

08-287-CD

Ronald Stewart vs Shaukat Hayat

**FILED**

FEB 19 2008

M 13:56 / ✓

William A. Shaw

Prothonotary/Clerk of Courts

2 CENT TO SHFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS**  
**REGIONAL MEDICAL CENTER**,  
a Corporation,  
Defendants

**CIVIL ACTION-MEDICAL**  
**PROFESSIONAL LIABILITY**

No. 2008-282-CD

Type of Pleading -  
**COMPLAINT**

Filed on Behalf of-**PLAINTIFFS**,  
**RONALD E. STEWART** and **ELSIE**  
**P. STEWART**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

**LORENZO & GIANVITO, P.C.**  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART** and **ELSIE  
P. STEWART**, individually and  
As Husband and wife,

Plaintiffs

Vs.

No. \_\_\_\_\_

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS  
REGIONAL MEDICAL CENTER**,  
a Corporation,  
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 defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claim 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 OBTAIN LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Prothonotary  
Clearfield County Courthouse  
230 East Market St.  
Clearfield, PA 16830  
(814) 765-2641, ext. 1330

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
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CIVIL ACTION-MEDICAL PROFESSIONAL  
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**RONALD E. STEWART** and **ELSIE  
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No. 2008-282-CD

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Individual; and **DUBOIS  
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Defendants

**PLAINTIFFS' COMPLAINT**

AND NOW, come the plaintiffs, RONALD E. STEWART and ELSIE P. STEWART, by and through their attorney, NICHOLAS F LORENZO, JR., ESQ., of LORENZO & GIANVITO, P.C., who files the following Complaint, of which the facts set forth hereinafter are a true and concise summary:

**General Allegations As To All Counts**

1. Plaintiff, RONALD E. STEWART, is an adult individual who resides at 86 Cricket Road, P.O. Box 205, Reynoldsville, Jefferson County, Pennsylvania, 15851. Said plaintiff is hereinafter sometimes referred to as "plaintiff-husband".

2. Plaintiff, ELSIE P. STEWART, is an adult individual who resides with her husband, RONALD E. STEWART, at the above-noted address, and is hereinafter sometimes referred to as "plaintiff-wife".

3. Defendant, SHAUKAT HAYAT, M.D., is a duly-licensed practicing physician in the Commonwealth of Pennsylvania, specializing in Neurosurgery. Dr. Hayat's professional office is located at Suite 300, Medical Arts Building, 145 Hospital Avenue, Dubois, Clearfield County, Pennsylvania, 15801.

4. Defendant, DUBOIS REGIONAL MEDICAL CENTER, hereinafter sometimes referred to as "defendant-DRMC" or "defendant-hospital," is a medical care provider which holds itself out to the public as an acute and primary care institution, employing skillful and competent medical staff to meet general health care needs. Defendant-DRMC is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal place of business and hospital located in Dubois, Clearfield County, Pennsylvania.

5. At all times material to this action, defendant HAYAT was on the medical staff of defendant DRMC, and either expressly or impliedly, acted as an agent and/or ostensible agent, servant, and/or employee of said hospital in various capacities, including the performance of neurosurgery.

6. At all times relevant hereto, plaintiff-husband, RONALD E. STEWART, was a patient of the defendant-physician, who acted as the plaintiff's treating physician/surgeon.

7. In addition, and/or in the alternative, at all times material to this Complaint, plaintiff-husband, RONALD E. STEWART, was a patient at the medical facilities of defendant DRMC, where,

on multiple occasions, various medical services, including surgical procedures, were rendered to plaintiff-husband, as fully specified hereinbelow, by agents, servants, and/or employees of said hospital.

8. On January 26, 2006, plaintiff-husband, RONALD E. STEWART, suffered an injury to his back while working, and was transported via ambulance to a local hospital. A CT scan done there revealed L4-L5, L5-S1 disc protrusion, and plaintiff was transferred via ambulance to defendant, DUBOIS REGIONAL MEDICAL CENTER, in Dubois, Pennsylvania, for a neurological consult.

9. The following day, at DRMC, an MRI showed large posterior midline, bilateral paracentral disc herniation at L4-L5 level, and a small posterior midline disc bulge at L4-L5. Plaintiff exhibited symptoms of severe back pain, numbness, paresthesias, burning dysesthesias in both legs and scrotal genital area. Surgery was scheduled for January 30, 2006, by defendant-physician, SHAUKAT HAYAT, M.D.

10. On January 30, 2006, defendant HAYAT performed surgery upon plaintiff, described in operative record of defendant HAYAT as: right lumbar laminectomy, partial facetectomy, removal of herniated disc, and decompression of nerve root.

11. Postoperatively, plaintiff continued to have significant pain, persistent symptoms, and declined in functional status. Repeat MRI findings on February 2, 2006 revealed: "large central disc herniation at L4-5 associated w/severe spinal

stenosis; small to moderate central disc herniation at L5-S1 associated w/mild spinal stenosis; degenerative disc disease w/moderate annular bulge at T11-12."

12. On February 5, 2006, plaintiff was discharged to home, with the surgical wound still open.

13. When at home on February 5, 2006, plaintiff was evaluated by a nurse from Home Health. The nurse, upon seeing the open wound, took a culture and submitted it to the laboratory at defendant DRMC. The culture was processed and revealed the presence of Staphylococcus Aureus.

14. On February 8, 2006, the Home Health nurse noted drainage and a mild amount of pink/redness surrounding small open area on back. Report was made to defendant, Dr. HAYAT; however, no cultures were taken or requested by Dr. HAYAT.

15. On February 14, 2006, plaintiff had a follow-up office visit with Dr. HAYAT. Dr. HAYAT'S office note of that date states: "pt unable to walk, has numbness and tingling, burning sensation in legs, muscle spasms in both legs into stomach and into ribs." Defendant's only assessment of the surgical wound was "sero sanguinous drainage." Defendant ordered an MRI study.

16. Mr. Stewart had an MRI of the lumbar spine on February 27, 2006, with findings of: ". . . persistent large central disc herniation at L4-5 w/associated severe spinal stenosis. . . **early infection cannot be excluded.** . . small to moderate central disc herniation at L5-S1 associated w/mild central spinal

stenosis. . . degenerative disc change w/moderate annular bulge at T11-12." No order was issued by defendant to rule out the presence of discitis or osteomyelitis.

17. On March 7, 2006, at an office visit with his family physician, Henry Dela Torre, M.D., Dr. Dela Torre diagnosed failed back syndrome, anxiety disorder.

18. At an April 4, 2006 office appointment with defendant-physician, Dr. HAYAT noted: " . . . having a lot of difficulty urinating, testicles are numb." Dr. HAYAT noted urinary problems and impotence, and told Mr. Stewart he was not sure whether all his symptoms were related to his disc pathology, and that Mr. Stewart needed further surgery. No order was issued by defendant to rule out the presence of discitis or osteomyelitis.

19. On April 20, 2006, Mr. Stewart was again admitted to defendant, DRMC, for elective re-operation of a herniated disc of L4-L5 due to persistent, severe pain. Surgery performed by Dr. HYATT was: lumbar laminectomy, medial facetectomy, removal of herniated disc, decompression of the nerve root. Post-operatively, Mr. Stewart continued to have severe pain, weak lower extremities, worse on left side, dragging the extremity. Pathology reported that tissue removed in the surgery showed "acute inflammation and neutrophils." Again, defendant HAYAT undertook no effort to rule out discitis, osteomyelitis, or serious infection.



20. Two days later, Mr. Stewart was still experiencing severe pain and numbness of his lower extremities, worse on left side, going into spasms on and off. Oozing was noted from the post-op wound, so dressing was reapplied.

21. Mr. Stewart was started on Avelox on April 23, 2006, due to the possibility of infection. Avelox is an antibiotic generally used to treat bacteria common to the skin. He was discharged on April 25, 2006 with pain medications and other prescriptions.

22. A Home Health nurse noted, on May 1, 2006, a moderate amount of yellowish serous drainage, and a small area of the incision had closed in the middle since last visit, making two separate wounds; accordingly, the wound remained open. She further noted that Mr. Stewart's pain level remained very high.

23. Due to unrelenting pain, Mr. Stewart underwent another MRI of the lumbar spine on June 26, 2006: "Findings are indicative of fluid collection in the L4-5 disc space and bone erosion at endplates of L4-5 disc material anteriorly. Appearance is highly suggestive of infective process involving the L4-5 disc and vertebral bodies across L4-5 disc space."

24. On or about August 16, 2006, plaintiff was seen by a neurosurgical consultant. The consultant's finding was 'probable interspace infection'. His recommendation was to obtain further laboratory studies and x-rays, and administer antibiotics.

