all tax returns since that time and to the present. If tax returns are not available for a given year, please provide copies of W2 statements or any other documentary information which will verify the extent of the wages and earnings.
9. Copies of any and all writings of whatsoever nature relating and/or reflecting the lost past or future income of the Plaintiffs.

11. Although requested as above, Plaintiffs have failed to provide updated employment records, but now has their expert prepare an economic report based on these records. Defendant Kruszewski was

provided with employment records through August 2007. Plaintiffs have failed to provide updated Employee Evaluations; documentation regarding annual wage rate changes, fringe benefits and the cost of same; authorization for change in payroll deductions; and/or printouts of Mrs. Swanson's payroll history.

12. Defendant Kruszewski requests that Plaintiffs produce the entire employment and personnel file of Mrs. Swanson at Elk Regional Health Center from August 2007 to the present date, together with all information relied upon by Donal F. Kirwin in making his report.

III. EXPERT INFORMATION

13. Plaintiff's undated expert report of Raj C. Dash, MD refers to "Pathology Review MWS05-17268", which is the pathology from the mastectomy performed at Magee-Womens Hospital on August 31, 2005. Dr. Dash states that a negative consequence for the delay in diagnosis is:

"Significant decrease in chances for disease free survival due to progression in inflammatory breast cancer. Please reference the attached articles."

14. Plaintiffs failed to produce the "attached articles" referenced in Dr. Dash's report.

15. On September 15, 2010, Defendant Kruszewski requested the pathology slides reviewed by Dr. Dash, MWS05-17268, from Plaintiffs. By letter dated September 17, 2010, Plaintiffs refused to provide the slides on the basis that discovery had ended.

IV. CONCLUSION

16. Defendant Dr. Kruszewski is prevented from preparing a defense to Plaintiff's expert reports and allegations of Mrs. Swanson's physical conditions by Plaintiff's failure to provide full and complete information.

WHEREFORE, it is requested that the Court enter an Order requiring Plaintiffs to produce:

- A. All medical reports and records establishing that Mrs. Swanson has a dismal prognosis; that because of the alleged malpractice, she gained weight, became depressed, and, is required to undergo a prophylactic contralateral breast mastectomy;
- B. The entire employment and personnel file of Mrs. Swanson at Elk Regional Health Center from August 2007 to date, together with her tax returns for 2007, 2008 and 2009; IRS W-2 forms for 2005 and 2006; and a current pay voucher;

- C. Copies of all articles referred to in Raj C. Dash, MD's undated report; and
- D. The pathology slides MWS05-17268 reviewed by Dr. Dash,
- together with such other relief as may be appropriate.

Respectfully submitted,

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY



John W. Blasko
Attorneys for Defendant,
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

**DEFENDANT MARY KRUSZEWSKI, DO's REQUEST OF PLAINTIFFS TO
SUPPLEMENT PRIOR RESPONSES TO INTERROGATORIES AND
REQUEST FOR PRODUCTION**

TO: Plaintiffs
c/o Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

Pursuant to Pa.R.C.P. 4007.4(3), Defendant, Mary Kruszewski, DO, by and through her attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc. and John W. Blasko, Esquire, hereby requests Plaintiffs to supplement, within thirty (30) days after service, all prior responses to:

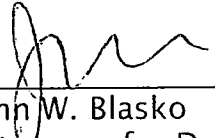
- (1) Defendant Mary Kruszewski, DO's Interrogatories for Answer by Plaintiffs and Request for Production of Documents (Set One); and
- (2) Defendant's Request for Production of Documents (Set Two).

Exhibit "A"

Respectfully submitted,

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY



John W. Blasko
Attorneys for Defendant
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

Date: April 29, 2010

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

MELISSA A SWANSON and	)	Civil Action-Medial Professional
JASON SWANSON, her husband,	)	Liability Action
	)	
Plaintiffs,	)	No. 2007-362-CD
	)	
vs.	)	JURY TRIAL DEMANDED
	)	
MARY KRUSZEWSKI, D.O.,	)	
STEVEN W. GRAECA, D.O., and	)	
DRMC PRIMARY CARE ASSOCIATES,	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE

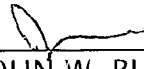
I hereby certify that a true and correct copy of Defendant Mary Kruszewski, DO's Request of Plaintiffs to Supplement Prior Responses to Interrogatories and Request for Production by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 29TH day of April, 2010 to:

Kevin R. Lomupo, Esquire
Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants.

**CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

**PLEADING:
PLAINTIFFS' REVISED ANSWERS TO
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS,
SET ONE OF DEFENDANT MARY
KRUSZEWSKI, D.O.**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, OLIVER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgol.com

JURY TRIAL DEMANDED

Exhibit "B"

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

MELISSA SWANSON and
JASON SWANSON, her husband,

Plaintiffs

vs.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants

No. 2007 - 362 - CD

JURY TRIAL DEMANDED

**PLAINTIFFS' REVISED ANSWERS TO INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS, SET ONE OF DEFENDANT MARY KRUSZEWSKI, D.O.**

14. State whether or not any of the alleged injuries resulted in any scars, abrasions, contusions or lacerations of your body. If so, describe and specify the parts of your body so affected.

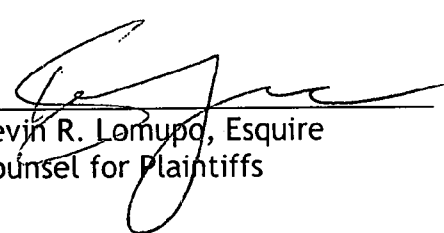
ANSWER:

Please add the following to interrogatory #14 previously answered.

I have developed lymphadema in my right arm because of a scratch to my arm in August, 2009 which resulted in cellulites and septicemia which required IV antibiotics, a three (3) day stay in the hospital and two weeks off work. I developed cellulites again in that arm in November, 2009. I was lucky it was caught in time and I only needed IV antibiotics in the emergency room. I had to go to therapy to learn how to massage the lymphatic system in my arm and now I have to wear a lymphadema sleeve most of the time.

