

08-469-CD

Thomas Ibberson vs Stacy Gergal

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

COMPLAINT

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

JURY TRIAL DEMANDED

(412) 281-3000

FILED 3cc Sheriff
m112:5861
MAR 17 2008 Atty pd. 95.00

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.:
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL,	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take prompt action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally 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 claim or relief requested in these papers 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 OR KNOW A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

**DAVID S. MEHOLICK
CLEARFIELD COUNTY COURTHOUSE
ONE NORTH SECOND STREET
CLEARFIELD, PA 16830
(814) 765-2641**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Plaintiffs,

Case No.:

vs.

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL, :
a Pennsylvania corporation, :

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT STACY GERG, P.A.C.

I, Harry S. Cohen, 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;

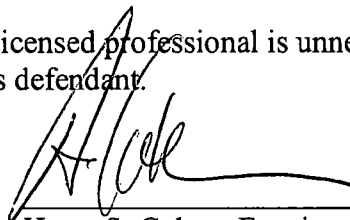
and/or

☐ 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 the 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;

and/or

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

March 10, 2008



Harry S. Cohen, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA : CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife, : PROFESSIONAL LIABILITY ACTION

Plaintiffs, : Case No.:

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL, :
a Pennsylvania corporation, :

Defendants. :

CERTIFICATE OF MERIT AS TO DEFENDANT JAMES P. DESANTIS, D.O.

I, Harry S. Cohen, 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;

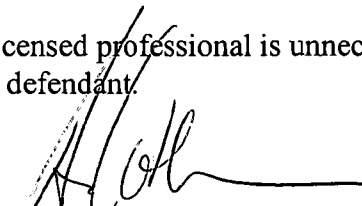
and/or

_____ 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 the 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;

and/or

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

March 10, 2008



Harry S. Cohen, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.:
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL,	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

CERTIFICATE OF MERIT AS TO DEFENDANT CLEARFIELD HOSPITAL

I, Harry S. Cohen, 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;

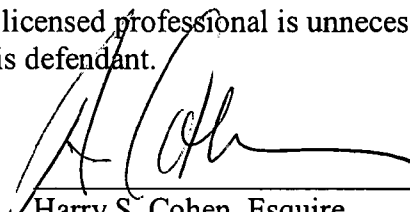
and/or

✓ 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 the 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;

and/or

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

March 10, 2008



Harry S. Cohen, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.:
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL,	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

COMPLAINT IN CIVIL ACTION

AND NOW, come the Plaintiffs, Thomas G. Ibberson and Patricia Ann Ibberson, as Husband and Wife, by and through their attorneys, Harry S. Cohen & Associates, P.C. by Harry S. Cohen, Esquire and Todd D. Bowlus, Esquire, and set forth the following Complaint in Civil Action:

1. Plaintiff Thomas G. Ibberson ("Plaintiff") is an adult individual at all times material hereto, residing at 72 Chestnut Street, Osceola Mills, Pennsylvania, 16666.
2. Plaintiff Patricia Ann Ibberson ("Wife-Plaintiff") is an adult individual at all times material hereto, residing at 72 Chestnut Street, Osceola Mills, Pennsylvania, 16666.
3. At all times material hereto, Plaintiffs were married and living as husband and wife.
4. Defendant Stacy Gerg, P.A.C. ("Physician Assistant Gerg") is an adult individual and certified physician's assistant with a professional address of 809 Turnpike Avenue, Clearfield, Pennsylvania, 16830. Plaintiffs are asserting a professional liability claim against this defendant.

5. Defendant James P. DeSantis, D.O. ("Dr. DeSantis") is a licensed professional with a professional address of 809 Turnpike Avenue, Clearfield, Pennsylvania, 16830. Plaintiffs are asserting a professional liability claim against this defendant.

6. Defendant Clearfield Hospital ("Clearfield Hospital") is a Pennsylvania corporation at all material times having its principal place of business at 809 Turnpike Avenue, Clearfield, Pennsylvania, 16830. Plaintiffs are asserting a professional liability and vicarious professional liability claim against this defendant.

7. At all times material hereto, Physician Assistant Gerg was an employee of Clearfield Hospital.

8. At all times material hereto, Physician Assistant Gerg was an actual agent, ostensible agent and/or servant of Clearfield Hospital.

9. At all times material hereto, Dr. DeSantis was an employee of Clearfield Hospital.

10. At all times material hereto, Dr. DeSantis was an actual agent, ostensible agent and/or servant of Clearfield Hospital.

11. At all times material hereto Clearfield Hospital acted by and through its agents, ostensible agents, servants and/or employees, including Physician Assistant Gerg and Dr. DeSantis, acting within the course, scope and authority of their employment and agency.

12. On April 11, 2006, Plaintiff, a healthy 54-year old male, had an appointment with his PCP, Dr. Manisha Patel ("Dr. Patel"). Since Plaintiff had classic symptoms of diverticulitis, including pain, poor appetite, constipation, and urinary symptoms, Dr. Patel scheduled Plaintiff for a CT scan on April 13, 2006 at Clearfield Hospital.

13. On April 13, 2006, Plaintiff had an out-patient CT scan performed at Clearfield Hospital; the procedure ended at 12:01 pm.

14. Shortly thereafter, on April 13, 2006, the CT scan was interpreted by radiologist Dr. Alfred B. Coren. Dr. Coren's impression was "findings most consistent with acute diverticulitis." The results of the CT scan were then telephoned to Dr. Patel.

15. Due to Plaintiff's previous symptoms and the severity of the CT scan results, Dr. Patel immediately telephoned Plaintiff, around 12:20 pm, and advised him to go return to Clearfield Hospital to be seen in the Clearfield Hospital Emergency Department (the "ED").

16. As instructed, Plaintiff went to the ED where he was examined by Physician's Assistant Gerg. Dr. DeSantis was Physician's Assistant Gerg's supervising physician.

17. During his exam, Plaintiff suggested to Physician's Assistant Gerg that she should contact Dr. Coren, the radiologist, to discuss his condition; Physician's Assistant Gerg advised Plaintiff that instead, she would contact Dr. Patel.

18. Physician's Assistant Gerg proceeded to examine Plaintiff and placed him on anti-biotic therapy.

19. During or around this time, while Plaintiff was still in the ED, Dr. Patel telephoned Plaintiff on his cell phone concerned over his condition.

20. During this phone conversation between Plaintiff and Dr. Patel, Plaintiff advised Physician's Assistant Gerg that he had Dr. Patel on the phone and suggested that Physician's Assistant Gerg and Dr. Patel speak to one another; Dr. Patel and Physician's Assistant Gerg then spoke on the cell phone about Plaintiff's condition.

21. Dr. Patel told Physician's Assistant Gerg that Plaintiff should be admitted.

22. Rather than admit Plaintiff, Physician's Assistant Gerg discharged Plaintiff late in the evening with prescriptions for Flagyl and Cipro, a restriction to a clear liquid diet for 24-hours, and instructions to follow-up with Dr. Patel in 2-4 days.

23. Dr. DeSantis never examined Plaintiff.

24. The next morning, on April 14, 2006, Plaintiff's pain became more intense so Wife-Plaintiff telephoned the ED - she was instructed that if Plaintiff's pain gets worse, to either take him to his PCP or return to the ED. Wife-Plaintiff then telephoned Dr. Patel's office; Dr. Patel returned Plaintiff's call, was in disbelief that Plaintiff was discharged, and advised him to immediately return to the ED.

25. In the ED, Physician Assistant Jennifer Southern, supervised by Dr. Earnest P. Jones, performed an exam on Plaintiff.

26. Plaintiff's exam showed a low grade temperature, severe abdominal pain with peritonitis in all four quadrants, and a white blood count of 25,000 with left shift. Another CT scan of the abdomen was performed which revealed intra-abdominal free air with free fluid and worse inflammatory changes.

27. An emergency surgical consult was called and Dr. Timothy N. Kavic, a surgeon, was called to the ED.

28. Plaintiff was then taken to the operating room where Dr. Kavic performed an emergency laparotomy and found Plaintiff to have a large phlegmonous mass in the left lower quadrant that contained the site of the perforation with numerous diverticula suggestive of a perforated sigmoid diverticulitis.

29. Dr. Kavic also proceeded with a sigmoid colectomy, end colostomy (Hartmann procedure), and insertion of JP drains.

30. Subsequent to the surgery, Plaintiff remained in the Clearfield Hospital Intensive Care Unit for seven days and another three days in recovery.

31. As a direct and proximate result of the negligence described herein, Plaintiff has and will incur the following injuries and damages:

- a. Generalized peritonitis;
- b. Sigmoid colectomy;
- c. Need for emergency surgery;
- d. Perforated sigmoid diverticulitis;
- e. Diverticulitis abscess;
- f. Colostomy;
- g. Ileus;
- h. Incisional hernia;
- i. Pain and suffering;
- j. Loss of enjoyment of life;
- k. Loss of income and impairment of earning power;
- l. Partial and/or permanent disability;
- m. Embarrassment and humiliation;
- n. Emotional distress; and
- o. The need to expend large sums of money for medical, therapeutic, and rehabilitative services.

COUNT I – Professional Negligence

Thomas G. Ibberson vs. Stacy Gerg, P.A.C.

32. The foregoing paragraphs are incorporated herein by reference as though fully set forth below, at length.

33. Defendant Physician Assistant Gerg was negligent in the following particulars:

- a. By failing to admit Plaintiff on April 13, 2006;

- b. By failing to provide Plaintiff with proper instructions on April 13, 2006;
- c. By failing to have a medical doctor examine Plaintiff on April 13, 2006;
- d. By failing to take measures to assure proper antibiotic treatment on April 13, 2006;
- e. By failing to continue Plaintiff on appropriate I.V. antibiotics on April 13, 2006;
- f. By failing to timely and appropriately respond to Plaintiff's signs and symptoms on April 13, 2006;
- g. By failing to keep Plaintiff a sufficient time for observation on April 13, 2006;
- h. By failing to appropriately restrict Plaintiff's oral intake; and
- i. By failing to avail herself of all tests on April 13, 2006.