25. In follow-up to the consultant's suggestions, plaintiff

met with defendant-physician. Defendant, HYATT, declared that plaintiff had no infection process and did not need antibiotics, and discharged him from care.

26. A follow-up MRI of lumbar spine on November 24, 2006 confirmed: ". . findings compatible w/inflammatory change of L4-5 disc and region anterior to the L4-5 disc space. . . also change of inferior endplate of L4 and superior endplate of L5 secondary to inflammatory change. . . increased fatty replacement of marrow of L4 and L5 compared to previous study. . again visualized minimal central disc herniation at L5-S1 level w/disc bulging at T11-12 level."

27. By this time, an office visit with Dr. Dela Torre on December 28, 2006 revealed that Mr. Stewart was suffering partial paralysis in both lower extremities.

28. Since that time, plaintiff is severely debilitated, confined at times to a wheelchair and/or can only ambulate with the use of a walker or crutches; he is extremely limited in his activities, and unable to work.

29. At all times relevant hereto, defendant HAYAT represented himself to be a competent, skilled and qualified physician in the field of Neurosurgery, and qualified to treat and attend patients such as plaintiff-husband.

30. At all times material to this Complaint, plaintiff-husband, RONALD E. STEWART, was a patient of defendant HAYAT, who acted as his treating physician/surgeon.

31. As a direct result of the herein specified negligence and carelessness of the named defendant, plaintiff-husband, RONALD E. STEWART, suffered the following severe and permanent injuries:

- a) development of Staphylococcus Aureus infection process;
- b) development of infectious discitis and osteomyelitis at L4-5;
- c) rendered partially paralyzed;
- d) sustained significant and widespread neurological damage to his mid- and lower body;
- e) necessity of undergoing a second surgery, on April 20, 2006;
- f) necessity of undergoing multiple additional medical procedures, including, but not limited to, debridements, in an effort to treat/cure his ongoing infection;
- g) extensive damage to plaintiff's spine;
- h) loss of wages;
- i) loss of future earning capacity due to the permanent and debilitating nature of his aforescribed injuries and disabilities;
- j) severe emotional distress, embarrassment, anxiety, and loss of quality of life.

The above-noted injuries and losses suffered by plaintiff-husband are expected to be permanent in nature.

32. Any and all of the acts of negligence or carelessness set forth above directly caused, and/or increased the risk of harm to

the plaintiff-husband, RONALD E. STEWART, and pursuant to law, thereby caused the injury, damage and harm to the plaintiffs as herein described.

33. As a direct result of the above-noted injuries to plaintiff-husband, as well as to his general condition of health, plaintiffs have experienced great mental stress, worry, anguish, embarrassment and inconvenience in the past and will, in the future, sustain continued stress, suffering, worry, anguish, embarrassment and inconvenience. Due to the fact that RONALD E. STEWART's constant pain, debilitation and sensory deficits have prevented him from participating in previously-enjoyed activities, said plaintiff has suffered great loss of the quality of his life.

34. Furthermore, as a result of the previously-noted injuries to plaintiff-husband, as well as to his general condition of health, the plaintiffs have been forced to expend significant sums of money in and for the care of his injuries, including for hospital bills, physicians' care and diagnostic consultations, medications/prescriptions, the exact amounts of which will be disclosed in discovery.

35. Plaintiff-husband, RONALD E. STEWART, will in the future be forced to endure great pain, suffering, inconvenience, embarrassment and loss of the quality of his life, all as a direct result of the negligence and carelessness of the named defendant, as fully described hereinafter.

36. As a direct result of the carelessness and negligence

of the named defendant, plaintiffs will, in the future, be required to expend additional sums of money for medical care and treatment.

37. As a result of the negligence of defendant, plaintiff-husband, RONALD E. STEWART, has and will suffer a loss of earnings, and a loss of earning capacity. This includes the loss of ability to provide services to his spouse and his family unit.

**COUNT ONE**

**Ronald E. Stewart and Elsie P. Stewart, individually  
and as Husband and Wife, Plaintiffs**

**vs.**

**Shaukat Hayat, M.D., an individual, Defendant**

**NEGLIGENCE**

38. Paragraphs one (1) through thirty-seven(37) are herein incorporated by reference as though set forth fully and at length.

39. Defendant, SHAUKAT HAYAT, M.D., was negligent and careless in the following respects:

a) Failure to make an appropriate and prompt diagnosis of plaintiff's post-operative infection following the surgery of January 30, 2006;

b) Failure to promptly treat the infection with intravenous antibiotics;

c) Failure to obtain an infectious disease consultation;

d) Failure to order spinal bracing for pain relief;

e) Failure to order additional laboratory workup, including, but not limited to, sedimentation rate, C-reactive protein, and a

CT guided biopsy, to confirm the presence or absence of discitis or osteomyelitis;

f) Failure to recognize the signs, symptoms and conditions which significantly raise the index of suspicion that a serious post-operative infection existed. The signs and symptoms include, but are not limited to: possible wound culture results, persistent wound drainage, erythema, wound dehiscence, MRI results revealing discitis or early osteomyelitis, pathology results showing acute inflammatory process with a neutrophilic infiltrate;

g) Failure to heed, communicate, follow or consider the diagnosis, impressions, and/or treatment recommendations of a consulting neurosurgeon;

h) Failure to treat infection with appropriate medications;

i) Failure to employ any of the appropriate treatment methods, including a consideration of further surgery, debridement, use of long-term IV antibiotics for four to six weeks, infectious disease consultations, and application of bracing for pain management;

j) Failure to follow standard of care for treatment of osteomyelitic infection, administer appropriate antibiotics, and apply back bracing;

k) The delay in instituting the appropriate treatment resulted in more extensive damage to Mr. Stewart's spine by allowing the infection to continue to invade and weaken the affected vertebrae, spread, and thus significantly contributed to his current debilitated status.

Any and/or all acts of negligence or carelessness set forth in this paragraph, or any of its sub-sections, directly caused and/or increased the risk of harm to the plaintiff, RONALD E. STEWART, and, pursuant to law, thereby caused the injury, damage and harm to plaintiff as herein described.

WHEREFORE, plaintiffs demand judgment against the defendant, SHAUKAT HAYAT, M.D., individually and/or jointly with the other named defendant, for an amount in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, and/or the maximum jurisdictional amount requiring mandatory arbitration.

**COUNT TWO**

**Ronald E. Stewart and Elsie P. Stewart,**  
**individuals, Plaintiffs**

**vs.**

**Dubois Regional Medical Center, a Corporation, Defendant**

**NEGLIGENCE/VICARIOUS LIABILITY**

40. Paragraphs one (1) through thirty-nine (39) are herein incorporated by reference as though set forth fully and at length.

41. The acts of negligence as fully described within Count One of this Complaint, and incorporated herein by reference, were the acts of agents/servants/employees and/or ostensible agents of defendant-hospital, acting within the scope of their agency, authority, or employment, for which said hospital is vicariously liable, including the acts of ostensible physician agents.

Any and/or all acts of negligence or carelessness set forth in the preceding paragraphs, or any of their sub-sections, increased

the risk of harm to the plaintiff, RONALD E. STEWART, and, pursuant to law, thereby caused the injuries and damages sustained by the plaintiff; in the alternative, any and/or all of the acts of negligence set forth in the preceding paragraphs directly caused the injuries and damages sustained by the plaintiff.

WHEREFORE, plaintiffs demand judgment against the defendant, DUBOIS REGIONAL MEDICAL CENTER, individually and/or jointly with the other named defendant, for an amount in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, and/or the maximum jurisdictional amount requiring mandatory arbitration.

**COUNT THREE**

**Elsie P. Stewart, an individual, Plaintiff**

**vs.**

**Shaukat Hayat, M.D., an individual, and Dubois  
Regional Medical Center, a Corporation, Defendants**

**LOSS OF CONSORTIUM**

42. Paragraphs one (1) through forty-one (41) are herein incorporated by reference as though set forth fully and at length.

43. At all times prior to the subject occurrences hereinbefore described, plaintiffs lived happily together as husband and wife. Plaintiff-wife derived solace, comfort, aid and assistance from her husband, and engaged in the customary marital acts with normal and usual frequency. As a result of the aforescribed injuries to her husband, plaintiff-wife has been deprived of the comfort, solace, aid and assistance of her husband which she, since the date of ushc injuries, ought to have had. Furthermore, since the time of, and



as a direct result of the injuries to her husband, plaintiff-wife has suffered, and will continue to suffer in the future, great anxiety, inconvenience, mental stress, anguish and loss of the quality of his life, all to the damage of plaintiff-wife.