Respectfully submitted,

GILARDI, OLIVER & LOMUPO


Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

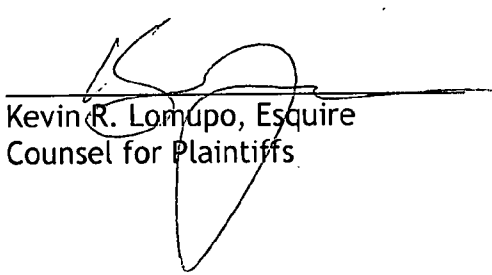
CERTIFICATE OF SERVICE

I hereby certify that a certified copy of ***Plaintiffs' Revised Answers to Interrogatories and Request for Production of Documents, Set One of Defendant Mary Kruszewski, D.O.*** has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 18th day of May, 2010.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant Dubois Regional Medical Center


Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	
	:	Civil Action–Medial Professional
Plaintiffs,	:	Liability Action
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007–362–CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

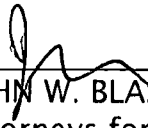
I hereby certify that a true and correct copy of Defendant, Mary Kruszewski, D.O.'s Motion to Compel, in the above-captioned matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 15th day of October 2010 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
RAWLE & HENDERSON, LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A SWANSON and JASON
SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL
CENTER,
Defendants.

Civil Action–Medial Professional
Liability Action

No. 2007–362–CD

JURY TRIAL DEMANDED

ORDER

AND NOW, THIS _____ day of _____, 2010, the *Plaintiffs'*
Motion in Limine to Preclude Testimony of Defense Experts, Drs. Levine,
Merajver and McTighe is DISMISSED.

J.

FILED NO
0711346 CC
OCT 27 2010
William A. Shaw
Prothonotary/Clerk of Courts
(610)

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

MELISSA A SWANSON and
JASON SWANSON, her husband,
Plaintiffs,

v.

MARY KRUSZEWSKI, D.O.,
STEVEN W. GRAECA, D.O., and
DUBOIS REGIONAL MEDICAL CENTER
Defendants.

Civil Action-
Medial Professional Liability Action

Docket No. 2007-362-CD

JURY TRIAL DEMANDED

Pleading:

ANSWER TO PLAINTIFFS' MOTION IN
LIMINE TO PRECLUDE TESTIMONY OF
DEFENSE EXPERTS, DRS. LEVINE, MCTIGHE
AND MERAJVER, AS TO STANDARD OF
CARE

Filed on Behalf of:

MARY KRUSZEWSKI, DO

Counsel of Record for this Party:

JOHN W. BLASKO, ESQUIRE

Attorney I.D. # 6787

811 University Drive

State College, PA 16801

(814) 238-4926

Counsel of Record for Adverse Party:

KEVIN P. LOMUPO, ESQUIRE

Dated: October 26, 2010

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	Civil Action–Medial Professional
Plaintiffs,	:	Liability Action
	:	
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	
STEVEN W. GRAECA, D.O., and	:	No. 2007–362–CD
DUBOIS REGIONAL MEDICAL	:	
CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

**DEFENDANT MARY KRUSZEWSKI, D.O.'s ANSWER TO PLAINTIFFS' MOTION IN
LIMINE TO PRECLUDE TESTIMONY OF DEFENSE EXPERTS, DRS. LEVINE,
McTIGHE AND MERAJVER, AS TO STANDARD OF CARE**

COMES NOW, Defendant, Mary Kruszewski, D.O., by and through her attorneys, McQuaide Blasko, and files this Answer to Plaintiffs' Motion in Limine, representing the following:

1. Paragraph 1 is admitted.

2,4. Paragraph 2, to the extent it alleges that Dr. Levine is Board Certified in Internal Medicine; that his expertise is as per the attached CV (Exhibit 1 to Plaintiffs' Motion); and that he is not an OBGYN, is admitted. The remainder of Paragraph 2 is denied as stated.

Paragraph 4, to the extent it alleges that Dr. Merajver is board certified in internal medicine and medical oncology; that her expertise is as per the attached CV (Exhibit 3 to Plaintiffs' Motion); and that she is not an OBGYN is admitted. The remainder of Paragraph 4 is denied as stated.

The M-CARE Act § 512 sets forth the qualifications of an "expert in a medical professional action against a physician...". The requirements of the Act only apply if an expert is to testify against a physician, not in support of a physician.

Alternatively, it is Plaintiff's burden of proof to establish that Dr. Levine and Dr. Merajver are not qualified under the Act 512 (c)(d) or (e). In determining whether the expert qualifies, the Court must consider Dr. Levine's and Dr. Merajver's experience and training in the applicable standard of care for the specific care at issue. The specific care at issue is whether on July 6, 2004, and thereafter, it was appropriate to treat Mrs. Swanson for an infection or inflammation of the breast, or, whether she had inflammatory breast cancer (IBC). Plaintiffs do not contest Defendants' experts testifying as to causation.

Dr. Levine and Dr. Merajver are qualified under §512 to testify as to the standard of care in determining treatment of diseases of the breasts. Their entire medical professional life has been directed to the breasts.

Infection and IBC are not limited to an OBGYN specialist such as Dr. Kruszewski. Although Drs. Levine and Merajver are board certified in a specialty other than Dr. Kruszewski's OBGYN certification, they both have specialized education, knowledge and practice in the specific care at issue in this case. Dr. Graeca, Co-Defendant, is Board Certified in Internal Medicine and treats mastitis as an infection of the breast. Treatment of Mrs. Swanson's mastitis (infection) involved Dr. Kruszewski's knowledge of infection, which is also part of the internal medicine practice.

The Court is directed to the following qualifications:

A. General

A Board Certified Internal Medicine physician is one who focuses on adult medicine and has had special study and training in the prevention and treatment of adult diseases. At least 3 of the 7 or more years of medical school and post-graduate training are dedicated to learning how to prevent, diagnose, and treat diseases that affect adults. Board Certified Internists are sometimes referred to as "a doctor's doctor" because they are often called upon to act as consultants to other physicians to help solve diagnostic problems. Internists deal with whatever problem a patient brings - no matter how common or rare, or how simple or complex. They

are especially trained to solve puzzling diagnostic problems and can handle severe chronic illnesses and situations where several different illnesses may strike at the same time.

Internal medicine is a discipline encompassing the study and practice of health promotion, disease prevention, diagnosis, care and treatment of men and women from adolescence to old age, during health and all stages of illness. Intrinsic to the discipline are scientific knowledge, the scientific method of problem solving, evidence-based decision making, a commitment to life-long learning, and an attitude of caring that is derived from humanistic and professional values.

During their residencies, they participate in clinical experience on gender-specific diseases of women and men. They are instructed, and have clinical experience in psychiatry, dermatology, medical ophthalmology, gynecology, otolaryngology, non-operative orthopedics, and other areas. The areas covered in their educational residencies, as well as their practice, include cardiovascular disease, gastroenterology, pulmonary disease, infectious disease, limited orthopedics, obstetrics, gynecology, ophthalmology, and psychiatry.