34. The negligence of Defendant Physician Assistant Gerg, as described herein, was the "legal cause" of Plaintiff's injuries and damages, as described herein.

35. The negligence of Defendant Physician Assistant Gerg as described herein increased the risk that Plaintiff would suffer the injuries and damages as described herein.

36. As a direct and proximate result of the negligence of Defendant Physician Assistant Gerg, as described herein, Plaintiff suffered and Defendant Physician Assistant Gerg is liable to Plaintiff for the within described injuries and damages.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant Physician Assistant Gerg, jointly, severally, and/or jointly and severally, in an amount in excess of the jurisdictional limits of compulsory arbitration, excluding costs and interest.

JURY TRIAL DEMANDED

COUNT II – Professional Negligence

Thomas G. Ibberson vs. James P. DeSantis, D.O.

37. The foregoing paragraphs are incorporated herein by reference as though fully set forth below, at length.

38. Defendant Dr. DeSantis was negligent in the following particulars:

- a. By failing to directly examine and/or treat Plaintiff on April 13, 2006;
- b. By relying exclusively on a physician's assistant to examine and/or treat Plaintiff on April 13, 2006;
- c. By failing to admit Plaintiff on April 13, 2006;
- d. By failing to provide Plaintiff with proper instructions on April 13, 2006;
- e. By failing to take measures to assure proper antibiotic treatment on April 13, 2006;
- f. By failing to continue Plaintiff on appropriate I.V. antibiotics on April 13, 2006;
- g. By failing to timely and appropriately respond to Plaintiff's signs and symptoms on April 13, 2006;
- h. By failing to keep Plaintiff a sufficient time for observation on April 13, 2006;
- i. By failing to appropriately restrict Plaintiff's oral intake; and
- j. By failing to avail himself of all test results on April 13, 2006.

39. The negligence of Defendant Dr. DeSantis, as described herein, was the "legal cause" of Plaintiff's injuries and damages, as described herein.

40. The negligence of Defendant Dr. DeSantis as described herein increased the risk that Plaintiff would suffer the injuries and damages as described herein.

41. As a direct and proximate result of the negligence of Defendant Dr. DeSantis, as described herein, Plaintiff suffered and Defendant Dr. DeSantis is liable to Plaintiff for the within described injuries and damages.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant Dr. DeSantis, jointly, severally, and/or jointly and severally, in an amount in excess of the jurisdictional limits of compulsory arbitration, excluding costs and interest.

JURY TRIAL DEMANDED

COUNT III – Vicarious Liability

Thomas G. Ibberson vs. Clearfield Hospital

42. The foregoing paragraphs are incorporated herein by reference as though fully set forth below, at length.

43. Defendant Clearfield Hospital is responsible for the negligent acts and omissions of its agents, ostensible agents, and/or employees, including Defendant Physician Assistant Gerg and Dr. DeSantis, as described herein.

44. The negligence of Defendant Clearfield Hospital's agents, ostensible agents, and/or employees, as described herein, was the "legal cause" of Plaintiff's injuries and damages as described herein.

45. As a direct and proximate result of the negligence of Defendant Clearfield Hospital's agents, ostensible agents, and/or employees, as set forth herein, Plaintiff has incurred the injuries and damages as described herein.

46. As a direct and proximate result of the negligence of Defendant Clearfield Hospital's agents, ostensible agents, and/or employees, as described herein, Defendant Clearfield Hospital is liable to Plaintiff for the within described injuries and damages.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant Clearfield Hospital, jointly, severally, and/or jointly and severally, in an amount in excess of the jurisdictional limits of compulsory arbitration, excluding costs and interest.

JURY TRIAL DEMANDED

COUNT IV – Corporate Negligence

Thomas G. Ibberson vs. Clearfield Hospital

47. The foregoing paragraphs are incorporated herein by reference as though fully set forth below, at length.

48. Defendant Clearfield Hospital was negligent in the following particulars:

- (a) By failing to promulgate and/or enforce rules, policies, regulations, procedures and/or standards regarding when physicians are required to examine patients; and
- (b) By promulgating/following rules, policies, regulations, procedures and/or standards that inhibit the admission of patients such as Plaintiff.

49. As a direct and proximate result of the negligence of Defendant Clearfield Hospital, as set forth herein, Plaintiff has incurred the injuries and damages described herein.

50. The negligence of Defendant Clearfield Hospital, as described herein, was the “legal cause” of Plaintiff’s injuries and damages, as described herein.

51. The negligence of Defendant Clearfield Hospital, as described herein and hereinafter, increased the risk that Plaintiff would suffer the injuries and damages as described herein.

WHEREFORE, Plaintiffs demand judgment in their favor and against Defendant Clearfield Hospital, jointly, severally, and/or jointly and severally, in an amount in excess of the jurisdictional limits of compulsory arbitration, excluding costs and interest.

JURY TRIAL DEMANDED

COUNT V – Loss of Consortium

Patricia Ann Ibberson vs. All Defendants

52. The foregoing paragraphs are incorporated herein by reference as though fully set forth below at length.

53. As a direct and proximate result of the Defendants' negligence as described herein, Wife-Plaintiff has suffered the reduction or loss of the companionship, services, and consortium of her husband, Plaintiff.

WHEREFORE, Plaintiffs demand judgment in their favor and against all Defendants, jointly, severally, and/or jointly and severally, in an amount in excess of the jurisdictional limits of compulsory arbitration, excluding costs and interest.

JURY TRIAL DEMANDED

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, P.C.

By: 

Harry S. Cohen, Esquire

Todd D. Bowlus, Esquire

Attorneys for Plaintiffs

Two Chatham Center, Suite 985

Pittsburgh, PA 15219

(412) 281-3000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs, :

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL, :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.:

VERIFICATION

We verify that the averments contained in the foregoing **COMPLAINT IN CIVIL ACTION** are true and correct to the best of our knowledge, information and belief. We understand that said averments are made subject to the penalties of 18 Pa. C. S. § 4904 relating to unsworn falsification to authorities.

3/8/08
Date

By: Thomas G. Ibberson
Thomas G. Ibberson, Plaintiff

3-8-08
Date

By: Patricia Ann Ibberson
Patricia Ann Ibberson, Plaintiff

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 - 469 - CD

ISSUE:
PRAECIPE FOR APPEARANCE

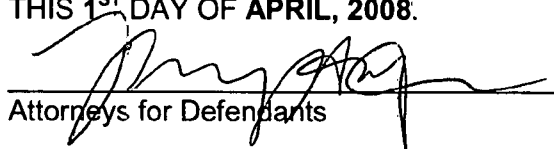
Filed on behalf of Defendants

Counsel of Record:
Frank J. Hartye, Esquire
PA I.D. #25568

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 1ST DAY OF APRIL, 2008.


Attorneys for Defendants

FILED NO
APR 04 2008 CC
(60)

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

JURY TRIAL DEMANDED

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Enter my Appearance on behalf of Defendants, STACY GERG, P.A.C., JAMES
P. DESANTIS, D.O. and CLEARFIELD HOSPITAL.

Papers may be served at the address set forth below.


Attorneys for Defendants

McINTYRE, HARTYE & SCHMITT

Frank J. Hartye, Esquire

PA I.D. #25568

P.O. Box 533

Hollidaysburg, PA 16648-0533

PH: (814) 696-3581

FAX: (814) 696-9399

Date: April 1, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

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Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF PRAECIPE TO ENTER
DEFAULT JUDGMENT AGAINST
DEFENDANT JAMES P. DESANTIS,
D.O.**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 18, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED ^{NO CC}
M10159/51
APR 21 2008 (60)

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

DAVID S. MEHOLICK
CLEARFIELD COUNTY COURTHOUSE
ONE NORTH SECOND STREET
CLEARFIELD, PA 16830
(814)765-2641

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire

Todd D. Bowlus, Esquire

Two Chatham Center; Suite 985

Pittsburgh, PA 15219

(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that the within **NOTICE OF PRAECIPE TO ENTER DEFAULT JUDGMENT AGAINST DEFENDANT JAMES P. DESANTIS, D.O.** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing of a true and correct copy to the party and address listed below on the 18th day of April 2008:

Clearfield Hospital
ATTN: Risk Manager
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

James P. DeSantis, D.O.
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

Stacy Gerg, P.A.C.
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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ANN IBBERSON, as Husband and Wife,

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a Pennsylvania corporation,

Defendants.

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Case No.: 08-469-CD

**NOTICE OF PRAECIPE TO ENTER
DEFAULT JUDGMENT AGAINST
DEFENDANT CLEARFIELD
HOSPITAL**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 18, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED *no cc*
m/10:59/BA
APR 21 2008 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

CERTIFICATE OF SERVICE

I hereby certify that the within **NOTICE OF PRAECIPE TO ENTER DEFAULT JUDGMENT AGAINST DEFENDANT CLEARFIELD HOSPITAL** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing of a true and correct copy to the party and address listed below on the 18th day of April 2008:

Clearfield Hospital
ATTN: Risk Manager
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

James P. DeSantis, D.O.
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

Stacy Gerg, P.A.C.
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF PRAECIPE TO ENTER
DEFAULT JUDGMENT AGAINST
DEFENDANT STACY GERG, P.A.C.**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

April 18, 2008

FILED NO CC
m 10:50 AM
APR 21 2008
GD

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

**NOTICE OF PRAECIPE TO ENTER DEFAULT
JUDGMENT AGAINST DEFENDANT STACY GERG, P.A.C.**

To: Stacy Gerg, P.A.C.
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

Date of Notice: April 18, 2008

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY AND ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. 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.