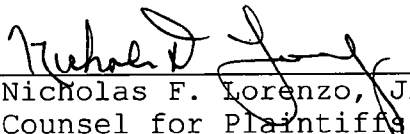
WHEREFORE, plaintiff demands judgment against the defendants, Individually and/or jointly, for an amount in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars, and/or the maximum jurisdictional amount requiring mandatory arbitration.

JURY TRIAL DEMANDED AS TO ALL COUNTS.

LORENZO & GIANVITO, P.C.

Date: 2-15-08


BY:

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.  
Counsel for Plaintiffs  
Pa. I.D. #05864  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**VERIFICATION**

RONALD E. STEWART and ELSIE P. STEWART, Plaintiffs,  
verify that the statements in the foregoing Complaint are true  
and correct to the best of their knowledge, information and  
belief. This statement and verification is made subject to the  
penalties of 18 Pa. C.S. §4904, relating to unsworn falsification  
to authorities.

Date: 2/7/08

  
\_\_\_\_\_  
Ronald E. Stewart

Date: 2/07/08

  
\_\_\_\_\_  
Elsie P. Stewart

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
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And as husband and wife,

Plaintiffs

vs.

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Individual; and **DUBOIS**  
**REGIONAL MEDICAL CENTER**,  
a Corporation,  
Defendants

**CIVIL ACTION-MEDICAL**  
**PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**CERTIFICATE OF MERIT**

Filed on Behalf of-**PLAINTIFFS**,  
**RONALD E. STEWART** and **ELSIE**  
**P. STEWART**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

**LORENZO & GIANVITO, P.C.**  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED** *NO*  
*m/11:21/04* *CC*  
**MAR 03 2008** *@*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
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LIABILITY ACTION

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Vs.

No. 2008-287 C.D.

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Individual; and **DUBOIS  
REGIONAL MEDICAL CENTER**,  
a Corporation,

Defendants

**CERTIFICATE OF MERIT AS TO  
DEFENDANT, SHAUKAT HAYAT, M.D.**

I, NICHOLAS F. LORENZO, JR., ESQ., 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 the 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;

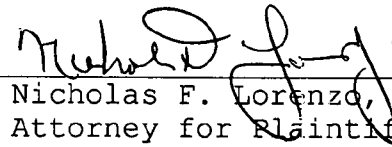
OR

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

LORENZO & GIANVITO, P.C.

Date: 2/27/08

BY:

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

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vs.

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Individual; and **DUBOIS**  
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a Corporation,  
Defendants

**CIVIL ACTION-MEDICAL**  
**PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**CERTIFICATE OF MERIT**

Filed on Behalf of-**PLAINTIFFS**,  
**RONALD E. STEWART** and **ELSIE**  
**P. STEWART**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED** NO  
MAR 03 2008 CC  
(GR)

William A. Shaw  
Prothonotary/Clerk of Courts

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PENNSYLVANIA  
CIVIL ACTION-MEDICAL PROFESSIONAL  
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Plaintiffs

Vs.

No. 2008-287 C.D.

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS  
REGIONAL MEDICAL CENTER**,  
a Corporation,

Defendants

**CERTIFICATE OF MERIT AS TO DEFENDANT,**  
**DUBOIS REGIONAL MEDICAL CENTER**

I, **NICHOLAS F. LORENZO, JR., ESQ.**, 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 the 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;

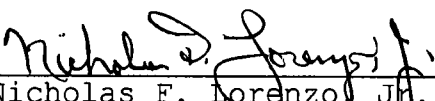
OR

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against these defendants.

LORENZO & GIANVITO, P.C.

Date: 2/27/08

BY:

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.  
Attorney for Plaintiffs



FILED 

MAR 10 2008

*m/12-25/w*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*no c/c*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband  
and wife,

Plaintiffs,

vs.

SHAUKAT HAYAT, M.D., an individual;  
and DUBOIS REGIONAL MEDICAL  
CENTER, a corporation,

Defendants.

CIVIL DIVISION

No. 2008-287-CD

Issue No.

PRAECIPE FOR APPEARANCE

Filed on behalf of DuBois Regional Medical  
Center, one of the defendants.

Counsel of Record for This Party:

David R. Johnson, Esquire  
PA I.D. #26409

THOMSON, RHODES & COWIE, P.C.  
Firm #720  
1010 Two Chatham Center  
Pittsburgh, PA 15219

(412) 232-3400

PRAECIPE FOR APPEARANCE

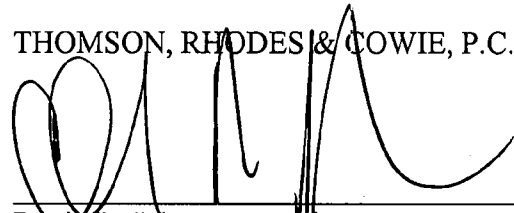
TO: PROTHONOTARY

Kindly enter our appearance on behalf of DuBois Regional Medical Center, one of the defendants.

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

A handwritten signature in black ink, appearing to read 'DR Johnson', is written over a horizontal line.

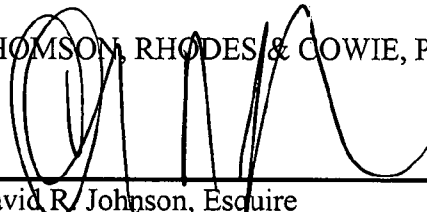
David R. Johnson, Esquire  
Attorneys for DuBois Regional Medical  
Center, one of the defendants.

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within PRAECIPE FOR  
APPEARANCE has been served upon the following counsel of record and same placed  
in the U.S. Mails on this 6<sup>th</sup> day of March, 2008:

Nicholas F. Lorenzo, Jr., Esquire  
Lorenzo & Gianvito, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767

THOMSON, RHODES & COWIE, P.C.

  
\_\_\_\_\_  
David R. Johnson, Esquire  
Attorneys for DuBois Regional Medical  
Center, one of the defendants.

William A. Shaw  
Prothonotary/Clerk of Courts

MAR 10 2008

FILED

111010307, SEMINOLE COUNTY, FLORIDA  
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111010307, SEMINOLE COUNTY, FLORIDA

**THOMSON, RHODES & COWIE, P.C.**

Attorneys At Law

TWO CHATHAM CENTER, TENTH FLOOR  
PITTSBURGH, PENNSYLVANIA 15219-3499

Facsimile (412) 232-3498  
[www.trc-law.com](http://www.trc-law.com)

Writer's Direct Dial  
(412) 316-8662

E-mail: [drj@trc-law.com](mailto:drj@trc-law.com)

David R. Johnson

March 5, 2008

Ronald E. Stewart and Elsie P. Stewart, individually and as husband and wife vs. Shaukat Hayat, M.D., an individual; and DuBois Regional Medical Center, a corporation. In the Court of Common Pleas of Clearfield County, Pennsylvania. Civil Division No. 2008-287-CD. Our File No. 15394.

William Shaw, Prothonotary  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, PA 16830

Dear Mr. Shaw:

Enclosed for filing in the matter above captioned is my appearance on behalf of DuBois Regional Medical Center. ~~Please send me a copy of the docket in the matter above captioned. I have enclosed a self-addressed, stamped envelope for return of the docket.~~

Thank you.

Very truly yours,

David R. Johnson

DRJ/pko  
Enclosures

cc: Nicholas F. Lorenzo, Jr., Esquire  
(w/enclosure)

NOT ENCLOSED

CHAMBERS BY 10:00

3/7/08 1:00 PM

CHAMBERS BY 10:00

3/7/08 1:00 PM

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband  
and wife

Plaintiffs

vs.

SHAUKAT HAYAT, M.D., an  
individual and DUBOIS REGIONAL  
MEDICAL CENTER, a corporation,

Defendants

**JURY TRIAL OF TWELVE (12)**  
**DEMANDED**

CIVIL DIVISION – Medical Professional  
Liability Action

No. 2008 – 287 - CD

**PRAECIPE FOR APPEARANCE**

Filed on behalf of Shaukat Hayat, M.D., one  
of the defendants

Counsel of record for this party:

Daniel P. Carroll, Esquire  
PA I.D. #20601

Davies, McFarland & Carroll, P.C.  
Firm #281  
One Gateway Center  
Tenth Floor  
Pittsburgh, PA 15222

412-281-0737

**FILED** NO CC  
MAR 17 2008  
(30)

William A. Shaw  
Prothonotary/Clerk of Courts

**PRAECIPE FOR APPEARANCE**

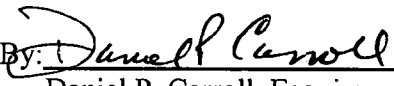
To: Prothonotary of Clearfield County

Kindly enter our appearance on behalf of the defendant, Shaukat Hayat, M.D. in the above captioned case.