B. Dr. Levine

Dr. Levine's CV and history includes seeing patients, either in the emergency room or while covering for internal medicine specialists on the floors during the evening. He was an attending physician in generalized internal medicine at Howard University. At the Roswell Park Memorial Institute, he was in charge of primary care for oncology patients. He saw patients as part of his research adjunctive to patients and included providing the needed care for anything to do with infectious disease. All of the patients he sees are a part of his research at the National Institute of Health that deals with breast diseases, including mastitis (an infection), inflammatory breast cancer, nasopharyngeal carcinoma, American Burkitt's, lymphoma, chronic fatigue, and other related diseases.

Dr. Levine was on the International Expert Panel on inflammatory breast cancer, which developed a consensus statement for diagnosis and treatment. The non-specificity of the diagnosis criteria, including the potential diagnosis of mastitis, was reviewed, and the goal was to identify causes of difference in treatment and the outcome with different breast problems.

C. Attached as Exhibit A is Dr. Levine's CV, which focuses on diseases of the woman's breast. He was on the editorial board of the publication entitled, "Neurological Infections and Epidemiology". The experience of Dr. Levine in infectious disease, as well as his extensive research, is set forth in the attached list of publications. All of his experience, research and publications that deal with infection are highlighted and attached hereto as Exhibit "A". Out of 305 articles, 130 have been highlighted that pertain to patients' viruses, infections, etc. Many of his articles refer to Epstein-Barr Virus, which is a cause of infectious mononucleosis, and is associated with the development of multiple malignancies. Many of the infectious mononucleosis illnesses are caused by other infections.

As an expert in inflammatory breast cancer, Dr. Levine focuses on the breast, and, as part of his patient base, research and treatment, he would be required to distinguish between cancer and infection.

D. Dr. Merajver

Dr. Merajver is Board Certified in Internal Medicine and in the subspecialty of Medical Oncology. She is a world expert on

inflammatory breast cancer, its clinical presentation, and management. She is the Director of the University of Michigan Center for Global Health, and, Medical Oncologist for the University of Michigan Comprehensive Cancer Center. She is an expert in breast cancer, cancer risk assessment, and international breast cancer research and prevention. She studies aggressive forms of breast cancer, with inflammatory breast cancer being the primary model. She has projects on clinical care, which she has organized in international settings. She expends time in direct patient care at the University of Michigan; on breast cancer research, both clinical and molecular; and on leading the Center for Global Health, with breast cancer being the major area of study. Although not board certified in OBGYN, Dr. Merajver's entire professional career has been focused on diseases of the woman's breast. She has received over 62 grants as the principal investigator on projects involving breast cancer, its interaction with the tissue and its molecular characterization, etc. All of her grants, research, and studies relate to diseases of the breast. She is actively engaged internationally with the issue of breast cancer. She is on several editorial boards for 31 publications in the United States, including *Gynecology &*

Obstetrics. She has published numerous articles and conducted several studies on the diagnosis and treatment of breast cancer, part of which would include other breast diseases such as infection. She has been an instructor and speaker at the OBGYN Residents Forum. She has conducted various Grand Rounds for OBGYNs. She has interviewed patients, conducted research, and published her results in over 133 peer-reviewed publications. It is obvious that Dr. Merajver's specialty is directed to diseases of the breast, which includes infection, the issue in this case.

E. Other

In this case, on July 6, 2004, Dr. Alajaji, the radiologist, interpreted the ultrasound as being suggestive of mastitis, and, recommended a course of antibiotics with a follow-up ultrasound in 6 to 8 weeks. A copy of the report is attached hereto as Exhibit "B". Mastitis is an inflammation or infection of the breast, and is treated with antibiotics as Dr. Alajaji recommended in his report. Dr. Alajaji followed the mastitis in his subsequent ultrasound reports. Although Dr. Alajaji is not an OBGYN, he made the same diagnosis that a board certified internal medicine specialist would. Administering antibiotics for an infection is not limited to a

physician specializing in OBGYN. Dr. Alajaji is not board certified in OBGYN. Many physicians of various specialties treat infections with antibiotics. The issue is whether Mrs. Swanson had mastitis (an infection) or inflammatory breast cancer on July 6, 2004 and thereafter, and, whether Defendant's experts can testify as to the diagnosis and treatment of either.

The Co-Defendant, Steven Graeca, DO, is board certified in internal medicine, Exhibit "C" attached. At his deposition, he testified that mastitis is an infection of the breast, which he has diagnosed and treated. See page 69 of deposition transcript, Exhibit "D".

3. Paragraph 3 is admitted. As his report indicates, Dr. McTighe is the Medical Director of the Department of Laboratory Medicine and Chief Pathologist of a large teaching hospital in Baltimore, Maryland, which has an active general surgery, breast surgery, medical oncology, radiotherapy, gynecology, and primary care services. He has experience monitoring and improving the quality of care, as well as reviewing patient tissues, labs, deaths and other adverse outcomes, to determine whether the patient's management and care was reasonable or contributed to the death or adverse outcome.

As a pathologist, as well as Vice-President for Medical Affairs and Patient Safety Officer, Dr. McTighe is required to analyze adverse outcomes and determine whether they were preventable. In doing so, he reviews the patient's medical records and the treatment administered to determine whether it was appropriate. He has been a Member of the Infection Control Committee for Union Memorial Hospital in Baltimore, and, prior to that, he was Chairman of the Infection Control Committee at Evangelical Community Hospital in Lewisburg, PA and Sunbury Community Hospital. As a pathologist, in cases such as this, if there was an adverse outcome, he would determine whether it was caused by infection or other disease, and, whether appropriate treatment was rendered. His Curriculum Vitae indicates that a majority of his published articles are associated with infections, or some part thereof. Dr. McTighe has made presentations to Tumor Boards, as well as to departments of gynecologic pathology. As a pathologist, as well as the Medical Director, he would review the care and treatment of patients by all medical specialists involved, including OBGYNs.

5. Paragraph 5 is admitted. To the extent the averments indicate that only obstetric and gynecological specialists can treat diseases of the

breast, which is the issue in this case, it is denied. Infectious diseases are treated by many other physicians who are not certified as an OBGYN.

6. Paragraph 6 is denied as stated. In response, Section 512 of the MCARE Act, by this reference, is incorporated herein. The requirement that an expert witness must practice in the same subspecialty or be certified by the same board as the defendant applies only to testimony against a defendant who is sued – not to testimony that conflicts with other experts (Plaintiffs' experts in this case). The MCARE Act would not apply when the experts are testifying on behalf of the defendant physician.

Further, all of Defendant's experts are "substantially" familiar with the standard of care for the specific issue of this case (infection vs. IBC); they practice in a specialty that has similar standards of care as an OBGYN; and they are certified by a similarly approved board relating to mastitis and infection.