DAVID S. MEHOLICK
CLEARFIELD COUNTY COURTHOUSE
ONE NORTH SECOND STREET
CLEARFIELD, PA 16830
(814)765-2641

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire

Todd D. Bowlus, Esquire

Two Chatham Center; Suite 985

Pittsburgh, PA 15219

(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that the within **NOTICE OF PRAECIPE TO ENTER DEFAULT JUDGMENT AGAINST DEFENDANT STACY GERG, P.A.C.** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing of a true and correct copy to the party and address listed below on the 18th day of April 2008:

Clearfield Hospital
ATTN: Risk Manager
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

James P. DeSantis, D.O.
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

Stacy Gerg, P.A.C.
809 Turnpike Avenue
Clearfield, Pennsylvania, 16830

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED
TO DEFENDANT CLEARFIELD
HOSPITAL**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 29, 2008

(412) 281-3000

JURY TRIAL DEMANDED

ORIGINAL

FILED *NO CC*
m 11:00 AM
MAY 01 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA : CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife, : PROFESSIONAL LIABILITY ACTION

Plaintiffs, : Case No.: 08-469-CD

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

**NOTICE OF SERVICE OF PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED TO DEFENDANT CLEARFIELD HOSPITAL**

TO PROTHONOTARY OF CLEARFIELD COUNTY:

I hereby certify that a true and correct copy of Plaintiffs' First Set of Interrogatories Directed to Defendant Clearfield Hospital was served on the 29th day of April 2008, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED
TO DEFENDANT JAMES P.
DESANTIS, D.O.**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 29, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED NO
MAY 01 2008 CC
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

**NOTICE OF SERVICE OF PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED TO DEFENDANT JAMES P. DESANTIS, D.O.**

TO PROTHONOTARY OF CLEARFIELD COUNTY:

I hereby certify that a true and correct copy of Plaintiffs' First Set of Interrogatories Directed to Defendant James P. DeSantis, D.O. was served on the 29th day of April 2008, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED
TO DEFENDANT STACY GERG,
P.A.C.**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 29, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED ^{NO CC}
MAY 01 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA : CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife, : PROFESSIONAL LIABILITY ACTION

Plaintiffs, : Case No.: 08-469-CD

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

**NOTICE OF SERVICE OF PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED TO DEFENDANT STACY GERG, P.A.C.**

TO PROTHONOTARY OF CLEARFIELD COUNTY:


I hereby certify that a true and correct copy of Plaintiffs' First Set of Interrogatories Directed to Defendant Stacy Gerg, P.A.C. was served on the 29th day of April 2008, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By


Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF DEPOSITION OF
DEFENDANT STACY GERG, P.A.C.
WITH SUBPOENA DUCES TECUM**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 29, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED ^{NO CC}
MAY 01 2008
60

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

NOTICE OF DEPOSITION OF DEFENDANT
STACY GERG, P.A.C. WITH SUBPOENA DUCES TECUM

TO: Stacy Gerg, P.A.C.
c/o Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that the Deposition of Defendant Stacy Gerg, P.A.C. will be taken for discovery purposes, pursuant to the Pennsylvania Rules of Civil Procedure, before a Notary Public duly authorized by law to administer oath on **Wednesday, June 4, 2008 at 11:00 a.m. in a room to be determined at the Clearfield County Courthouse** at which time and place you are invited to appear and take part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts of all matters upon which this cause of action is based.

SUBPOENA DUCES TECUM

You are hereby instructed to bring the following with you:

1. The complete original medical chart in your/Clearfield Hospital's possession with regard to Thomas G. Ibberson.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire

Todd D. Bowlus, Esquire

Attorneys for Plaintiffs

Two Chatham Center, Suite 985

Pittsburgh, PA 15219

(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF DEPOSITION OF DEFENDANT STACY GERG, P.A.C. WITH SUBPOENA DUCES TECUM** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 29th day of April 2008:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: _____

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF DEPOSITION OF
DEFENDANT JAMES P. DESANTIS,
D.O. WITH SUBPOENA DUCES
TECUM**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

April 29, 2008

FILED *No ce*
m/11:00 AM
MAY 01 2008 *GP*
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

SUBPOENA DUCES TECUM

You are hereby instructed to bring the following with you:

1. The complete original medical chart in your/Clearfield Hospital's possession with regard to Thomas G. Ibberson.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By. 

Harry S. Cohen, Esquire

Todd D. Bowlus, Esquire

Attorneys for Plaintiffs

Two Chatham Center, Suite 985

Pittsburgh, PA 15219

(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF DEPOSITION OF DEFENDANT JAMES P. DESANTIS, D.O. WITH SUBPOENA DUCES TECUM** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 29th day of April 2008:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: _____

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

ISSUE:

ANSWER AND NEW MATTER TO
PLAINTIFFS' COMPLAINT

Filed on behalf of Defendants

Counsel of Record:

Frank J. Hartye, Esquire

PA I.D. #25568

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 2nd DAY OF May,
2008

Attorneys for Defendants

FILED

MAY 05 2008

m/12:30/

William A. Shaw
Prothonotary/Clerk of Courts

no 4/1 (612)

- 1-2. Admitted.
3. True to the best of defendants' knowledge at this time.
4. Admitted that Stacy Gerg, P.A.C. is a certified Physician Assistant employed by and working at Clearfield Hospital.
5. Admitted that James P. DeSantis, D.O. is a licensed physician employed by and working at Clearfield Hospital.
6. Admitted.
7. Admitted.
8. The allegations contained in paragraph 8 are conclusions of law and therefore are denied as stated.

9. Admitted.

10. The allegations contained in paragraph 10 are conclusions of law and therefore are denied as stated.

11. It is admitted that Physician Assistant Stacy Gerg and Dr. DeSantis were both acting within the course, scope and authority of their employment with Clearfield Hospital relating to their care and treatment of Mr. Ibberson.

12. It is admitted that a CT scan was scheduled to take place on April 13, 2006 at Clearfield Hospital by Dr. Patel. As to the remaining allegations, after reasonable investigation defendants are without sufficient knowledge or information as to the truth of those averments and therefore they are denied as stated.

13. It is admitted that the CT scan was performed at Clearfield Hospital on April 13, 2006.

14. After reasonable investigation, defendants are without sufficient knowledge or information as to the truth of these averments and therefore they are denied as stated.

15. After reasonable investigation, defendants are without sufficient knowledge or information as to the truth of these averments and therefore they are denied as stated.

16. It is admitted that the plaintiff came to the Emergency Department on April 13, 2006, where he was examined and treated by Stacy Gerg, P.A. It is also admitted that Dr. DeSantis was Ms. Gerg's supervising physician.

17. After reasonable investigation, defendants are without sufficient knowledge or information as to the truth of these averments and therefore they are denied as stated.

18. Admitted. In addition, further treatment was provided as more specifically set forth in the patient's record for that date.

19-21. After reasonable investigation, defendants are without sufficient knowledge or information as to the truth of these averments and therefore they are denied as stated.

22. It is admitted that Stacy Gerg, P.A. discharged the patient with prescriptions for antibiotics, restriction to a clear liquid diet and instructions to follow-up with Dr. Patel in two to four days as more specifically set forth in the patient's chart.

23. The allegations contained in paragraph 23 are true to the best of defendants' knowledge at this time.

24. Admitted in part and denied in part. It is admitted that on April 14, 2006, that wife-plaintiff telephoned the Emergency Department. The remaining allegations are denied as stated. To the contrary, wife-plaintiff reported that the husband-plaintiff was having abdominal pain and vomited and that she did not obtain the prescription. The nursing staff at Clearfield Hospital Emergency Department instructed the wife-plaintiff to have the patient seen by his own doctor or come to the Emergency Department.

25. Admitted that the exam took place once the plaintiff came back to the Emergency Department on April 14, 2006, around 5:30 p.m.

26. It is admitted that another CT scan of the abdomen was performed which showed intra-abdominal free air as more specifically set forth in the patient's record. As to the patient's exam at that time, a review of the patient's Emergency Department record will more fully disclose the patient's vital signs, his complaints, his lab results, as well as the care provided. For this reason, the remaining allegations are denied as stated.

27. It is admitted that a surgical consult was called to Dr. Kavic who came to the Emergency Department, saw the patient and wrote a note at approximately 7:40 p.m.

28-29. Admitted that the patient was taken to the operating room at approximately 9:00 p.m. for an exploratory laparotomy. As to the details of the procedure performed and the findings of Dr. Kavic, the remaining allegations are denied as stated in that they incompletely state the procedure and findings of Dr. Kavic which are more specifically set forth in his operative report.

30. Admitted to the extent that the same is reflected in the patient's chart.

31. Denied. It is denied that the defendants or any of their agents, servants or employees were negligent or careless in any manner. It is further denied that any action or inaction on the part of defendants either caused or contributed to the alleged injuries set forth and therefore all of the allegations contained in paragraph 31 and the subparagraphs thereof are denied.

COUNT I – Professional Negligence

Thomas G. Ibberson vs. Stacy Gerg, P.A.C.

32. Defendant incorporates by reference the previous paragraphs of the within Answer and New Matter as though the same were set forth herein at length.

33. Denied. It is denied that Stacy Gerg, P.A.C. was negligent or careless in any manner. To the contrary, the care and treatment provided by her was proper, appropriate and met the applicable standard of care. As a result all of the allegations contained in paragraph 33 and the subparagraphs thereof are denied.