Daniel P. Carroll, Esquire, PA ID #20601, will handle this case.

**JURY TRIAL OF TWELVE (12) DEMANDED.**

Davies, McFarland Carroll, PC

By:   
Daniel P. Carroll, Esquire  
Attorney for Defendant,  
Shaukat Hayat, M.D.

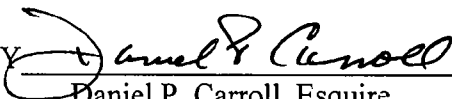
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the PRAECIPE FOR APPEARANCE on behalf of defendant, Shaukat Hayat, M.D. has been served on the following persons by first-class mail, postage prepaid this 14th day of March, 2008.

Nicholas F. Lorenzo, Jr., Esquire  
Lorenzo & Gianvito, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767

David R. Johnson, Esquire  
Thomson, Rhodes & Cowie, P.C.  
Two Chatham Center, 10th Floor  
112 Washington Place  
Pittsburgh, PA 15219-3499

DAVIES, McFARLAND & CARROLL, P.C.

BY   
Daniel P. Carroll, Esquire  
Attorney for Defendant,  
Shaukat Hayat, M.D.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS**  
**REGIONAL MEDICAL CENTER**,  
a Corporation,  
Defendants

**CIVIL ACTION-MEDICAL**  
**PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**NOTICE OF SERVICE**

Filed on Behalf of-**PLAINTIFFS**,  
**RONALD E. STEWART** and **ELSIE**  
**P. STEWART**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED** *Nce*  
*m/11:31/08*  
**MAR 26 2008**  
*(m)*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART** and **ELSIE  
P. STEWART**, individually and  
As Husband and wife,

Plaintiffs

Vs.

No. 2008-287 C.D.

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS  
REGIONAL MEDICAL CENTER**,  
a Corporation,

Defendants

**NOTICE OF SERVICE**

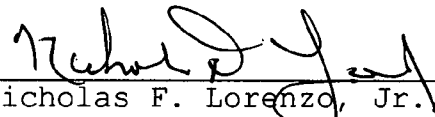
TO THE PROTHONOTARY:

Please be advised that on the 24<sup>th</sup> day of March, 2008,  
Plaintiffs' First Set of Interrogatories and First Request for  
Production of Documents to defendant, Dubois Regional Medical  
Center, were served upon said defendant, c/o their attorney:  
David R. Johnson, Esq., Two Chatham Center, 10<sup>th</sup> Floor, Pittsburgh,  
Pa., 15219, via first-class U.S. Mail, postage prepaid.

Copies were also forwarded to defendant, Shaukat Hayat, M.D.,  
c/o his attorney: Daniel P. Carroll, Esq., One Gateway Center,  
10<sup>th</sup> Floor, Pittsburgh, Pa., 15222.

LORENZO & GIANVITO, P.C.

BY:

  
Nicholas F. Lorenzo, Jr., Esq.  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS**  
**REGIONAL MEDICAL CENTER**,  
a Corporation,  
Defendants

**CIVIL ACTION-MEDICAL**  
**PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**NOTICE OF SERVICE**

Filed on Behalf of-**PLAINTIFFS**,  
**RONALD E. STEWART** and **ELSIE**  
**P. STEWART**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA. 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED** *no cc*  
*m/11:32/4*  
**MAR 26 2009**  
*LM*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
As Husband and wife,

Plaintiffs

Vs.

No. 2008-287 C.D.

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS  
REGIONAL MEDICAL CENTER**,  
a Corporation,

Defendants

**NOTICE OF SERVICE**

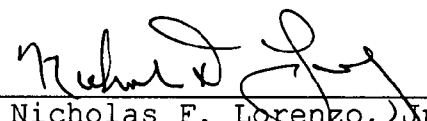
TO THE PROTHONOTARY:

Please be advised that on the 24<sup>th</sup> day of March, 2008,  
Plaintiffs' First Set of Interrogatories and First Request for  
Production of Documents directed to Defendant, Shaukat Hayat,  
M.D., were served upon said defendant, c/o his attorney:  
Daniel P. Carroll, Esq., One Gateway Center, 10<sup>th</sup> Floor, Pittsburgh,  
Pa., 15222, via first-class U.S. Mail, postage prepaid.

Copies were also provided to counsel for Defendant, DRMC, c/o  
their attorney: David R. Johnson, Esq., Two Chatham Center, 10<sup>th</sup>  
Floor, Pittsburgh, Pa., 15219.

LORENZO & GIANVITO, P.C.

BY:

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.  
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband and  
wife,

Plaintiffs,

vs.

SHAUKAT HAYAT, M.D., an individual; and  
DUBOIS REGIONAL MEDICAL CENTER, a  
corporation,

Defendants.

) CIVIL DIVISION

) No. 2008-287-CD

**FILED** *Atty*  
*11:42 AM*  
*APR 23 2008*  
*\$20.00*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*Notice to Atty. (P.S. Johnson)*  
*Lorenzo*  
*Carroll*  
*Johnson*

**PRAECIPE FOR JUDGMENT OF NON PROS**

TO THE PROTHONOTARY:

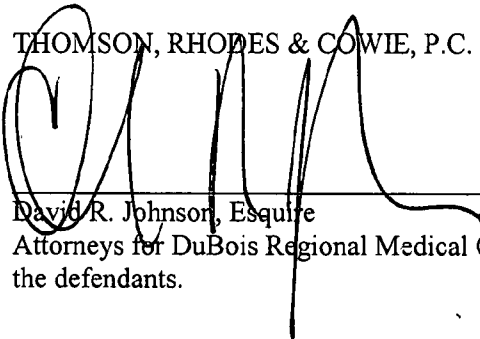
Kindly enter a judgment of non pros against the plaintiffs and in favor of DuBois Regional Medical Center, one of the defendants, pursuant to Pennsylvania Rule of Civil Procedure 1042.6 for failure to file a Certificate of Merit in this action as to vicarious liability, the only claims against the hospital

I, the undersigned, certify that the plaintiffs named above have asserted a professional liability claim against the defendant named above, DuBois Regional Medical Center, which is a hospital, that no certificate of merit has been filed within the time required by Pa.R.C.P. 1042.3 as to vicarious liability, that the only claims against the hospital are for vicarious liability (Count II, Paragraph 41), and that there is no motion to extend the time for filing the certificate pending before the court.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

Date: 4.22.08

  
David R. Johnson, Esquire  
Attorneys for DuBois Regional Medical Center, one of  
the defendants.

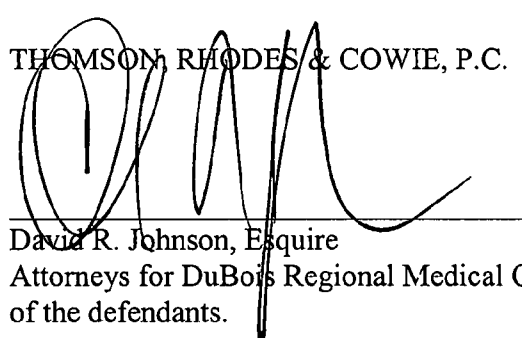
CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within PRAECIPE FOR JUDGMENT  
OF NON PROS has been served upon the following counsel of record and same placed in the  
U.S. Mails on this 22nd day of apr, 2008:

Nicholas F. Lorenzo, Jr., Esquire  
Lorenzo & Gianvito, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767

Daniel P. Carroll, Esquire  
Davies, McFarland & Carroll, P.C.  
One Gateway Center, 10<sup>th</sup> Floor  
Pittsburgh, PA 15222

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire  
Attorneys for DuBois Regional Medical Center, one  
of the defendants.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband and  
wife,

Plaintiffs,

vs.

SHAUKAT HAYAT, M.D., an individual; and  
DUBOIS REGIONAL MEDICAL CENTER, a  
corporation,

Defendants.

) CIVIL DIVISION

)

) No. 2008-287-CD

)

)

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)

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)

)

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: ( x ) Plaintiff ( ) Defendant ( ) Garnishee ( ) Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered  
against you on April 23, 2008.

( ) Decree Nisi in Equity.

( ) Final Decree in Equity.

( x ) Judgment of ( ) Confession ( ) Verdict  
( ) Default ( ) Non-Suit  
( x ) Non-Pros ( ) Arbitration Award

( ) Judgment is in the amount of \$ \_\_\_\_\_ PLUS COSTS.

( ) District Justice Transcript of Judgment in (Assumpsit/Trespass) in the amount of  
\$ \_\_\_\_\_ PLUS COSTS.