Further, the exception from §512(c)(1), (2), (3), contained in §512(e) states:

"A court may waive the same specialty and board certification requirements for an expert testifying as to a standard of care if the court determines that the expert possesses sufficient training, experience and knowledge to provide the testimony as a

result of active involvement in or full-time teaching of medicine in the applicable subspecialty or a related field of medicine within the previous five-year time period.”

It is submitted that the mastitis of Mrs. Swanson’s breast, as diagnosed by the radiologist in his report of July 6, 2004, (Exhibit B attached hereto) with his recommendation that it be treated with a course of antibiotics, is within the knowledge and experience of all three of Defendant’s experts. Indeed, once the radiologist made the diagnosis of infection, recommending the administration of antibiotics is what most physicians who are not board certified in OBGYN would do.

The issue on the standard of care, as framed by Plaintiffs’ expert Dr. Duboe, is that:

Despite ongoing symptoms of inflammatory breast carcinoma, Dr. Kruszewski continued to treat for mastitis (an infection) rather than refer to a surgeon causing a delay in diagnosis of the cancer, which should have been diagnosed as early as July 2004. As a result there was a delay in diagnosis and harm to Mrs. Swanson.

Dr. Kruszewski ’s experts are highly qualified to testify on the specific care at issue, as set forth by Plaintiffs’ expert, Dr. Duboe. In short, the key issue is failure to diagnose the inflammatory breast

cancer in July 2004, or thereafter. All of Dr. Kruszewski's experts are qualified to address that issue even though they are not board certified in OBGYN, and practice in different specialties than Dr. Kruszewski. The qualifications and practice areas of Defendant's experts would be the same as an OBGYN as to determining whether Mrs. Swanson had mastitis and its treatment, or whether she had inflammatory breast cancer.

7,8,9. Paragraphs 7, 8, 9 accurately quote portions of each of the expert's reports; however, the paragraphs fail to include the entire report, and, it is denied that Defendant's experts are unqualified to testify on the standard of care as to the diagnosis and treatment of breast diseases, whether it be mastitis (infection) or inflammatory breast cancer. Further, by their allegations, Plaintiffs have not objected to the qualifications of Defendant's experts to testify on causation.

10. Paragraph 10 is a statement of Plaintiffs' legal position, to which a response is unnecessary. To the extent a response is necessary, the complexities of the diagnosis and treatment of cancer

and other breast diseases necessarily involves different specialists, who work in a sequential but coordinated manner, and the qualifications and practice areas of all of Defendants' experts qualify them to testify in this case, either as to the standard for treating an infection and inflammatory breast cancer, or to causation.

WHEREFORE, IT IS REQUESTED that Plaintiffs' motion be dismissed.

Respectfully submitted,

McQUAIDE, BLASKO
FLEMING & FAULKNER, INC.

BY 
John W. Blasko
Attorneys for Defendant,
MARY KRUSZEWSKI, DO
811 University Drive
State College, PA 16801
(814) 238-4926

PAUL HOWARD LEVINE, M.D.

Office Address

The George Washington University
School of Public Health and Health
Services
Washington, D.C. 20037
Office: 202-994-4582
Fax: 202-994-0082

Home Address

4816 Montgomery Lane
Bethesda, Maryland 20817
301-469-7394

Education

1963	M.D., University of Rochester Medical School, Rochester, New York
1959	B.A., Cornell University, Ithaca, New York

Postdoctoral Training

1966-1968 **Second and Third Year Resident in Medicine.** University of Colorado
Medical Center, Denver, Colorado

1965-1966 **First Year Resident in Medicine.** Roswell Park Memorial Institute,
Buffalo, New York

1964-1966 **Research Associate.** National Cancer Institute, (Assignment - Roswell
Park Memorial Institute, Buffalo, New York)

1963-1964 **Intern in Medicine.** Strong Memorial Hospital, University of Rochester,
Rochester, New York

Board Certification and Licensure

1969	American Board of Internal Medicine
1964	National Board of Medical Examiners

Medical Licensure: District of Columbia #21186

Exhibit
"A"

Professional Experience

Research Professor of Biochemistry and Molecular Biology (2010 to date). The George Washington University Medical Center

Research Professor of Epidemiology and Biostatistics (1997 to date). The George Washington University School of Public Health and Health Services

Clinical Professor of Medicine (1995 to date). George Washington University Medical Center, Washington, DC.

Guest Worker (2000 to date) Hormonal and Reproductive Epidemiology Branch, National Cancer Institute, Bethesda, Md.

Guest Worker (1995 to 2000). Viral Epidemiology Branch, National Cancer Institute, Bethesda, Maryland

Senior Clinical Investigator (1990 to 1995). Viral Epidemiology Branch, Bethesda, Maryland

Senior Investigator (1985 to 1990). Environmental Epidemiology Branch, NCI, NIH, Bethesda, Maryland

Senior Investigator (1982 to 1985). Clinical Epidemiology Branch.

Chief (1978 to 1982). Clinical Studies Section, Laboratory of Viral Carcinogenesis, Bethesda, Maryland

Head (1976 to 1978). Clinical Studies Unit, Laboratory of Viral Carcinogenesis, Bethesda, Maryland

Chairman (1976 to 1981). Clinical Advisory Group, Viral Oncology, Division of Cancer Cause and Prevention, Bethesda, Maryland

Head (1974 to 1976). Clinical Studies Section, Viral Leukemia and Lymphoma Branch, Bethesda, Maryland

Chairman (1972 to 1975). Immunology-Epidemiology Segment, Virus Cancer Program, Bethesda, Maryland

Co-Chairman (1971 to 1972). Immunology Group, Special Virus Cancer Program, Bethesda, Maryland

Research Coordinator (1968 to 1971). Viral Leukemia and Lymphoma Branch, Bethesda, Maryland

Research Associate (1964 to 1968). Division of Cancer Cause and Prevention, Bethesda, Maryland

Commissioned Officer (1964 to 1995). United States Public Health Service

Professional Associations

Past-President, American Association for Chronic Fatigue Syndrome

Fellow, American College of Physicians

American Association for Cancer Research

Fellow, Newsletter Editor American College of Epidemiology

International Association for Breast Cancer Research

International Retrovirology Association: HTLV

Other Professional Activities

2005-Present Chairman, DC Cancer Registry Advisory Board

2005-Present Co-Chair The George Washington Cancer Institute Office of Prevention and Control
 2007-Present Chairman, Cancer Subcommittee of the DC Health Disparities Advisory Committee
 2006-Present Chairman, Prostate Subcommittee of the Early Detection Committee, DC Cancer Consortium
 2005-Present Principal Investigator National Cancer Institute Study of Cancer Patterns in the District of Columbia
 2003-2005. Principal Investigator ASPH/CDC Study of Cancer Patterns In Gulf War Era Veterans
 2000-2004 Principal Investigator NCI Study of Hormones and Prostate Cancer
 2002-2005 Principal Investigator Department of Defense Study on Inflammatory Breast Cancer
 1999-2005 Advisory Board, District of Columbia Cancer Registry
 1998-Principal Investigator for Systems Assessment and Research Contract with Dept. of Defense on the development of guidelines for the management of breast cancer patients
 1996-2001 Chairman District of Columbia Women's Cancer Coalition

Adjunct Faculty Positions:

1978 to 1995 George Washington University Medical Center, Washington, D.C.
 1970 to 1986 Howard University Hospital and Medical School, Washington, D.C.