34-36. The allegations contained in paragraphs 34 through 36 are denied. It is denied that Stacy Gerg, P.A.C. was negligent or careless in any manner. It is further denied that any action or inaction on her part either caused or contributed to the alleged injuries and damages set forth and therefore all of the allegations contained in paragraphs 34 through 36 are denied.

WHEREFORE, defendant demands judgment in her favor with costs of suit awarded to defendant.

COUNT II – Professional Negligence

Thomas G. Ibberson vs. James P. DeSantis, D.O.

37. Defendant incorporates by reference the previous paragraphs of the within Answer and New Matter as though the same were set forth herein at length.

38. Denied. It is denied that Dr. DeSantis was negligent or careless in any manner. To the contrary, all care and treatment provided by Dr. DeSantis was proper, appropriate and met the applicable standard of care including his supervision of the care and treatment provided by Stacy Gerg, P.A.C. As a result, all of the allegations contained in paragraph 38 and the subparagraphs thereof are specifically denied.

39-41. The allegations contained in paragraphs 39 through 41 are denied. It is denied that James DeSantis, D.O. was negligent or careless in any manner. It is further denied that any action or inaction on his part either caused or contributed to the alleged injuries and damages set forth and therefore all of the allegations contained in paragraphs 39 through 41 are denied.

WHEREFORE, defendant demands judgment in his favor with costs of suit awarded to defendant.

COUNT III – Vicarious Liability

Thomas G. Ibberson vs. Clearfield Hospital

42. Defendant incorporates by reference the previous paragraphs of the within Answer and New Matter as though the same were set forth herein at length.

43. Admitted in part and denied in part. It is admitted that Clearfield Hospital employed Stacy Gerg, P.A.C. and James DeSantis, D.O. It is denied that they were negligent or committed acts of omission and therefore all of the remaining allegations are denied.

44-46. It is denied that Clearfield Hospital or any of its agents, servants or employees were negligent or careless in any manner. It is further denied that any action or inaction on their part caused or contributed to the alleged injuries and damages set forth and therefore all of the allegations contained in paragraphs 44-46 are denied.

WHEREFORE, defendant demands judgment in its favor with costs of suit awarded to defendant.

COUNT IV – Corporate Negligence

Thomas G. Ibberson vs. Clearfield Hospital

47. Defendant incorporates by reference the previous paragraphs of the within Answer and New Matter as though the same were set forth herein at length.

48. The allegations contained in paragraph 48 are denied. These allegations and the Complaint itself do not set forth any facts to support a claim for corporate negligence and therefore Count IV should be dismissed.

49-51. Denied. It is denied that Clearfield Hospital was corporately negligent. It is denied that any action or inaction on the part of Clearfield Hospital caused or contributed to the alleged injuries and damages set forth and therefore all of the allegations contained in paragraphs 49 through 51 are denied.

WHEREFORE, defendant demands judgment in its favor with costs of suit awarded to defendant.

COUNT V – Loss of Consortium

Patricia Ann Ibberson vs. All Defendants

52. Defendants incorporate by reference the previous paragraphs of the within Answer and New Matter as though the same were set forth herein at length.

53. Denied. It is denied that defendants were negligent or careless in any manner. It is further denied that any action or inaction on the part of defendants either caused or contributed to the alleged injuries and damages set forth and therefore all of the allegations contained in paragraph 53 are denied.

WHEREFORE, defendants demand judgment in their favor with costs of suit awarded to defendants.

NEW MATTER

By way of further and more complete answer, defendants aver the following New Matter:

54. Count IV of plaintiffs' Complaint attempts to set forth a cause of action for corporate negligence. There are absolutely no facts in plaintiffs' Complaint to support such a claim and therefore plaintiffs' Complaint should be stricken.

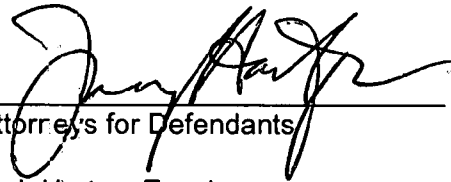
55. All injuries and damages suffered by the plaintiff are the direct, sole and proximate result of preexisting medical conditions and not the result of a violation of the standard of care.

56. To the extent plaintiff establishes a right to recover for the alleged injuries, the same were the result of conduct of others over whom these defendants had neither the duty nor the ability to exercise control.

57. Defendants hereby affirmatively plead all bars, rights and limitations pursuant to the Health Care Services Malpractice Act, 40 P.S. §1301.103, et seq. and the Medical Care Availability and Reduction or Error (MCARE) Act, 40 P.S. §1300, et seq.

WHEREFORE, defendants demand judgment in their favor with costs of suit
awarded to defendants.

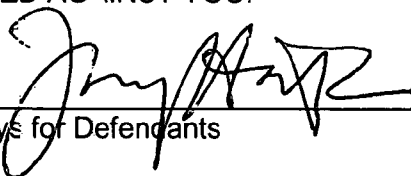
McINTYRE HARTYE & SCHMITT

By 
Attorneys for Defendants

Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollicaysburg, PA 16648
(814) 696-3581

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.


Attorneys for Defendants

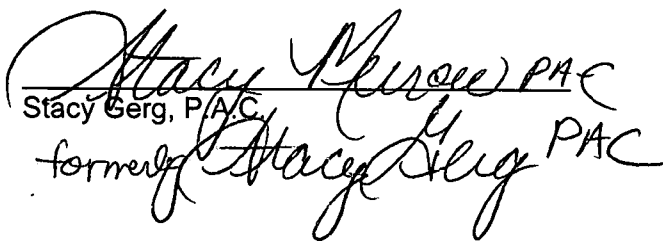
VERIFICATION

I, **STACY GERG, P.A.C.**, 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 13 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.

Date:

4/22/08


Stacy Gerg, P.A.C.
formerly Stacy Gerg PAC

VERIFICATION

I, **Jon Steen, Vice President of Human Resources of CLEARFIELD HOSPITAL** 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.

CLEARFIELD HOSPITAL


Jon Steen
Vice President of Human Resources


Date: _____

4/23/08

VERIFICATION

I, **JAMES P. DESANTIS, D.O.**, 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.


James P. DeSantis, D.O.

Date: 28 Apr 08

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD.

ISSUE:

Notice of Service of Medical Expense
Interrogatories and Request for
Production of Documents Directed
to Plaintiffs Dated May 9, 2008 and
Interrogatories and Request for
Production of Documents Directed to
Plaintiffs Dated May 9, 2008

Filed on behalf of Defendants

Counsel of Record:

Frank J. Hartye, Esquire
PA I.D. #25568

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 9th DAY OF MAY, 2008

Attorneys for Defendants

FILED NOCC.
m/11:55cm
MAY 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

JURY TRIAL DEMANDED

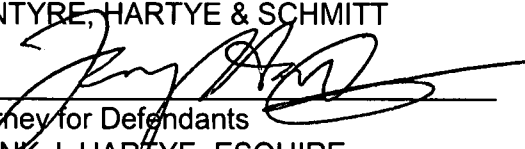
**NOTICE OF SERVICE OF MEDICAL EXPENSE INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS DATED MAY 9,
2008 AND INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO PLAINTIFFS DATED MAY 9, 2008**

TO: PROTHONOTARY

You are hereby notified that on the 9TH day of May, 2008, Defendants, STACY GERG, P.A.C., JAMES P. DESANTIS, D.O. and CLEARFIELD HOSPITAL, served Medical Expense Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated May 9, 2008 and Interrogatories and Request for Production of Documents Directed to Plaintiffs Dated May 9, 2008, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Todd D. Bowlus, Esquire
Harry S. Cohen & Associates, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219

McINTYRE, HARTYE & SCHMITT


Attorney for Defendants
FRANK J. HARTYE, ESQUIRE
PA I.D. No. 25568
P. O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**PLAINTIFFS' REPLY TO NEW
MATTER FILED ON BEHALF OF
DEFENDANTS**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

May 9, 2008

FILED ICC Atty
m/11:52am Bowlus
MAY 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL,	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

PLAINTIFFS' REPLY TO NEW MATTER FILED ON BEHALF OF DEFENDANTS

AND NOW, come the Plaintiffs, Thomas G. Ibberson and Patricia Ann Ibberson, as Husband and Wife, by and through their attorneys, Harry S. Cohen & Associates, P.C. by Harry S. Cohen, Esquire and Todd D. Bowlus, Esquire, and set forth the following Reply to New Matter:

1. The averments set forth in paragraph 54 of Defendants' New Matter state conclusions of law, to which no response is required. In the alternative, if a response is deemed required, which is denied, then in that alternative, the averments contained in paragraph 54 are specifically denied.

2. The averments set forth in paragraph 55 of Defendants' New Matter state conclusions of law, to which no response is required. In the alternative, if a response is deemed required, which is denied, then in that alternative, the averments contained in paragraph 55 are specifically denied.

3. The averments set forth in paragraph 56 of Defendants' New Matter state conclusions of law, to which no response is required. In the alternative, if a response is deemed

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs, :

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL, :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

VERIFICATION

We verify that the averments contained in the foregoing **PLAINTIFFS' REPLY TO NEW MATTER FILED ON BEHALF OF DEFENDANTS** are true and correct to the best of our knowledge, information and belief. We understand that said averments are made subject to the penalties of 18 Pa. C. S. § 4904 relating to unsworn falsification to authorities.

5/8/08
Date

By: Thomas G. Ibberson
Thomas G. Ibberson, Plaintiff

5-8-08
Date

By: Patricia Ann Ibberson
Patricia Ann Ibberson, Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that **PLAINTIFFS' REPLY TO NEW MATTER FILED ON BEHALF OF DEFENDANTS** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 9th day of May 2008:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

ISSUE:

Notice of Service of Answers to
Plaintiffs' First Set of Interrogatories
Directed to Defendant Clearfield
Hospital


Filed on behalf of Defendants

Counsel of Record:
Frank J. Hartye, Esquire
PA I.D. #25568

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 5th DAY OF JUNE, 2008.