( ) If not satisfied within sixty (60) days, your motor vehicle operator's license will be  
suspended by the Pennsylvania Department of Transportation.

PROTHONOTARY

By William L. Shaffer

Deputy

If you have any questions concerning the above, please contact:

David R. Johnson, Esquire  
Thomson, Rhodes & Cowie, P.C.  
1010 Two Chatham Center  
Pittsburgh, PA 15219

PHONE: (412) 232-3400

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103784  
NO: 08-287-CD  
SERVICE # 1 OF 2  
COMPLAINT

PLAINTIFF: RONALD E. STEWART and ELSIE P. STEWART ind & as husband & wife  
vs.  
DEFENDANT: SHAUKAT HAYAT, M.D., an ind. and DUBOIS REGIONAL MEDICAL CENTER

**SHERIFF RETURN**

NOW, February 29, 2008 AT 10:38 AM SERVED THE WITHIN COMPLAINT ON SHAUKAT HAYAT, M.D. an ind. DEFENDANT AT MEDICAL ARTS BLDG., STE 300, 145 HOSPITAL AVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SHAUKAT HAYAT, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

**FILED**  
0 2:45p.m 612  
JUN 16 2008  
William A. Shay  
Prothonotary/Clerk of Courts



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

DOCKET # 103784  
NO: 08-287-CD  
SERVICE # 2 OF 2  
COMPLAINT

PLAINTIFF: RONALD E. STEWART and ELSIE P. STEWART ind & as husband & wife

vs.

DEFENDANT: SHAUKAT HAYAT, M.D., an ind. and DUBOIS REGIONAL MEDICAL CENTER

**SHERIFF RETURN**

NOW, February 26, 2008 AT 3:20 PM SERVED THE WITHIN COMPLAINT ON DUBOIS REGIONAL MEDICAL CENTER, a corp. DEFENDANT AT 100 HOSPITAL AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO GREG VOLPE, PERSON IN CHARGE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103784  
NO: 08-287-CD  
SERVICES 2  
COMPLAINT

PLAINTIFF: RONALD E. STEWART and ELSIE P. STEWART ind & as husband & wife  
vs.  
DEFENDANT: SHAUKAT HAYAT, M.D., an ind. and DUBOIS REGIONAL MEDICAL CENTER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	LORENZO	19757	20.00
SHERIFF HAWKINS	LORENZO	19757	62.79

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,

  
by *Maulya Harris*

Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband  
and wife

Plaintiffs

vs.

SHAUKAT HAYAT, M.D., an  
individual,

Defendant

**JURY TRIAL OF TWELVE (12)**  
**DEMANDED**

TO: ALL PARTIES

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

Davies, McFarland & Carroll P.C.

By *Daniel P. Carroll*  
Attorneys for Shaukat Hayat, M.D.

CIVIL DIVISION – Medical Professional  
Liability Action

No. 2008 – 287 - CD

**ANSWER AND NEW MATTER**

Filed on behalf of Shaukat Hayat, M.D.

Counsel of record for this party:

Daniel P. Carroll, Esquire  
PA I.D. #20601

Lauren R. Ames, Esquire  
PA I.D. #89270

Davies, McFarland & Carroll, P.C.  
Firm #281  
One Gateway Center  
Tenth Floor  
Pittsburgh, PA 15222

412-281-0737

**FILED** *NRCC*  
*110:4480*  
**JUL 21 2008** *610*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.	)	CIVIL DIVISION – Medical Professional
STEWART, individually and as husband and	)	Liability Action
wife,	)	
	)	No. 2008 – 287 - CD
Plaintiffs,	)	
	)	
vs.	)	
	)	
SHAUKAT HAYAT, M.D., an	)	
individual,	)	
	)	
Defendant.	)	
	)	

**ANSWER AND NEW MATTER**

And now, comes defendant, Shaukat Hayat, M.D., by his counsel, Davies, McFarland & Carroll, P.C., and file the following Answer and New Matter and in support thereof aver as follows:

- 1-2. In response to paragraphs 1 through 2 of plaintiffs' Complaint, defendant is without sufficient information or knowledge to form a belief as to the truth of said averments.
3. Admitted in part and denied in part. It is denied that Defendant currently has an office located at Suite 300, Medical Arts Building, 145 Hospital Avenue, Dubois, Clearfield County, PA, 15801. The remainder of the averments contained in paragraph 3 of the Complaint are admitted.
4. The averments of paragraph 4 of plaintiffs' Complaint are directed to the co-defendant Dubois Regional Medical Center and therefore no response is required of these defendants.
5. Admitted. It is admitted that Dr. Hayat has staff privileges at Dubois Regional Medical Center and that Dr. Hayat was an employee of Dubois Regional Medical Center.
6. Defendant admits that he had a doctor-patient relationship with plaintiff-husband.

7. The averments of paragraph 7 of plaintiffs' Complaint are directed to the co-defendant Dubois Regional Medical Center and therefore no response is required of this defendant. To the extent a response may be required, it is admitted that Dr. Hayat was an employee of Dubois Regional Medical Center.

8-28. The averments and characterizations of paragraphs 8 through 28 of plaintiffs' Complaint are denied to the extent they are not consistent with the medical records and to the extent they do not include a complete and accurate account of events which occurred. While these paragraphs to some extent extract or reference words or phrases from medical records, they do not reflect the context in which the notes were made and they ignore other words and phrases necessary to give fair meaning to the referenced language.

29. Admitted.

30. Admitted in part and denied in part. It is admitted that Plaintiff was a patient of Dr. Hayak at times consistent with the medical records. The remainder of the averments of paragraph 30 are denied and placed at issue in accordance with Pa.R.C.P. 1029.

31-37. The averments of paragraphs 31 and its subparts through paragraph 37 of Plaintiffs' Complaint are denied and placed at issue in accordance with Pa.R.C.P. 1029, Defendant demanding strict proof thereof at the time of trial.

WHEREFORE, defendant, Dr. Hayat hereby demands that the claims against him be dismissed and that judgment be entered in his favor.

#### **COUNT I-NEGLIGENCE**

#### **RONALD AND ELSIE STEWART V. HAYAT, M.D.**

38. This Defendant incorporates by reference paragraphs 1 through 37 of his Answer to Complaint as if same were set forth in full herein.

39. The averments of paragraph 39 and its subparts of plaintiff's Complaint are denied and placed at issue in accordance with Pa.R.C.P. 1029, Defendant demanding strict proof thereof at the time of trial.

WHEREFORE, defendant, Dr. Hayat hereby demands that the claims against him be dismissed and that judgment be entered in his favor.

### **COUNT II-NEGLIGENCE**

#### **RONALD AND ELSIE STEWART V. DUBOIS REGIONAL MEDICAL CENTER**

40. This Defendant incorporates by reference paragraphs 1 through 39 of his Answer to Complaint as if same were set forth in full herein.

41. The averments of paragraph 41 of Plaintiffs' Complaint are directed to the co-defendant Dubois Regional Medical Center and therefore no response is required of this defendant. To the extent a response may be required, it is admitted that Dr. Hayat was an employee of Dubois Regional Medical Center. The remainder of the averments contained in paragraph 41 of Plaintiffs' Complaint are denied.

WHEREFORE, defendant, Dr. Hayat hereby demands that the claims against him be dismissed and that judgment be entered in his favor.

### **COUNT III-LOSS OF CONSORTIUM**

#### **RONALD AND ELSIE STEWART V. DEFENDANTS**

42. This Defendant incorporates by reference paragraphs 1 through 41 of his Answer to Complaint as if same were set forth in full herein.

43. The averments of paragraph 43 of plaintiff's Complaint are denied and placed at issue in accordance with Pa.R.C.P. 1029, Defendant demanding strict proof thereof at the time of trial.

WHEREFORE, defendant, Dr. Hayat hereby demands that the claims against him be dismissed and that judgment be entered in his favor.

**NEW MATTER**

44. This Defendant incorporates by reference paragraphs 1 through 43 of his Answer and New Matter to Complaint as if same were set forth in full herein.

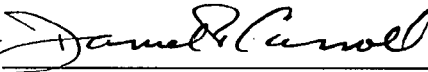
45. Plaintiffs' Complaint fails to state a claim upon which relief may be against this Defendant.

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

WHEREFORE, defendant, Dr. Hayat hereby demands that the claims against him be dismissed and that judgment be entered in his favor.

JURY TRIAL OF TWELVE (12) IS DEMANDED.

DAVIES, McFARLAND & CARROLL, P.C.