Editorial Board:

1994 to date *Journal of Chronic Fatigue Syndrome*
 [1996 to 2003 *Neurologic Infections and Epidemiology*]

Honors

Cornell University, Dean's Honorary Scholarship
 Cornell University, New York State Regents Scholarship
 National Honorary Journalism Society, Pi Delta Epsilon
 National Honorary Premedical Society, Alpha Epsilon Delta
 Monroe County Cancer Association Award
 Fellow of the American College of Physicians
 U.S. Public Health Service, Unit Commendation Award
 U.S. Public Health Service, Commendation Award
 William Evans Fellowship, New Zealand
 First Research Award, The George Washington University School of Public Health and Health Services

Administrative Service

Project Officer on more than 10 contracts with the National Institutes of Health, including:

- 1) Studies of Aggressive breast cancer in Tunisia
- 2) Laboratory Support for Processing and Storage of Biological Specimens from Persons at High Risk of Cancer
- 3) Studies of Epidemiology of Potentially Oncogenic and Immunosuppressive Viruses in West Africa

Chairman. National Cancer Institute, Epidemiology and Biostatistics Program
Biospeciman Repository Governing Board

Publications

1. Levine, P.H. and Kelley, M.L., Jr. Spontaneous perforation of esophagus simulating acute pancreatitis. *J Am Med Assoc* 191(4):343-345, 1965.
2. Niwayama, G., Levine, P.H., and Grace, J.T., Jr. *Manual of the tumor procurement program*, Buffalo, New York: Roswell Park Memorial Laboratory Inst, 1965.
3. Minckler, T.M., Newell, G.R., O'Toole, W.F., Niwayama, G., and Levine, P.H. Microbiology experience in collection of human tissue. *Am J Clin Pathol* 45(1):85-92, 1966.
4. Niwayama, G., Levine, P.H., and Grace, J.T. The Roswell Park Memorial Institute Cancer Bank. A unique facility. *Arch Pathol* 81(5):425-428, 1966.
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DUBOIS REGIONAL MEDICAL CENTER
100 Hospital Ave, DuBois, PA 15801

SWANSON, MELISSA A
856 BRANDY CAMP RD
KERSEY PA 15846

SER
Age 31Y
03/10/75

Unit # 000343704
Acct # D0418400280

Date: 07/06/04 Time: 1016

KRUSZEWSKI, MARY
190 WEST PARK AVENUE
DUBOIS PA

15801

GRAECA, STEVEN W
145 HOSPITAL AVENUE
DUBOIS PA 15801

Chk-in # Order Exam
695070 0001 48051 BC-MAMMOGRAPHY DIAGNOSTIC BILATER
Ord Diag: 611.72-LUMP OR MASS IN BREAST

MAMMO VIEWS : Bilateral CC and MLO

ULTRASOUND OF RIGHT BREAST:

There is a poorly-defined hypoechoic 4 x 2 cm area at 8 o'clock in the right breast corresponding to an area of induration, redness, and pain. This is suggestive of mastitis post lactation. There is no cyst or fluid collection and no evidence of abscess formation. A follow-up ultrasound of the right breast is advised in 6-8 weeks after completion of a course of antibiotics.

BILATERAL MAMMOGRAM:

Craniocaudal and mediolateral oblique views of both breasts were obtained. There is a dense glandular pattern bilaterally with no prior exam for comparison. Slightly increased density is noted over the lower-inner quadrant of the right breast, probably related to mastitis. There is no suspicious focal lesion, microcalcification, spiculation, or architectural distortion.

IMPRESSION: MAMMOGRAPHICALLY BENIGN BREASTS, BILATERALLY, WITH INCREASED-DENSITY IN LOWER-INNER-QUADRANT OF RIGHT-BREAST-SUGGESTIVE OF MASTITIS.

CAD WAS UTILIZED.

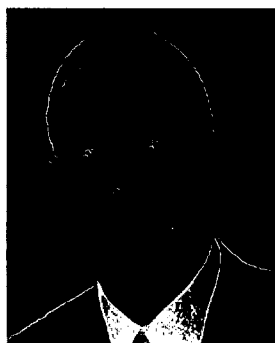
A. A negative x-ray report should not delay biopsy if a dominant

ADDENDUM Duplicate

Exhibit
"B"

- [Fact Sheet](#)
[\(PDF\)](#)

[Physician Directory](#) > [Internal Medicine](#)



Graeca, Steven W., DO

Internal Medicine

Medical Arts Building, Suite 215
145 Hospital Avenue
DuBois, PA 15801

Phone: (814) 371-1717

Board Status:

Board Certified, Internal Medicine

Medical School

- Ohio University College of Osteopathic Medicine, Athens, OH, 1997

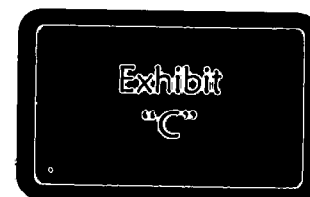
Internship / Residency

- Lehigh Valley Hospital, Allentown, PA, Rotating Osteopathic Internship, 1997-98
- Lehigh Valley Hospital, Allentown, PA, Rotating Internal Medicine (Allopathic) Residency, 1997-2000

Fellowships / Memberships

- American Medical Association
- American Osteopathic Association
- American College of Physicians
- Pennsylvania Medical Society
- Lehigh Medical Society

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1 Q. All right. Have you ever treated mastitis
2 before June 24th, 2004?

3 A. I didn't hear your question. Say it again.

4 Q. Have you ever treated mastitis before June 24th,
5 2004?

6 A. Yes.

7 Q. Okay. Very often?

8 A. A few cases.

9 Q. Okay. More than five?

10 A. Possibly.

11 Q. More than three or four?

12 A. Again, I don't know the exact number. You asked
13 me a question that I can't answer.

14 Q. And what is that, is that an infection?

15 A. Mastitis is infection of the breast.

16 Q. And how do you determine -- or how do you reach
17 that conclusion that it is mastitis -- or how did you, I'm
18 sorry, in the three or four or five that you had treated?