Attorneys for Defendants

FILED
JUN 06 2008
11:10 AM
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

JURY TRIAL DEMANDED

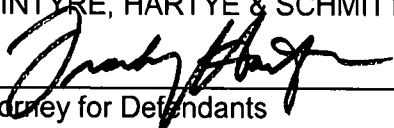
**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED TO DEFENDANT CLEARFIELD HOSPITAL**

TO: PROTHONOTARY

You are hereby notified that on the 5TH day of June, 2008, Defendants, STACY
GERG, P.A.C., JAMES P. DESANTIS, D.O. and CLEARFIELD HOSPITAL, served
Answers to Plaintiffs' First Set of Interrogatories Directed to Defendant Clearfield
Hospital, by mailing the original of same via First Class U.S. Mail, postage prepaid,
addressed to the following:

Todd D. Bowlus, Esquire
Harry S. Cohen & Associates, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219

McINTYRE, HARTYE & SCHMITT


Attorney for Defendants

FRANK J. HARTYE, ESQUIRE
PA I.D. No. 25568
P. O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**SECOND NOTICE OF DEPOSITION
OF DEFENDANT JAMES P.
DESANTIS, D.O. WITH SUBPOENA
DUCES TECUM**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 29, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED *no cc*
m 11:02 AM
JUN 12 2008 *GP*

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA : CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife, : PROFESSIONAL LIABILITY ACTION

Plaintiffs, : Case No.: 08-469-CD

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

**SECOND NOTICE OF DEPOSITION OF DEFENDANT
JAMES P. DESANTIS, D.O. WITH SUBPOENA DUCES TECUM**

TO: James P. DeSantis, D.O.
c/o Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that the Deposition of Defendant James P. DeSantis, D.O. will be taken for discovery purposes, pursuant to the Pennsylvania Rules of Civil Procedure, before a Notary Public duly authorized by law to administer oath on **Thursday, August 7, 2008 at 1:00 p.m. at Clearfield County Hospital, 800 Turnpike Avenue, Clearfield, PA 16830 (Conference Room A)** at which time and place you are invited to appear and take part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts of all matters upon which this cause of action is based.

SUBPOENA DUCES TECUM

You are hereby instructed to bring the following with you:

1. The complete original medical chart in your/Clearfield Hospital's possession with regard to Thomas G. Ibberson.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Todd D. Bowlus, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **SECOND NOTICE OF DEPOSITION OF DEFENDANT JAMES P. DESANTIS, D.O. WITH SUBPOENA DUCES TECUM** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 10th day of June 2008:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: _____

Todd D. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**SECOND NOTICE OF DEPOSITION
OF DEFENDANT STACY GERG,
P.A.C. WITH SUBPOENA DUCES
TECUM**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

June 10, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED NO
m1110210 CC
JUN 12 2008
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

**SECOND NOTICE OF DEPOSITION OF DEFENDANT
STACY GERG, P.A.C. WITH SUBPOENA DUCES TECUM**

TO: **Stacy Gerg, P.A.C.**
c/o Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that the Deposition of Defendant Stacy Gerg, P.A.C. will be taken for discovery purposes, pursuant to the Pennsylvania Rules of Civil Procedure, before a Notary Public duly authorized by law to administer oath on **Thursday, August 7, 2008 at 10:00 a.m. at Clearfield County Hospital, 800 Turnpike Avenue, Clearfield, PA 16830 (Conference Room A)** at which time and place you are invited to appear and take part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts of all matters upon which this cause of action is based.

SUBPOENA DUCES TECUM

You are hereby instructed to bring the following with you:

1. The complete original medical chart in your/Clearfield Hospital's possession with regard to Thomas G. Ibberson.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Todd D. Bowlus, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **SECOND NOTICE OF DEPOSITION OF DEFENDANT STACY GERG, P.A.C. WITH SUBPOENA DUCES TECUM** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 10th day of June 2008:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By. 

Todd D. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103899
NO: 08-469-CD
SERVICE # 1 OF 3
COMPLAINT

PLAINTIFF: THOMAS G. IBBERSON and PATRICIA ANN IBBERSON

vs.

DEFENDANT: STACY GERG, P.A.C. an adult ind., JAMES P. DESANTIS, D.O. an adult ind. and
CLEARFIELD HOSPITAL, A Pennsylvania Corporation

SHERIFF RETURN

NOW, March 27, 2008 AT 2:30 PM SERVED THE WITHIN COMPLAINT ON STACY GERG, P.A.C. An adult indiv.
DEFENDANT AT 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO
JOHN STEEN, ATTORNEY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED

013:00 PM
JUN 30 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103899
NO: 08-469-CD
SERVICE # 2 OF 3
COMPLAINT

PLAINTIFF: THOMAS G. IBBERSON and PATRICIA ANN IBBERSON

vs.

DEFENDANT: STACY GERG, P.A.C. an adult ind., JAMES P. DESANTIS, D.O. an adult ind. and
CLEARFIELD HOSPITAL, A Pennsylvania Corporation

SHERIFF RETURN

NOW, March 27, 2008 AT 2:30 PM SERVED THE WITHIN COMPLAINT ON JAMES P. DESANTIS, C.O. an adult indiv.
DEFENDANT AT 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO
JOHN STEEN, ATTORNEY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN
THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103899
NO: 08-469-CD
SERVICE # 3 OF 3
COMPLAINT

PLAINTIFF: THOMAS G. IBBERSON and PATRICIA ANN IBBERSON

vs.

DEFENDANT: STACY GERG, P.A.C. an adult ind., JAMES P. DESANTIS, D.O.an adult ind. and
CLEARFIELD HOSPITAL, A Pennsylvania Corporation

SHERIFF RETURN

NOW, March 27, 2008 AT 2:30 PM SERVED THE WITHIN COMPLAINT ON CLEARFIELD HOSPITAL, A Pennsylvania Corp. DEFENDANT AT 809 TURNPIKE AVE., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN STEEN, ATTORNEY A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103899
NO: 08-469-CD
SERVICES 3
COMPLAINT

PLAINTIFF: THOMAS G. IBBERSON and PATRICIA ANN IBBERSON

vs.

DEFENDANT: STACY GERG, P.A.C. an adult ind., JAMES P. DESANTIS, D.O. an adult ind. and
CLEARFIELD HOSPITAL, A Pennsylvania Corporation

SHERIFF RETURN

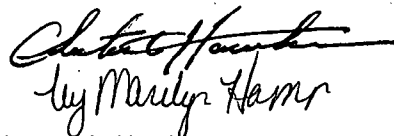
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	COHEN	17440	30.00
SHERIFF HAWKINS	COHEN	17440	32.00

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2003 – 469 – CD

ISSUE:

NOTICE OF SERVICE OF ANSWERS
TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED TO
DEFENDANT STACY GERG, P.A.C.
AND DEFENDANT, JAMES P.
DESANTIS, D.O.

Filed on behalf of Defendants

Counsel of Record:
Frank J. Hartye, Esquire
PA I.D. #25568

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 2ND DAY OF JULY, 2008.

Attorneys for Defendants

FILED No CC.
m/11:07am
JUL 07 2008
CM

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFFS' FIRST SET OF
INTERROGATORIES DIRECTED TO DEFENDANT STACY GERG, P.A.C.
AND DEFENDANT JAMES P. DESANTIS, D.O.**

TO: PROTHONOTARY

You are hereby notified that on the 2nd day of **July, 2008**, Defendants, Stacy Gerg, P.A.C. and James P. DeSantis, D.O., served Answers to Plaintiffs' First Set of Interrogatories directed to Defendant, Stacy Gerg, P.A.C. and Answers to Plaintiffs' First Set of Interrogatories directed to Defendant, James P. DeSantis, D.O. on the Plaintiffs by mailing the originals of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Todd D. Bowlus, Esquire
Harry S. Cohen & Associates, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219

McINTYRE, HARTYE & SCHMITT

By


Attorneys for Defendants

Frank J. Hartye, Esquire
PA I.D. No. 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' ANSWERS TO
MEDICAL EXPENSE
INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS
FILED ON BEHALF OF DEFENDANTS**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

August 8, 2008

JURY TRIAL DEMANDED

FILED *no cc*
mt:0201
AUG 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA : CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife, : PROFESSIONAL LIABILITY ACTION

Plaintiffs, : Case No.: 08-469-CD

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

**NOTICE OF SERVICE OF PLAINTIFFS' ANSWERS
TO MEDICAL EXPENSE INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS FILED ON BEHALF OF DEFENDANTS**

TO PROTHONOTARY OF CLEARFIELD COUNTY:

I hereby certify that a true and correct copy of Plaintiffs' Answers to Medical Expense Interrogatories and Request for Production of Documents Filed on Behalf of Defendants was served on the 8th day of August 2008, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' RESPONSES TO
FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS FILED ON BEHALF
OF DEFENDANTS**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

August 8, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED

AUG 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs, :

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF PLAINTIFFS'
RESPONSES TO FIRST REQUEST FOR PRODUCTION
OF DOCUMENTS FILED ON BEHALF OF DEFENDANTS**

TO PROTHONOTARY OF CLEARFIELD COUNTY:

I hereby certify that a true and correct copy of Plaintiffs' Responses to First Request for Production of Documents Filed on Behalf of Defendants was served on the 8th day of August 2008, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' ANSWERS TO
FIRST SET OF INTERROGATORIES
FILED ON BEHALF OF DEFENDANTS**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