BY 

Daniel P. Carroll, Esquire  
Lauren R. Ames, Esquire  
Attorneys for Defendant  
SHAUKAT HAYAT, M.D.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the ANSWER AND NEW MATTER on behalf of defendant, Shaukat Hayat, M.D. has been served on the following persons by first-class mail, postage prepaid this 17th day of July, 2008.

Nicholas F. Lorenzo, Jr., Esquire  
Lorenzo & Gianvito, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767

DAVIES, McFARLAND & CARROLL, P.C.

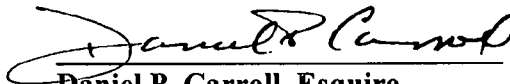
BY Daniel P. Carroll  
Daniel P. Carroll, Esquire  
Lauren R. Ames, Esquire  
Attorney for Defendant,  
Shaukat Hayat, M.D.



## VERIFICATION

I, DANIEL P. CARROLL, Esquire, have filed the foregoing ANSWER AND NEW MATTER on behalf of Shaukat Hayat, M.D.. The statements therein are based upon information received from Shaukat Hayat, M.D. and are believed to be correct to the best of his knowledge or information and belief. This attorney verification is being made pursuant to Pa. R.C.P. 1024(c).

Date: 7/16/08

  
Daniel P. Carroll, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband  
and wife

Plaintiffs

vs.

SHAUKAT HAYAT, M.D., an  
individual,

Defendant

**JURY TRIAL OF TWELVE (12)**  
**DEMANDED**

CIVIL DIVISION – Medical Professional  
Liability Action

No. 2008 – 287 - CD

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

Filed on behalf of Shaukat Hayat, M.D.

Counsel of record for this party:

Daniel P. Carroll, Esquire  
PA I.D. #20601

Davies, McFarland & Carroll, P.C.  
Firm #281  
One Gateway Center  
Tenth Floor  
Pittsburgh, PA 15222

412-281-0737

**FILED** NOCC  
mho:44/81  
JUL 21 2008 (62)

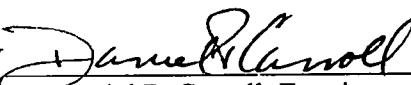
William A. Shaw  
Prothonotary/Clerk of Courts

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

**TO: PROTHONOTARY OF CLEARFIELD COUNTY**

Please take notice that on the 17<sup>th</sup> day of July, 2008 we served the original and two copies of **Interrogatories Directed to Plaintiff and a Request for Production of Documents Directed to Plaintiff** upon: Nicholas F. Lorenzo, Jr., Esquire, Lorenzo & Gianvito, P.C., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767 by first-class mail, postage prepaid.

DAVIES, McFARLAND & CARROLL, P.C.

BY   
Daniel P. Carroll, Esquire  
Attorney for Defendant,  
Shaukat Hayat, M.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband  
and wife

Plaintiffs

vs.

SHAUKAT HAYAT, M.D., an  
individual,

Defendant

**JURY TRIAL OF TWELVE (12)**  
**DEMANDED**

CIVIL DIVISION – Medical Professional  
Liability Action

No. 2008 – 287 - CD

**NOTICE OF SERVICE OF  
DISCOVERY RESPONSES**

Filed on behalf of Shaukat Hayat, M.D.

Counsel of record for this party:

Daniel P. Carroll, Esquire  
PA I.D. #20601

Lauren R. Ames, Esquire  
PA I.D. #89270

Davies, McFarland & Carroll, P.C.  
Firm #281  
One Gateway Center  
Tenth Floor  
Pittsburgh, PA 15222

412-281-0737

**FILED** *no cc*  
*346*  
JUL 28 2008  
*WAS*  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RONALD E. STEWART and ELSIE P.  
STEWART, individually and as husband and  
wife

CIVIL DIVISION – Medical  
Professional Liability Action

No. 2008 – 287 - CD

Plaintiffs,

vs.

SHAUKAT HAYAT, M.D., an  
individual,

Defendant.


**NOTICE OF SERVICE OF DISCOVERY RESPONSES**

**TO: PROTHONOTARY OF CLEARFIELD COUNTY**

Please take notice that on the 24<sup>th</sup> day of July, 2008 we served the  
Answers to First Set of Interrogatories and Responses to First Request for Production of  
Documents to Defendant Shaukat Hayat, M.D. upon: Nicholas F. Lorenzo, Jr., Esquire, Lorenzo  
& Gianvito, P.C., 410 West Mahoning Street, P.O. Box 495, Punxsutawney, PA 15767 by first-  
class mail, postage prepaid.

DAVIES, McFARLAND & CARROLL, P.C.

BY

  
Daniel P. Carroll, Esquire  
Lauren R. Ames, Esquire  
Attorneys for Defendant,  
Shaukat Hayat, M.D.

**CERTIFICATE OF SERVICE**


I hereby certify that a true and correct copy of the within on behalf of defendant, Shaukat Hayat, M.D. has been served on the following persons by first-class mail, postage prepaid this

24<sup>th</sup> day of July, 2008.

Nicholas F. Lorenzo, Jr., Esquire  
Lorenzo & Gianvito, P.C.  
410 West Mahoning Street  
P.O. Box 495  
Punxsutawney, PA 15767

DAVIES, McFARLAND & CARROLL, P.C.

BY

  
\_\_\_\_\_  
Daniel P. Carroll, Esquire  
Lauren R. Ames, Esquire  
Attorney for Defendant,  
Shaukat Hayat, M.D.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
Individual;

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading - **REPLY  
TO NEW MATTER OF DEFENDANT**

Filed on Behalf of-  
**RONALD E. STEWART** and **ELSIE  
P. STEWART**

Filed by:  
**NICHOLAS F. LORENZO, JR.,  
ESQ.**  
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED** <sup>NO CC</sup>  
mjl:05864  
AUG 11 2008 (6K)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART** and **ELSIE  
P. STEWART**, individually and  
As Husband and wife,

Plaintiffs

Vs.

No. 2008-287 C.D.

**SHAUKAT HAYAT, M.D.**, an  
Individual;

Defendant

**PLAINTIFFS' REPLY TO  
NEW MATTER OF DEFENDANT**

AND NOW, come the plaintiffs, RONALD P. STEWART, et ux., by and through their counsel, NICHOLAS F. LORENZO, JR., ESQ., of LORENZO & GIANVITO, P.C., and file the following Reply to New Matter of Defendant:

44. Paragraph 44 of defendant's New Matter incorporates prior paragraphs, and accordingly, requires no response.

45. Paragraph 45 states that plaintiffs have failed to "state a claim upon which relief may be against this defendant." This is a bald allegation of law to which no reply is necessary. In the event a reply is deemed to be required, plaintiffs' Complaint fully and completely



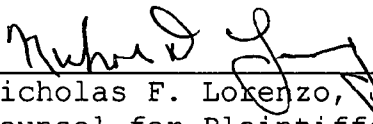
alleges a cause of action in negligence which caused serious bodily harm to the plaintiff-husband.

46. Plaintiffs initiated this civil cause of action within two years from the date of the negligent acts of defendant, as detailed in plaintiffs' Complaint, and/or two years from the date of last treatment by defendant. As such, this cause of action was filed within the applicable statute of limitations.

WHEREFORE, plaintiffs respectfully request that defendant's New Matter be dismissed, and judgment entered in favor of plaintiffs.

Respectfully submitted,

LORENZO & GIANVITO, P.C.

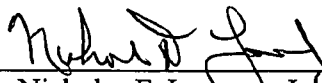
BY:   
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.  
Counsel for Plaintiffs

STATE OF PENNSYLVANIA

SS:

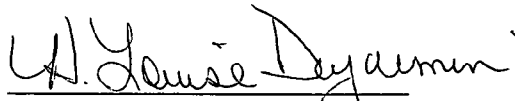
COUNTY OF JEFFERSON

I, NICHOLAS F. LORENZO, JR., ESQ., being duly sworn according to law, depose and say that I am the attorney for the plaintiffs, RONALD E. STEWART and ELSIE P. STEWART, that I am authorized to make this affidavit on their behalf, that the facts set forth in the foregoing Reply to New Matter of Defendant are true and correct, not of my own knowledge, but from information supplied to me by said plaintiffs, that the purpose of this affidavit is to expedite the litigation, and that an affidavit of the plaintiffs will be supplied if demanded.

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.