19 A. History, physical examination.

20 Q. What do you look for as far as the physical exam
21 to determine that it's mastitis?

22 A. Redness of the breast, pain, potentially fever,
23 potentially what we call leukocytosis.

24 Q. Any swelling of the breast?

25 A. You can have swelling of the breast.

Exhibit
"D"

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

MELISSA A SWANSON and JASON	:	
SWANSON, her husband,	:	
Plaintiffs,	:	Civil Action–Medial Professional
	:	Liability Action
v.	:	
	:	
MARY KRUSZEWSKI, D.O.,	:	No. 2007-362-CD
STEVEN W. GRAECA, D.O., and	:	
DUBOIS REGIONAL MEDICAL CENTER,	:	
Defendants.	:	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

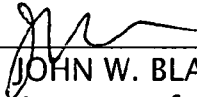
I hereby certify that a true and correct copy of Defendant, Mary Kruszewski, DO's Answer to Plaintiffs' Motion in Limine to Preclude Testimony from Defense Experts, Drs. Levine, McTighe and Merajver, as to Standard of Care, in the above-captioned matter was mailed by regular mail, first class, at the Post Office, State College, Pennsylvania, postage prepaid, this 26th day of October 2010 to:

Kevin R. Lomupo, Esquire
GILARDI, COOPER & LOMUPO
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

John McIntyre, Esquire
MCINTYRE HARTYE & SCHMITT
P.O. Box 533
Hollidaysburg, PA 16648

Jeanne Welch Sopher, Esquire
RAWLE & HENDERSON, LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1000
Pittsburgh, PA 15219

McQUAIDE, BLASKO,
FLEMING & FAULKNER, INC.

By: 
JOHN W. BLASKO
Attorneys for Defendant
Mary Kruszewski, D.O.

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

MELISSA A. SWANSON and
JASON SWANSON, her husband,
Plaintiffs

vs

MARY KRUSZEWSKI, D.O., STEVEN W.
GRAECA, D.O. and DRMC PRIMARY CARE
ASSOCIATES,
Defendants

* NO. 07-362-CD
*
*
*
*
*
*

ORDER

NOW, this 28th day of October, 2010 following pre-trial conference among the Court and counsel; it is hereby ORDERED and DIRECTED as follows:

1. Jury Selection will be held on **April 5, 2011** commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
2. Jury Trial is hereby scheduled for **April 11, 12, 13, 14, 15, 18, 19 and 20, 2011**, commencing at 9:00 a.m. each day, with Senior Judge Charles C. Brown, Jr., Specially Presiding; and
3. Argument on the Plaintiffs' Motion in Limine to Preclude Expert Testimony from Defense Experts, Drs. Levine, McTighe and Merajver, as to Standard of Care filed October 5, 2010 and on the Plaintiffs' Motion in Limine to Preclude Cumulative Expert Testimony filed October 7, 2010 is hereby scheduled for the **21st day of December 2010 at 1:00 p.m. in Courtroom No. 1** of the Clearfield County Courthouse, Clearfield, Pennsylvania, Senior Judge Charles C. Brown, Jr., Presiding.

FILED
OCT 29 2010

William A. Shaw
Prothonotary/Clerk of Courts

Ice: Any: McIntyre
Lomuto
Sopher
Blasko

BY THE COURT

Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

5 **FILED**
NOV 01 2010
m/12:50
William A. Shaw
Notary/Clerk of Courts
me 4/c

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DUBOIS REGIONAL MEDICAL CENTER,

Defendants.

**CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

**PLEADING:
PLAINTIFFS' FIRST SUPPLEMENTAL
PRETRIAL STATEMENT**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, OLIVER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgol.com

JURY TRIAL DEMANDED



DUKE UNIVERSITY MEDICAL CENTER

Department of Pathology, Box 3712, Durham, NC 27710

October 28, 2010

GILARDI, OLIVER & LOMUPO
The Benedum Trees Building, 10th Floor
223 Fourth Avenue
Pittsburgh, PA 15222

RE: Melissa Swanson

Dear Mr. Lomupo,

As per your request, I am providing my opinion in regards to expert testimony submitted by the defense. While my area of expertise is Pathology, I have served as a member of a breast oncology multidisciplinary team at Duke for nearly a decade. I am well aware of the standard of care as it relates to follow up based on clinical exam, imaging, and biopsy findings. The first report to consider was submitted by Dr. Levine, a research professor with a history of expertise in inflammatory breast cancer (IBC). Dr. Levine's report conveys some interesting published data on inflammatory breast cancer but these statements are largely irrelevant for this case if one believes that the inflammatory breast cancer was a late finding based on his expert opinion. The main issue in this case is whether the standard of care was provided when Melissa Swanson presented with a breast lump in 2004. According to Lorie Natali in her 6/24/2004 report, she detected a mobile 2 cm mass that she believed to be a fibroadenoma (a benign tumor). There was no definitive clinical evidence in her report to indicate either inflammatory breast cancer or mastitis. Further, a diagnosis of mastitis cannot be reliably established by imaging studies alone. To have experts suggest that Melissa Swanson was appropriately treated for mastitis given a clinical exam consistent with a mass/neoplasm, no confirmatory biopsy, and no physical exam by a doctor until the true diagnosis of cancer was actually rendered nearly a year later is difficult to fathom. I will now address each of Dr. Levine's main points:

1. He indicated that it is totally inappropriate to biopsy a breast lesion where infection is the leading diagnosis.
 - a. The leading diagnosis was a tumor by clinical exam on initial presentation. Please refer to the report from June 2004 by Lorie Natali.
 - b. It is unclear if Dr. Levine's scope of clinical practice or research renders him an expert to make claims about the differential diagnosis of mastitis versus a mass lesion.
 - c. There is no contraindication for fine needle biopsy of a suspected breast infection that I can find in the medical literature. Please note that standard treatment of an abscess is surgical incision and drainage. A small biopsy is not likely to cause complications and the small risks of a needle biopsy are miniscule compared to the risks of a missed diagnosis of cancer.
 - d. The need for correlation of clinical and imaging findings in the diagnosis of breast lesions is well documented in the medical literature. At any time, if a discrepancy exists, a biopsy (fine needle or core usually) is recommended to firmly establish a tissue diagnosis. This is the standard of care.
2. Initial surgery would be inappropriate for IBC.
 - a. The main point in this case is that a biopsy early on might have prevented the onset of IBC and allowed surgery as an option. None of the defense experts address this point.
3. There is no evidence that Mrs. Swanson had a malignancy prior to the appearance of IBC in Jan 2005.
 - a. This is wrong. Malignancies in the breast often present as a mass. Until a biopsy is performed, a definitive diagnosis cannot be established. A mass was detected in June 2004. A follow up clinical exam was not performed until 2005. A follow up biopsy was not performed until 2005. By the time this follow up occurred, IBC was present.
4. For at least 2 months there was no change in the size of the breast. This is incompatible with IBC.
 - a. This finding helps substantiate that IBC may have been avoided if the diagnosis of cancer had been made at the time of initial presentation.