August 8, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED NO CC
mjl:02371
AUG 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA : CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife, : PROFESSIONAL LIABILITY ACTION

Plaintiffs, : Case No.: 08-469-CD

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

**NOTICE OF SERVICE OF PLAINTIFFS' ANSWERS TO
FIRST SET OF INTERROGATORIES FILED ON BEHALF OF DEFENDANTS**

TO PROTHONOTARY OF CLEARFIELD COUNTY:

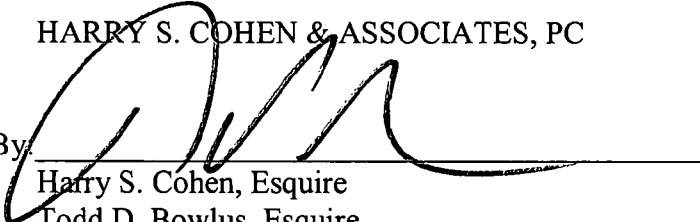
I hereby certify that a true and correct copy of Plaintiffs' Answers to First Set of Interrogatories Filed on Behalf of Defendants was served on the 8th day of August 2008, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By


Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**THIRD NOTICE OF DEPOSITION
OF DEFENDANT STACY GERG,
P.A.C. WITH SUBPOENA DUCES
TECUM**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

June 10, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED

11:08 p.m. GK

OCT 24 2008

CL

ICC Atty Cohen

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

**THIRD NOTICE OF DEPOSITION OF DEFENDANT
STACY GERG, P.A.C. WITH SUBPOENA DUCES TECUM**

TO: **Stacy Gerg, P.A.C.**
c/o Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that the Deposition of Defendant Stacy Gerg, P.A.C. will be taken for discovery purposes, pursuant to the Pennsylvania Rules of Civil Procedure, before a Notary Public duly authorized by law to administer oath on **Monday, November 3, 2008 at 1:00 p.m. at Clearfield County Hospital, 800 Turnpike Avenue, Clearfield, PA 16830 (Administrative Conference Room)** at which time and place you are invited to appear and take part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts of all matters upon which this cause of action is based.

SUBPOENA DUCES TECUM

You are hereby instructed to bring the following with you:

1. The complete original medical chart in your/Clearfield Hospital's possession with regard to Thomas G. Ibberson.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **THIRD NOTICE OF DEPOSITION OF DEFENDANT STACY GERG, P.A.C. WITH SUBPOENA DUCES TECUM** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 22nd day of October 2008:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**THIRD NOTICE OF DEPOSITION
OF DEFENDANT JAMES P.
DESANTIS, D.O. WITH SUBPOENA
DUCES TECUM**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 29, 2008

(412) 281-3000

JURY TRIAL DEMANDED

FILED

ON 1:08 p.m. GK
OCT 24 2008

1 cc Atty Cohen

William A. Shaw
Prothonotary/Clerk of Courts

610

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

**THIRD NOTICE OF DEPOSITION OF DEFENDANT
JAMES P. DESANTIS, D.O. WITH SUBPOENA DUCES TECUM**

TO: James P. DeSantis, D.O.
c/o Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

PLEASE TAKE NOTICE that the Deposition of Defendant James P. DeSantis, D.O. will be taken for discovery purposes, pursuant to the Pennsylvania Rules of Civil Procedure, before a Notary Public duly authorized by law to administer oath on **Monday, November 3, 2008 at 2:00 p.m. at Clearfield County Hospital, 800 Turnpike Avenue, Clearfield, PA 16830 (Administrative Conference Room)** at which time and place you are invited to appear and take part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts of all matters upon which this cause of action is based.

SUBPOENA DUCES TECUM

You are hereby instructed to bring the following with you:

1. The complete original medical chart in your/Clearfield Hospital's possession with regard to Thomas G. Ibberson.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **THIRD NOTICE OF DEPOSITION OF DEFENDANT JAMES P. DESANTIS, D.O. WITH SUBPOENA DUCES TECUM** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 22nd day of October 2008:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' SECOND SET OF
INTERROGATORIES DIRECTED
TO DEFENDANT CLEARFIELD
HOSPITAL**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

March 10, 2009

(412) 281-3000

JURY TRIAL DEMANDED

5 FILED NO CC
MAR 12 2009
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

**NOTICE OF SERVICE OF PLAINTIFFS' SECOND SET OF
INTERROGATORIES DIRECTED TO DEFENDANT CLEARFIELD HOSPITAL**

TO PROTHONOTARY OF CLEARFIELD COUNTY:

I hereby certify that a true and correct copy of Plaintiffs' Second Set of Interrogatories Directed to Defendant Clearfield Hospital was served on the 10th day of March 2009, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

ISSUE:

NOTICE OF SERVICE OF ANSWERS
TO PLAINTIFFS' SECOND SET OF
INTERROGATORIES DIRECTED TO
CLEARFIELD HOSPITAL

Filed on behalf of Defendants

Counsel of Record:

Frank J. Hartye, Esquire
PA I.D. #25568

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 RECCRD
THIS 16th DAY OF APRIL, 2009.

Attorneys for Defendants

^SFILED No CC,
m 11:49am
APR 21 2009

William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

JURY TRIAL DEMANDED

**NOTICE OF SERVICE OF ANSWERS TO PLAINTIFFS' SECOND SET OF
INTERROGATORIES DIRECTED TO DEFENDANT CLEARFIELD HOSPITAL**

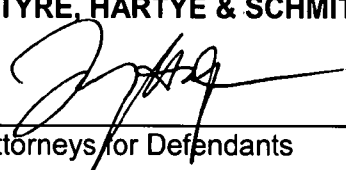
TO: PROTHONOTARY

You are hereby notified that on the 16th day of April, 2009, Defendant, Clearfield Hospital served Answers to Plaintiffs' Second Set of Interrogatories directed to Defendant Clearfield Hospital on the Plaintiffs by mailing the originals of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Harry S. Cohen & Associates, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219

McINTYRE, HARTYE & SCHMITT

By


Attorneys for Defendants

Frank J. Hartye, Esquire
PA I.D. No. 25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

ISSUE:
NOTICE OF DEPOSITIONS

Filed on behalf of Defendants

Counsel of Record:
Frank J. Hartye, Esquire
PA I.D. #25568

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 MAY, 2009.

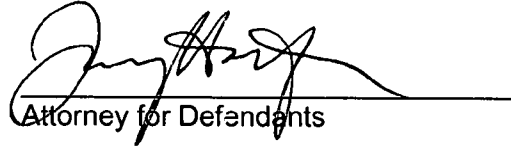
Attorneys for Defendants

FILED

JUN 01 2009
12:50 PM
William A. Shaw
Prothonotary/Clerk of Courts
No 9/C (C) 12

You are invited to attend and participate.

McINTYRE, HARTYE & SCHMITT



Attorney for Defendants

Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

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

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

FILED

7/11:04/2010
JAN 04 2010

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs, :

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

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

Plaintiffs intend 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 a record and serve upon the undersigned any objections to the subpoena. If no objection is made, the subpoena may be served.

Date: 12/31/09

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Thomas G. Ibberson
Patricia Ann Ibberson
Plaintiff(s)

Vs.

Stacy Gerg PAC
James P. DeSantis DO
Clearfield Hospital
Defendant(s)

No. 2008-00469-CD

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

TO: Verizon (Legal Compliance Department)
(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:

All incoming and outgoing telephone calls from landline #814.339.6542
for dates of service April 13, 2006 and April 14, 2006.

Harry Cohen & Associates (Address) 2 Chatham Center, Suite 985
Pittsburgh, PA 15219

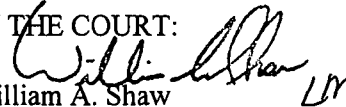
You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing 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: Todd D. Bowlus, Esquire
ADDRESS: 2 Chatham Center, Suite 985
Pittsburgh, PA 15219
TELEPHONE: 412.281.3000
SUPREME COURT ID # 89106
ATTORNEY FOR: Plaintiff

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, December 03, 2009
Seal of the Court

Deputy

CONSENT TO SUBPOENA OF TELEPHONE RECORDS

We, Patricia and Thomas Ibberson, hereby consent to the subpoena for telephone records that is being directed to Verizon for all incoming and outgoing telephone calls from landline #814.339.6542 for dates of service April 13 and 14, 2006.

12-18-09
Date

Patricia A. Ibberson
Patricia Ibberson

12/18/09
Date

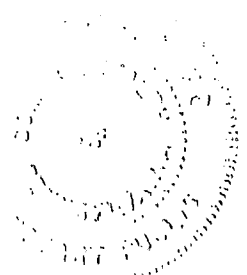
Thomas Ibberson
Thomas Ibberson

Sworn to and subscribed before
me this 18th day of December 2009.

Sherry Pugliano
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sherry Pugliano, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires May 27, 2012
Member, Pennsylvania Association of Notaries



CERTIFICATE OF SERVICE

I hereby certify that **PLAINTIFFS' NOTICE OF INTENT TO SERVE SUBPOENA UPON NON-PARTY** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 31st day of December 2009:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Todd D. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

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

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

FILED NO
m/j/c/box cc
JAN 04 2010
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs, :

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

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

Plaintiffs intend 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 a record and serve upon the undersigned any objections to the subpoena. If no objection is made, the subpoena may be served.

Date: 12/31/09

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Thomas G. Ibberson
Patricia Ann Ibberson
Plaintiff(s)

Vs.