Sworn and subscribed before me

this 8<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Notary Public

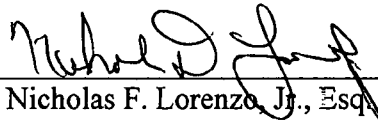
**COMMONWEALTH OF PENNSYLVANIA**

Notarial Seal  
H. Louise Deyamin, Notary Public  
Punxsutawney Boro, Jefferson County  
My Commission Expires May 1, 2009  
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that on the 8<sup>th</sup> day of August, 2008, a true and correct copy of the foregoing Reply to New Matter of Defendant was forwarded via first-class mail, postage prepaid, to the following:

Daniel P. Carroll, Esq.  
Davies, McFarland & Carroll, P.C.  
10<sup>th</sup> Fl., One Gateway Center  
Pittsburgh, PA 15222-1416

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
Individual; and **DUBOIS**  
**REGIONAL MEDICAL CENTER**,  
a Corporation,  
Defendants

**CIVIL ACTION-MEDICAL**  
**PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**VERIFICATION TO REPLY**  
**TO NEW MATTER**

Filed on Behalf of-  
**RONALD E. STEWART** and **ELSIE**  
**P. STEWART**

Filed by:  
**NICHOLAS F. LORENZO, JR.,**  
**ESQ.**  
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED** No CC.  
m/12:05 am  
SEP - 2 2008

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

SEP 30 2008

W/10:30/W  
William A. Shaw  
Prothonotary/Clerk of Courts

no 4/C 510

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
individual,

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**NOTICE OF SERVICE**

Filed on Behalf of:  
**RONALD E. STEWART** and **ELSIE  
P. STEWART, PLAINTIFFS**

Filed by:  
**NICHOLAS F. LORENZO, JR.,  
ESQ.**

Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART** and **ELSIE  
P. STEWART**, individually and  
As Husband and wife,

Plaintiffs

Vs.

No. 2008-287 C.D.

**SHAUKAT HAYAT, M.D.**, an  
Individual,

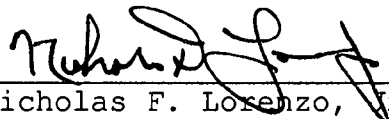
Defendant

**NOTICE OF SERVICE**

TO THE PROTHONOTARY:

Please be advised that on the 29th day of September,  
2008, Plaintiffs' Answers to Interrogatories and Response  
to Request for Production of Documents of Defendant,  
Shaukat Hayat, M.D., were served upon said defendant, c/o  
his attorney: Daniel P. Carroll, Esq., One Gateway Center,  
Pittsburgh, PA, 15222, via first-class U.S. Mail, postage  
prepaid.

LORENZO & GIANVITO, P.C.

BY:   
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr., Esq.  
Counsel for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT**, M.D., an  
individual,

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**NOTICE OF SERVICE**

Filed on Behalf of:  
**RONALD E. STEWART** and **ELSIE  
P. STEWART**, PLAINTIFFS

Filed by:  
**NICHOLAS F. LORENZO, JR.,  
ESQ.**  
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

5  
**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

**RONALD E. STEWART** and  
**ELSIE P. STEWART**, individually  
And as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
individual,

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading -  
**NOTICE OF SERVICE**

Filed on Behalf of:  
**RONALD E. STEWART** and **ELSIE  
P. STEWART, PLAINTIFFS**

Filed by:  
**NICHOLAS F. LORENZO, JR.,  
ESQ.**  
Pa. I.D. #05864

LORENZO & GIANVITO, P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

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William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART** and **ELSIE  
P. STEWART**, individually and  
As Husband and wife,

Plaintiffs

Vs.

No. 2008-287 C.D.

**SHAUKAT HAYAT, M.D.**, an  
Individual,

Defendant

**NOTICE OF SERVICE**

TO THE PROTHONOTARY:

Please be advised that on the 14<sup>th</sup> day of November,  
2008, Plaintiffs' Second Supplemental Response to Discovery  
Requests of Defendant was served upon said defendant, c/o  
his attorney: Daniel P. Carroll, Esq., One Gateway Center,  
Pittsburgh, PA, 15222, via first-class U.S. Mail, postage  
prepaid.

LORENZO & GIANVITO, P.C.

BY: Nicholas F. Lorenzo, Jr.  
Nicholas F. Lorenzo, Jr., Esq.  
Counsel for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
individual,

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading:  
**NOTICE OF SERVICE**

Filed on Behalf of:  
**PLAINTIFFS**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

**NICHOLAS F. LORENZO, JR., P.C.**  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED** No  
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William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**  
an individual,

Defendant

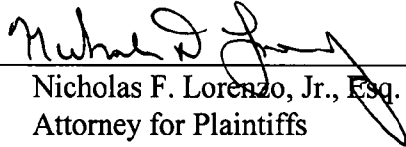
No. 2008-287 C.D.

**NOTICE OF SERVICE**

I do hereby certify that on the 17<sup>th</sup> day of November, 2010, Notice of Deposition of Shaukat Hayat, M.D., the Defendant herein, to be held on Monday, February 7, 2011, at 10:00 a.m. at 410 West Mahoning Street, Punxsutawney, Pennsylvania, was served by first class mail, postage prepaid upon the following:

Daniel P. Carroll, Esq.  
Davies, McFarland and Carroll, P.C.  
The Tenth Floor, One Gateway Center  
Pittsburgh, PA 15222-1416

NICHOLAS F. LORENZO, JR., P.C.

By:   
Nicholas F. Lorenzo, Jr., Esq.  
Attorney for Plaintiffs

FILED

§ JAN 20 2011  
W 10:50/C  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 case to

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
individual,

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading:  
**NOTICE OF SERVICE**

Filed on Behalf of:  
**PLAINTIFFS**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

NICHOLAS F. LORENZO, JR., P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**  
an individual,

Defendant

No. 2008-287 C.D.

**NOTICE OF SERVICE**

I do hereby certify that on the 18<sup>th</sup> day of January, 2011, Revised Notice of Deposition of Shaukat Hayat, M.D., the Defendant herein, to be held on Friday, February 18, 2011, at 10:00 a.m. at 410 West Mahoning Street, Punxsutawney, Pennsylvania, was served by first class mail, postage prepaid upon the following:

Daniel P. Carroll, Esq.  
Davies, McFarland and Carroll, P.C.  
The Tenth Floor, One Gateway Center  
Pittsburgh, PA 15222-1416

NICHOLAS F. LORENZO, JR., P.C.

By: 

Nicholas F. Lorenzo, Jr., Esq.  
Attorney for Plaintiffs

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

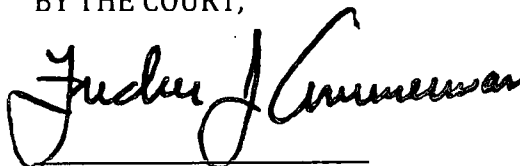
RONALD E. STEWART and ELSIE P. STEWART,	*	NO. 2008-287-CD
Plaintiffs	*	
	*	
vs.	*	
SHAUKAT HAYAK, M.D. and DUBOIS REGIONAL	*	
MEDICAL CENTER	*	
Defendants	*	

**ORDER**

NOW, this 15<sup>th</sup> day of May, 2013, it is the ORDER of this Court that a **status conference** be and is hereby scheduled for the **27th day of June, 2013 at 1:30 p.m.** in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

If this case has been concluded, the moving party is directed to file the appropriate Praecipe with the Prothonotary of Clearfield County to finalize that status of the case.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

**FILED**  
019:39m  
MAY 16 2013

100A44s:  
N. Lorenzo  
D. Carroll  
D. Johnson  
William A. Shaw  
Prothonotary/Clerk of Courts

ed

**FILED**

4 MAY 16 2013

William  
Prothonotary

DATE: 5-16-13

☐ 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**

**MAY 16 2013**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
individual,

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading:

**MOTION FOR CONTINUANCE**

Filed on Behalf of:  
**PLAINTIFFS**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

**NICHOLAS F. LORENZO, JR., P.C.**  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

**FILED**

MAY 22 2013  
M/12:35(W)  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 0000 70

att



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**  
an individual,

Defendant

No. 2008-287 C.D.

**MOTION FOR CONTINUANCE**

AND NOW, comes the Plaintiffs, RONALD E. STEWART and ELSIE P. STEWART, his wife, by and through their attorney, NICHOLAS F. LORENZO, JR., ESQ., and presents the following Motion for Continuance of status conference as follows:

1. The moving parties are the Plaintiffs who are represented by Nicholas F. Lorenzo, Jr., Esq. The Defendant, Shaukat Hayat, M.D., is represented by Daniel P. Carroll, Esq., of Davies, McFarland & Carroll, P.C.

2. On Monday, May 20, 2013, Plaintiffs' counsel received the Order of Court dated May 15, 2013, scheduling a status conference on the above entitled matter for the 27<sup>th</sup> day of June, 2013, at 1:30 p.m.