DUKE UNIVERSITY MEDICAL CENTER

Department of Pathology, Box 3712, Durham, NC 27710

5. There is no mammographic evidence of IBC prior to clinical onset.
 - a. Same response as #4.
6. Dr. Duboe's opinion that there was a delayed diagnosis is subjective and questionable.
 - a. This is a strong conclusion at face value but since only a biopsy could have established a definitive diagnosis and this was not performed, this is tantamount to admission of breach of standard of care.
 - b. The expert does admit that the outcome depends primarily on the individual tumor in the individual patient. Thus his extrapolation of data from the literature may not apply to this patient.
 - c. Dr. Duboe's statement about delayed diagnosis is absolutely correct. I believe the expert reports for the defense are harping on semantics. Ms. Swanson did have a delayed diagnosis which allowed disease to progress to IBC. The precise time at which IBC started is difficult to define (because of the lack of clinical exam follow up!). Documentation of a mass by the initial clinical exam in the same location of the breast where the cancer was identified a year later is a fact that should not be ignored. None of the reports by the defense experts speak to this however.

The report by Dr. McTighe, a pathologist from Pennsylvania, suggests an inaccuracy in my original report where I indicated that a biopsy was recommended by Lorie Natali. Lorie Natali confirms this recommendation in a report dated 4/14/05. She states "when phoned Dr. Schachter, her surgeon, to find out what had happened June of last year when I had initially referred her for biopsy of this lesion." Dr. McTighe does confirm that Lorie Natali believed that the patient had a tumor on clinical exam (a fibroadenoma is a benign tumor that can present as a palpable mass). He also indicates that microcalcifications seen on pathologic exam within the DCIS was not identified in the mammogram. However, he fails to mention that the resolution of mammography to identify microcalcifications is far below that of light microscopy and this finding is not uncommon. The remainder of Dr. McTighe's report focuses on restatement of events/findings and on disagreement with the claim of a delay in diagnosis of inflammatory breast carcinoma. In my opinion, once again, this latter point is irrelevant. The main issue is whether appropriate treatment was provided given a mass lesion at the time of initial clinical presentation. The mass lesion never resolved and eventually was excised and turned out to represent cancer. This mass was noted in the right lower breast at 7:00 (the lower outer quadrant of the right breast). This is the same location where the cancer was found a year later in the mastectomy specimen examined by the University of Pittsburgh in August of 2005. To claim that mastitis was present at the outset based solely on imaging studies with no follow up clinical exam or pathologic study is speculation at best. The lack of follow up for a patient with a documented mass certainly does not represent the standard of care anywhere in the United States. In fact, looking through the records, I see no report of a direct physical exam of the breasts by a doctor after the initial finding of a mass in June 2004 until early 2005 (a delay of over 9 months at which time "inflammatory" changes were present).

The report by Dr. Merajver, a professor of Internal Medicine at University of Michigan, focuses primarily on restatement of events until page 3. There she indicates that Dr. Mary's care was appropriate and that she believes Ms. Swanson had chronic mastitis. The only data upon which to base such a claim are the imaging studies. In fact, no doctor examined Ms. Swanson to document the continued presence of an unresolved mass lesion. There was a clear discrepancy between the clinical finding of a mass and the imaging studies and no clinical or pathologic follow up ever occurred - only follow up imaging. I do not see how any licensed physician can imply that this meets the standard of care for a persistent breast mass even if mastitis is within the differential diagnosis.

Regards,

Raj C. Dash, MD
Duke University Department of Pathology, Box 3712
Durham, NC 27710

Phone: (919) 668 - 3352

E-mail: r.dash@duke.edu

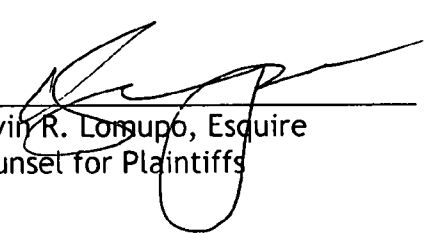
CERTIFICATE OF SERVICE

I hereby certify that a certified copy of ***Plaintiffs' First Supplemental Pretrial Statement*** has been served upon counsel of record for the defendant by first class mail, postage prepaid on this 29th day of October, 2010.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant Dubois Regional Medical Center



Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Code: 007

Defendants.

**MOTION TO DISCONTINUE AS TO
LESS THAN ALL DEFENDANTS AS
TO STEVEN W. GRAECA, D.O. AND
DUBOIS REGIONAL MEDICAL
CENTER**

Filed on behalf of Plaintiffs,
MELISSA A. SWANSON and
JASON SWANSON, her husband

Counsel of Record for This Party:

Kevin R. Lomupo, Esquire
PA I.D. No. 40996

Gilardi, Cooper & Lomupo
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222

(412) 391-9770

FILED *ICC*
010:5761
4 **DEC 20 2010** *Atty Lomupo*
William A. Shaw
Prothonotary/Clerk of Courts *(60)*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

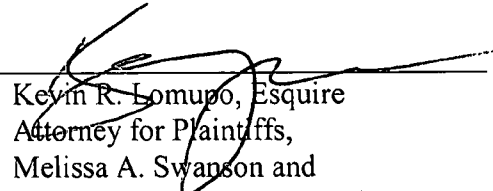
Defendants.

**MOTION TO DISCONTINUE AS TO LESS THAN ALL DEFENDANTS AS TO
STEVEN W. GRAECA, D.O. AND DUBOIS REGIONAL MEDICAL CENTER**

AND NOW, come Plaintiffs, Melissa A. Swanson and Jason Swanson, her husband, by and through their attorney, Kevin R. Lomupo, Esquire, and file the following Motion to Discontinue as to less than all Defendants as to Steven W. Graeca, D.O. and DuBois Regional Medical Center and in support thereof, aver as follows:

1. On December 6, 2010, all parties agreed to discontinue all claims in this matter as to Steven W. Graeca, D.O. and DuBois Regional Medical Center.
2. Plaintiffs have received no money as a result of these discontinuances.

Gilardi, Cooper & Lomupo

BY: 

Kevin R. Lomupo, Esquire
Attorney for Plaintiffs,
Melissa A. Swanson and
Jason Swanson, her husband

FILED

NoCC.