Stacy Gerg PAC
James P. DeSantis DO
Clearfield Hospital
Defendant(s)

No. 2008-00469-CD

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

TO: Spectrotel Incorporated
(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:

All incoming and outgoing telephone calls from landline #814.339.6954
for dates of service April 13, 2006 and April 14, 2006

Harry Cohen & Associates (Address) 2 Chatham Center, Suite 985
Pittsburgh, PA 15219

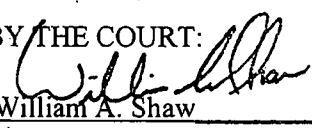
You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing 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: Todd D. Bowlus, Esquire
ADDRESS: 2 Chatham Center, Suite 985
Pittsburgh, PA 15219
TELEPHONE: 412.281.3000
SUPREME COURT ID # 89106
ATTORNEY FOR: Plaintiff

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, December 03, 2009
Seal of the Court

Deputy

CONSENT TO SUBPOENA OF TELEPHONE RECORDS

We, Patricia and Thomas Ibberson, hereby consent to the subpoena for telephone records
that is being directed to ^{T.B.F. P.A.L.} ~~Verizon~~ ^{SpectroTel} for all incoming and outgoing telephone calls from landline
#814.339.6954 for dates of service April 13 and 14, 2006."

12-18-09
Date

Patricia A. Ibberson
Patricia Ibberson

12/18/09
Date

Thomas Ibberson
Thomas Ibberson

Sworn to and subscribed before
me this 18 day of December 2009.

Sherry Pugliano
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sherry Pugliano, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires May 27, 2012
Member, Pennsylvania Association of Notaries

CERTIFICATE OF SERVICE

I hereby certify that **PLAINTIFFS' NOTICE OF INTENT TO SERVE SUBPOENA UPON NON-PARTY** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 31st day of December 2009:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Todd B. Bowlus, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

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

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

FILED

JAN 04 2010

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs, :

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

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

Plaintiffs intend 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 a record and serve upon the undersigned any objections to the subpoena. If no objection is made, the subpoena may be served.

Date: 12/31/09

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Thomas G. Ibberson
Patricia Ann Ibberson
Plaintiff(s)

Vs.

Stacy Gerg PAC
James P. DeSantis DO
Clearfield Hospital
Defendant(s)

No. 2008-00469-CD

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

TO: Cellco Partnership d/b/a Verizon Wireless
(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:

All incoming and outgoing telephone calls from wireless #814.592.9966 for dates of service April 13, 2006 and April 14, 2006.

Harry Cohen & Associates(Address) 2 Chatham Center, Suite 985
Pittsburgh, PA 15219

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: Todd D. Bowlus, Esquire
ADDRESS: 2 Chatham Center, Suite 985
Pittsburgh, PA 15219
TELEPHONE: 412.281.3000
SUPREME COURT ID # 89106
ATTORNEY FOR: Plaintiff

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, October 09, 2009
Seal of the Court

Deputy

CONSENT TO SUBPOENA OF TELEPHONE RECORDS

We, Patricia and Thomas Ibberson, hereby consent to the subpoena for telephone records that is being directed to Cellco Partnership d/b/a Verizon Wireless for all incoming and outgoing telephone calls from wireless #814.592.9966 for dates of service April 13 and 14, 2006.

12-18-09
Date

Patricia A. Ibberson
Patricia Ibberson

12/18/09
Date

Thomas Ibberson
Thomas Ibberson

Sworn to and subscribed before
me this 18 day of December 2009.

Sherry Pugliano
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sherry Pugliano, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires May 27, 2012
Member, Pennsylvania Association of Notaries



CERTIFICATE OF SERVICE

I hereby certify that **PLAINTIFFS' NOTICE OF INTENT TO SERVE SUBPOENA UPON NON-PARTY** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 31st day of December 2009:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Todd D. Bowlus, Esquire

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

ISSUE:
NOTICE OF DEPOSITION
OF MANISHA PATEL, MD

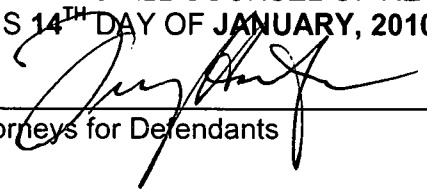
Filed on behalf of Defendants

Counsel of Record:
Frank J. Hartye, Esquire
PA I.D. #25568

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 14TH DAY OF JANUARY, 2010.


Attorneys for Defendants

FILED

m 11:15 a.m. 6K

JAN 15 2010 No CC

William A. Shaw
Prothonotary/Clerk of Courts

(50)

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**

A handwritten signature in black ink, appearing to read 'Frank J. Hartye', written over a horizontal line.

Attorney for Defendants

Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Thomas G. Ibberson
Patricia Ann Ibberson
Plaintiff(s)

Vs.

No. 2008-00469-CD

Stacy Gerg PAC
James P. DeSantis DO
Clearfield Hospital
Defendant(s)

SUBPOENA TO ATTEND AND TESTIFY
DUCES TECUM

TO: MANISHA PATEL, M.D.
c/o Geisinger - Scenery Park
200 Scenery Drive, State College, PA 16801

1. You are ordered by the Court to come to Clearfield Hospital 809 Turnpike Avenue, Clearfield, PA 16830
(Specify Courtroom or other place)
at Clearfield County, Pennsylvania, on February 2, 2010 at 1:00
o'clock, P M., to testify on behalf of Defendants, Stacy Gerg, PAC, James P. DeSantis, DO and Clearfield Hospital in the above
case, and to remain until excused.

2. And bring with you the following: All records, reports, notes and information relative to treatment of Thomas G. Ibberson (Date of Birth: 1/11/52) of Osceola Mills, PA.

If you fail to attend or to produce the documents or things required by this subpoena, you may be 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: Frank J. Hartye, Esq.
ADDRESS: P.O. Box 533
Hollidaysburg, PA 16648
TELEPHONE: 814/696-3581
SUPREME COURT ID # 25568

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

DATE: Wednesday, January 13, 2010
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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

ISSUE:

NOTICE OF SERVICE OF
INTERROGATORIES/REQUEST
FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFFS -
DATED: 3/2/10

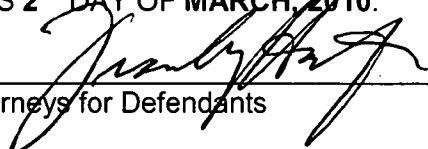
Filed on behalf of Defendants

Counsel of Record:
Frank J. Hartye, Esquire
PA I.D. #25568

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 2nd DAY OF MARCH, 2010.


Attorneys for Defendants

9
FILED NO
110-44301 CC
MAR 03 2010
William A. Shaw
Prothonotary/Clerk of Courts

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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants

No. 2008 – 469 – CD

JURY TRIAL DEMANDED


**NOTICE OF SERVICE OF INTERROGATORIES/REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO PLAINTIFFS – DATED: 3/2/10**

TO: PROTHONOTARY

You are hereby notified that on the 2nd day of March, 2010, Defendants, STACY GERG, P.A.C., JAMES P. DESANTIS, D.O. and CLEARFIELD HOSPITAL, served Interrogatories/Request for Production of Documents Directed to Plaintiffs Dated: 3/2/10, by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Todd D. Bowlus, Esquire
Harry S. Cohen & Associates, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI


Attorney for Defendants

Frank J. Hartye, Esquire
PA I.D. No. 25568
P. O. Box 533
Hollidaysburg, PA 16648-0533
(814) 696-3581

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

FILED

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

No. 2008 - 469 - CD

ISSUE:

OBJECTION TO PLAINTIFFS'
PRAECIPE TO LIST CASE FOR
TRIAL

APR 13 2010
m/11:00/6
William A. Shaw
Prothonotary/Clerk of Courts
w/ 9/6 @

Plaintiffs

vs.

Filed on behalf of Defendants

Counsel of Record:
Frank J. Hartye, Esquire
PA I.D. #25568

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

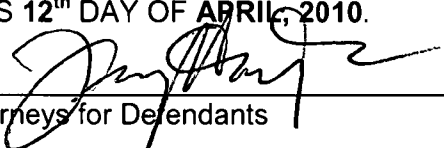
McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

Defendants

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 APRIL, 2010.

Attorneys for Defendants



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

THOMAS G. IBBERSON and PATRICIA	:	No. 2008 – 469 – CD
ANN IBBERSON, as Husband and Wife,	:	
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL,	:	
a Pennsylvania corporation,	:	
	:	
Defendants	:	JURY TRIAL DEMANDED

OBJECTION TO PLAINTIFFS' PRAECIPE TO LIST CASE FOR TRIAL

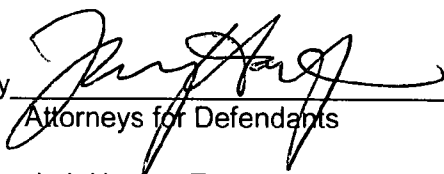
AND NOW, come the Defendants by and through their attorneys, McINTYRE, HARTYE, SCHMITT & SOSNOWSKI, and file the following Objection to Plaintiffs' Praecipe to List Case for Trial.

1. Discovery has not been completed. Plaintiffs have failed to answer Interrogatories and Request for Production of Documents requesting the production and identification of experts. In addition plaintiffs have failed to provide documentation concerning the claim for loss of earnings or impairment of earning capacity and has specifically failed to provide copies of tax returns as plaintiffs indicated that they would in response to the Interrogatories.

WHEREFORE, Defendants request this Honorable Court to schedule a Case Management Conference to set deadlines for production of plaintiffs' expert reports and other responses to discovery prior to scheduling a date for trial.