3. Nicholas F. Lorenzo, Jr., Esq., counsel for Plaintiffs, has scheduled a trip out of the country which commences on Wednesday, June 26, 2013, and extends until July 11, 2013. This trip has been booked and paid for over one month and if terminated at this time, would result in a

substantial loss of the full prepayment.

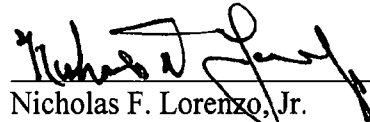
4. Counsel for the Plaintiffs, Nicholas F. Lorenzo, Jr., Esq., has conferred with counsel for the defendant, Daniel P. Carroll, Esq., who has advised that he has no objection if the status conference is continued to a later date.

5. Both counsel for the Plaintiffs and the Defendant will be available after July 22, 2013.

6. Moving counsel prays that the status conference be postponed until a date after July 22, 2013, at a time convenient to the Court.

WHEREFORE, Plaintiffs pray your Honorable Court to continue the status conference currently scheduled for June 27, 2013, and reschedule the same at a later date convenient to the Court.

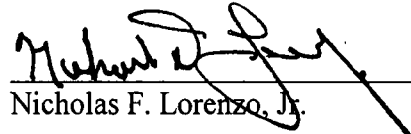
Respectfully submitted,

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr.  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 21<sup>st</sup> day of May, 2013, I mailed a copy of the within Motion for Continuance, by first class mail, postage prepaid, to the following:

Daniel P. Carroll, Esq.  
Davies, McFarland & Carroll, P.C.  
The Tenth Floor, One Gateway Center  
Pittsburgh, PA 15222-1416

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr.

*Prof. C. T. ...*

**FILED**  
MAY 22 2013  
William A. Shaw  
Register/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART** and **ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**  
an individual,

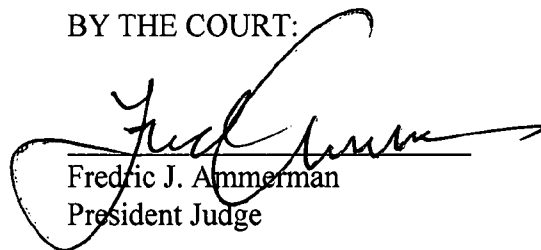
Defendant

No. 2008-287 C.D.

**ORDER OF COURT**

AND NOW, this 22 day of May, 2013, upon consideration of the within  
Motion for Continuance, the status conference initially scheduled for June 27, 2013, at 1:30 p.m., has  
been rescheduled to AUGUST 29, 2013, at 1:30 o'clock P m., in Courtroom No. 1,  
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

  
Fredric J. Ammerman  
President Judge

**FILED** ICC BAA  
018:41cm Lorenzo  
MAY 24 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

## CA

\* NO. 2008-287-CD

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\*  
\*  
\*

**FILED**

8:30am

SEP 20 2013

**William A. Shaw**

**Notary/Clerk of Courts**

ICC AAs:  
Lorenzo  
Carrol  
Johnson

## 62

1

- 1

BY THE COURT,  
*Judge Freeman*

FREDRIC J. AMMERMAN  
President Judge

**FILED**

SEP 20 2013

William A. Shaw  
Prothonotary/Clerk of Courts

9-20-13

\_\_\_\_\_ Date for serving all appropriate parties.

☒ The Prothonotary/Clerk of Courts has provided service to the following parties:

\_\_\_\_\_ Plaintiff(s) ☒ Plaintiff(s) Attorney \_\_\_\_\_ Other

\_\_\_\_\_ Defendant(s) ☒ Defendant(s) Attorney

\_\_\_\_\_ Special Instructions:

CA

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

RONALD E. STEWART and ELSIE P. STEWART  
Plaintiffs

VS

HYAT SHAUKAT, MD., and DUBOIS REGIONAL  
MEDICAL CENTER  
Defendants

\* No. 2008-0287-CD  
\*  
\*  
\*  
\*  
\*

S ICC Atty  
FILED N. Lorenzo  
01/10/14 D. Carroll  
APR 16 2014 D. Johnson

**ORDER**

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS 6/12

NOW, this 10<sup>th</sup> day of April, 2014, following pre-trial conference with counsel for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on **September 16, 2014** commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

2. Jury Trial is hereby scheduled for **October 13, 14, 15, 16, & 17, 2014** commencing at 9:00 a.m. each day in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania, with Senior Judge David E. Grine, Specially Presiding.

3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).

4. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of Trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.



5. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

DATE: 4-16-14

☐ 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

APR 16 2014

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

RONALD E. STEWART and  
ELSIE P. STEWART,

Plaintiffs,

vs.

HAYAT SHAUKAT, M.D., and  
DUBOIS REGIONAL MEDICAL  
CENTER,

Defendants.

CIVIL DIVISION  
Medical/Professional Liability

No. 2008-0287-CD

**PRAECIPE FOR APPEARANCE**

Filed on behalf of: Plaintiffs

Counsel of Record for this Party:

Patrick J. Loughren, Esquire  
PA I.D. #80449

Loughren, Loughren & Loughren, P.C.  
310 Grant Street  
Suite 2800 Grant Building  
Pittsburgh, Pennsylvania 15219  
Telephone: (412) 232-3530  
Facsimile: (412) 232-3535

<sup>S</sup>  
**FILED**

*als*  
**MAY 09 2014**

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

*M/1149/13/15*

*1cc Atty. Loughren*

**ORIGINAL**

**JURY TRIAL DEMANDED**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

CIVIL DIVISION

No 2008-0287-CD

RONALD E STEWART and  
WILLIAM STEWART,

Plaintiffs,

vs

INAYAT SHAUKAT, M.D., and  
CHICOR REGIONAL MEDICAL CENTER,

Defendants.

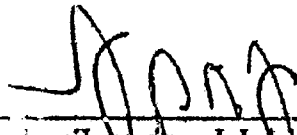
PRACISE APPEARANCE

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Kindly enter my Appearance as co-counsel for the Plaintiff in the above

captioned case.

Respectfully submitted:

  
Paul J. Longmire, Esquire  
Attorney for Plaintiff

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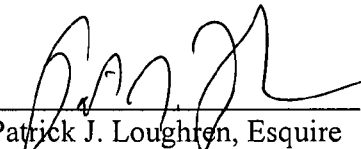
**CERTIFICATE OF SERVICE**

I hereby certify that I served upon the following a true and correct copy of the foregoing **Praecipe for Appearance** via first-class prepaid U.S. mail this 6 day of May 2014:

**Daniel P. Carroll, Esquire  
Davies, McFarland & Carroll, P.C.  
10<sup>th</sup> Floor, One Gateway Center  
Pittsburgh, Pennsylvania 15222-1416**

**Nicholas F. Lorenzo, Jr., Esquire  
Nicholas F. Lorenzo, Jr., P.C.  
P.O. Box 495  
410 West Mahoning Street  
Punxsutawney, Pennsylvania 15767**

Respectfully submitted:

  
\_\_\_\_\_  
Patrick J. Loughren, Esquire  
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**, an  
individual,

Defendant

**CIVIL ACTION-MEDICAL  
PROFESSIONAL LIABILITY**

No. 2008-287 C.D.

Type of Pleading:

**PRAECIPE FOR DISCONTINUANCE**

Filed on Behalf of:  
**PLAINTIFFS**

Filed by:  
**NICHOLAS F. LORENZO, JR., ESQ.**  
Pa. I.D. #05864

NICHOLAS F. LORENZO, JR., P.C.  
410 West Mahoning St.  
P.O. Box 495  
Punxsutawney, PA 15767  
(814) 938-6390

**JURY TRIAL DEMANDED**

*2-Settla*

**FILED**

⚡ **SEP 08 2014**

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

*M/1241/24/5*

*1cc Atty. Lorenzo,*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION—MEDICAL PROFESSIONAL  
LIABILITY ACTION

**RONALD E. STEWART and ELSIE  
P. STEWART**, individually and  
as husband and wife,

Plaintiffs

vs.

**SHAUKAT HAYAT, M.D.**  
an individual,

Defendant

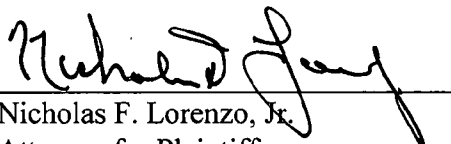
No. 2008-287 C.D.

**PRAECIPE FOR DISCONTINUANCE**

TO THE PROTHONOTARY:

Please mark the above captioned matter settled, discontinued and terminated.

Respectfully submitted,

  
\_\_\_\_\_  
Nicholas F. Lorenzo, Jr.  
Attorney for Plaintiffs