11:42am

Copy to CIA

DEC 20 2010

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

vs.

MARY KRUSZEWSKI, D.O.

Defendant.

**CIVIL DIVISION - MEDICAL
PROFESSIONAL LIABILITY ACTION**

No. 2007-362-CD

Code: 007

**PLEADING:
PRAECIPE TO SETTLE AND
DISCONTINUE**

FILED ON BEHALF OF:
Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY:

Kevin R. Lomupo, Esquire
PA I.D. #40996

GILARDI, OLIVER & LOMUPO
Firm #157
The Benedum Trees Building
223 Fourth Avenue, 10th Floor
Pittsburgh, PA 15222
(412) 391-9770
krlomupo@lawgol.com

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband,

Plaintiffs,

vs.

MARY KRUSZEWSKI, D.O.

Defendant.

CIVIL DIVISION

No. 2007-362-CD

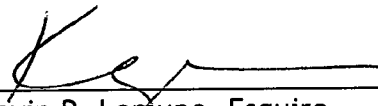
JURY TRIAL DEMANDED

PRAECIPE TO SETTLE AND DISCONTINUE

TO: PROTHONOTARY

Please satisfy and discontinue this action with prejudice as to Defendant Mary Kruszewski, D.O. with regard to the above-captioned matter.

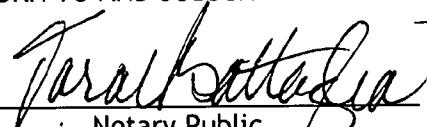
Others:


Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

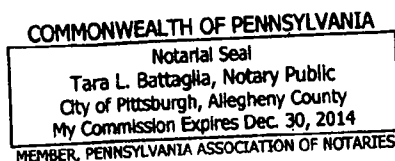
I hereby certify that the foregoing is a true and correct statement of the above case.

This statement is made subject to the penalties of 18 PA. C.S. §4904 relating to unsworn falsifications to authorities.

SWORN TO AND SUBSCRIBED BEFORE ME This 16th day of December, 2010.


Notary Public

MY COMMISSION EXPIRES:



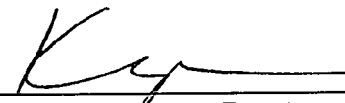
CERTIFICATE OF SERVICE

I hereby certify that a certified copy of *Praecipe to Settle and Discontinue* has been served upon counsel of record for the defendant by first class mail, postage prepaid and facsimile on this 16th day of December, 2010.

TO: John W. Blasko, Esquire
McQuaide Blasko, Fleming & Faulkner, Inc.
811 University Drive
State College, PA 16801-6699
Attorney for Defendant Mary Kruszewski, D. O.

Jeanne Welch Sopher, Esquire
Rawle & Henderson
The Henry W. Oliver Building
Suite 1000, 535 Smithfield St.
Pittsburgh, PA 15222
Attorney for Defendant Steven W. Graeca, D. O.

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P. O. Box 533
Hollidaysburg, PA 16648
Attorney for Defendant Dubois Regional Medical Center



Kevin R. Lomupo, Esquire
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MELISSA A. SWANSON and
JASON SWANSON, her husband

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

vs.

No.: 2007-362-CD

MARY KRUSZEWSKI, D.O.
STEVEN W. GRAECA, D.O. and
DRMC PRIMARY CARE ASSOCIATES,

Defendants.

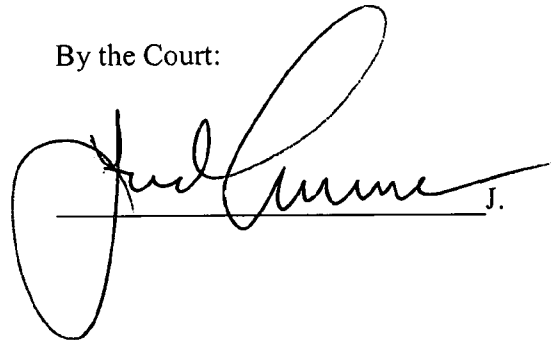
ORDER OF COURT

AND NOW, to wit this 17th day of December, 2010, it is hereby

Ordered, Adjudged and Decreed that the within case is discontinued as to Steven W.

Graeca, D.O. and DuBois Regional Medical Center with prejudice and their names are to
be removed from the caption of this case.

By the Court:



J.

FILED 1cc
0/10:5201
DEC 20 2010 Atty
Longpo
William A. Shaw
Prothonotary/Clerk of Courts
(611)

FILED

DEC 20 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/20/10

☒ 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:

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing Motion to Discontinue as to less than all Defendants as to Steven W. Graeca, D.O. and DuBois Regional Medical Center has been sent via first class mail, postage prepaid on this 16th day of December, 2010 to the following:

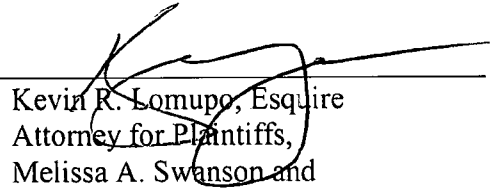
John W. Blasko, Esquire
McQuaide Blasko
811 University Drive
State College, PA 16801-6699
(Counsel of Record for Defendant, Mary Kruszewski, D.O.)

Jeanne Welch Sopher, Esquire
Rawle & Henderson, L.L.P.
Henry W. Oliver Bldg.
535 Smithfield St., Suite 1000
Pittsburgh, PA 15222
(Counsel of Record for Defendant, Steven W. Graeca, D.O.)

John L. McIntyre, Esquire
McIntyre, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel of Record for Defendant DRMC Primary Care Associates)

Gilardi, Cooper & Lomupo

BY: _____


Kevin R. Lomupo, Esquire
Attorney for Plaintiffs,
Melissa A. Swanson and
Jason Swanson, her husband

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

CIVIL DIVISION

COPY

**Melissa A. Swanson
Jason Swanson**

Vs.

No. 2007-00362-CD

Mary C. Kruszewski

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 December 20, 2010, marked Settled and Discontinued to Mary Kruszewski, D.O., pursuant to Praeceptum to Settle and Discontinue filed by Kevin R. Lomupo, Esq.

and

On December 20, 2010, marked Discontinued as to Steven W. Graeca, D.O., and DuBois Regional Medical Center pursuant to the Motion to Discontinue as to Less Than All Defendants filed by Kevin R. Lomupo, Esq.

Record costs in the sum of \$85.00 have been paid in full by Gilardi, Cooper & Lomupo, P.A.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 27th day of January A.D. 2011.



William A. Shaw, Prothonotary