Respectfully submitted,

McINTYRE, HARTYE, SCHMITT &
SOSNOWSKI

By 
Attorneys for Defendants

Frank J. Hartye, Esquire
PA I.D. #25568
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILED
M 1:10 PM. 62
APR 12 2010
William A. Shaw
Prothonotary/Clerk of Courts

Pre-Trial Conf-
5-28-10, 1:30 PM

ICC Atty Bowlus

(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

PLAINTIFFS' PRAECIPE FOR TRIAL

Filed on behalf of Plaintiffs

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

April 8, 2010

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., an adult individual;	:	
JAMES P. DESANTIS, D.O., an adult	:	
individual; and CLEARFIELD HOSPITAL,	:	
a Pennsylvania corporation,	:	
	:	
Defendants.	:	

PLAINTIFFS' PRAECIPE FOR TRIAL

TO PROTHONOTARY OF CLEARFIELD COUNTY:

Plaintiffs request that this case be listed for trial and certify that:

1. No motions are outstanding and discovery has been completed and the case is ready for trial;
2. The case is to be heard by jury;
3. The trial will take approximately four to five days; and
4. A copy of this Praecipe has been served on all counsel of record.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, P.C.

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that **PLAINTIFFS' PRAECIPE FOR TRIAL** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing or hand delivery of a true and correct copy to the party and address listed below on the 8th day of April 2010:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

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

THOMAS G. IBBERSON and
PATRICIA ANN IBBERSON, as Husband and Wife

vs.

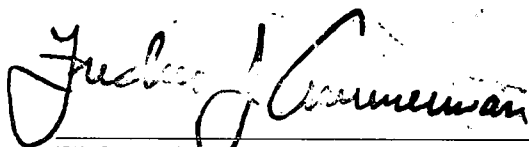
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:No. 2008-0469-CD
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:

STACY GERG, P.A.C., an adult individual
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL
a Pennsylvania Corporation

ORDER

AND NOW, this 14th day of April, 2010, it is the Order of the
Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for **Friday, May 28, 2010 at 1:30 P.M.** in Judges Chambers,
Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED

APR 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

1CC Atty's:
Cohen
Hastye
@

FILED

APR 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/14/10

 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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF
PLAINTIFFS' ANSWERS TO
INTERROGATORIES AND
REQUEST FOR PRODUCTION
OF DOCUMENTS DATED 3/2/10**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

April 14, 2010

(412) 281-3000

JURY TRIAL DEMANDED

FILED
3/11/13/24
APR 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs, :

vs. :

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**NOTICE OF SERVICE OF PLAINTIFFS’
ANSWERS TO INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS DATED 3/2/10**

TO PROTHONOTARY OF CLEARFIELD COUNTY:

I hereby certify that a true and correct copy of Plaintiffs’ Answers to Interrogatories and Request for Production of Documents Dated 3/2/10 was served on the 14th day of April 2010, by First Class U.S. Mail, postage prepaid upon the following:

Frank J. Hartye, Esquire
McIntyre, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

Respectfully submitted:

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**PLAINTIFFS' DISCLOSURE OF
EXPERT REPORTS**

Counsel of Record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

April 30, 2010

JURY TRIAL DEMANDED

FILED *no cc*
MT 11:15/04
MAY 03 2010 *(60)*
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA	:	CIVIL DIVISION – MEDICAL
ANN IBBERSON, as Husband and Wife,	:	PROFESSIONAL LIABILITY ACTION
	:	
Plaintiffs,	:	Case No.: 08-469-CD
	:	
vs.	:	
	:	
STACY GERG, P.A.C., <i>ET AL</i> ,	:	
	:	
Defendants.	:	

PLAINTIFFS' DISCLOSURE OF EXPERT REPORTS

AND NOW, come the Plaintiffs, Thomas G. Ibberson and Patricia Ann Ibberson, as Husband and Wife, by and through their attorneys, Harry S. Cohen & Associates, P.C. by Harry S. Cohen, Esquire and Todd D. Bowlus, Esquire, and set forth the following Disclosure of Expert Reports:

1. Brian R. Schurgin, M.D.
485 Carriage Way
Deerfield, IL 60015

A copy of Dr. Schurgin's expert report dated March 7, 2010 and CV are attached hereto as "Exhibit A".

2. Jeffrey S. Freed, M.D.
969 Park Avenue
New York, NY 10028

A copy of Dr. Freed's expert report dated March 19, 2010 and CV are attached hereto as "Exhibit B".

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, P.C.

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs

BRIAN R. SCHURGIN, MD, FACEP
485 Carriage Way
Deerfield, Illinois 60015
(847) 317-9802 voice (847) 317-9803 fax

Todd D. Bowlus, Esquire
Harry S. Cohen & Associates
Two Chatham Center - Suite 985
Pittsburgh, PA 15219

March 7, 2010

Dear Mr. Bowlus,

I am a Board Certified Emergency Medicine Specialist, licensed to practice medicine in Illinois, and have been practicing actively in my field for over 20 years. I have recently reviewed all of the relevant records and depositions in the case involving your client Mr. Thomas G. Ibberson. I believe there is a reasonable and meritorious claim against Physician's Assistant Gerg and Dr. DeSantis in connection with their care and treatment of Mr. Ibberson on April 13th, 2006. I base my opinions on my training in Emergency Medicine as well as my 20 years of experience as an Emergency Medicine Specialist. All of my opinions are given within a reasonable degree of medical certainty.

The specific deviations from the standard of care committed by Physician's Assistant Gerg and Dr. DeSantis, while caring for Mr. Ibberson on April 13th, 2006 are as follows:

- 1) They both failed to obtain a thorough history on Mr. Ibberson
- 2) They both failed to perform a complete physical exam on Mr. Ibberson
- 3) They both failed to properly interpret the diagnostic tests on Mr. Ibberson in the context of his complaint of abdominal pain
- 4) They both failed to admit Mr. Ibberson to the hospital
- 5) They both failed to consult a general surgeon regarding the care of Mr. Ibberson
- 6) They both failed to continue treatment for Mr. Ibberson's Acute Diverticulitis

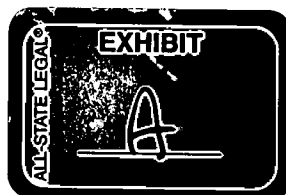
These above deviations from the standard of care by Physician's Assistant Gerg and Dr. DeSantis, caused or contributed to cause injury, as well as unnecessary pain and suffering, to Mr. Ibberson.

Note: I reserve the right to amend these opinions if provided with new information. Please feel free to contact me if you have any further questions in this case.

Sincerely,

B. R. Schurgin

Brian R. Schurgin, MD, FACEP



BRIAN R. SCHURGIN, MD, MBA, FACEP

485 Carriage Way
Deerfield, Illinois 60015
847-226-5618 (mobile) 847-317-9803 (fax)
brianermd@yahoo.com (e-mail)

EDUCATION

1989-1991	University of Illinois, Chicago, Illinois MBA – Healthcare Administration
1989-1990	University of Illinois, Chicago, Illinois Fellowship - Emergency Medicine Administration
1986-1989	University of Illinois, Chicago, Illinois Residency - Emergency Medicine
1983-1986	University of Michigan, Ann Arbor, Michigan Doctor of Medicine
1979-1983	University of Michigan, Ann Arbor, Michigan Bachelor of Science in Biomedical Sciences

EMPLOYMENT

2008 - Present	Regional Medical Officer, SG – Great Lakes Regions
2006 – 2008	Regional Medical Director, ECI – Northeast Region
2004 – 2006	Clinical Instructor in the Department of Medicine, Section of Emergency Medicine, University of Chicago
2001 - 2008	ED Medical Director and Chairman, MacNeal Hospital
2000 - 2007	ED Trauma Director, MacNeal Hospital
1989 – Present	Emergency Medicine Physician, MacNeal Hospital

COMMITTEES

Cardiovascular Interdisciplinary Committee
Emergency Department Quality Assurance Committee (Chairman)
Emergency Preparedness Committee
EMSC Quality Assurance Committee (Chairman)
Medical Executive Committee
Hospital Strategic Planning Committee
Stroke Interdisciplinary Committee
Trauma Interdisciplinary Committee
Utilization Review Committee

PROFESSIONAL ACTIVITIES

2000 - 2002	On-site Medical Director , Chicago Motor Speedway
1998 - present	Instructor – ICEP Oral Board Review Course
1998 - present	Instructor – ACLS (at MacNeal Hospital)
1996	Examiner – Lincoln Award for Business Excellence
1990 - 1991	On-site Medical Director , Park District Events - City of Chicago

HONORS AND AWARDS

2007	Award for Excellence in ED Marketing – ECI “EDDIE” Award
2005	Award for Excellence in Quality Improvement – MacNeal Hospital
2002	Award for Excellence in Quality Improvement – MacNeal Hospital
1992	Fellow - American College of Emergency Physicians
1990	Chief Resident in Emergency Medicine – Illinois Masonic Hospital
1989 – 1991	Dean’s List - University of Illinois MBA Program
1983	Cum Laude (with distinction) - University of Michigan
1980 – 1982	Class Honors - University of Michigan
1979	Regents Scholar - University of Michigan
1979	National Honor Society and Michigan Math Prize Finalist

LECTURES AND PRESENTATIONS

The Art of Managing a Meeting – Given at ECI's first annual JMJ Leadership Forum in October of 2007 (Traverse City, Michigan)

Career Forum – Given Annually at the Resident Conference, University of Illinois Emergency Medicine Residency Program

Cardiovascular Medications - Advanced Cardiac Life Support Course, MacNeal Hospital

Myocardial Infarction - Advanced Cardiac Life Support Course, MacNeal Hospital

Arrhythmia Management - Advanced Cardiac Life Support Course, MacNeal Hospital

Introduction to Toxicology and Case Studies in Toxicology - Resident Conference, MacNeal Hospital

Emergencies of the Male Genitalia - Grand Rounds, University of Illinois

Posterior Stab Wounds - Trauma Conference, University of Illinois

RESEARCH AND PUBLICATIONS

Erickson TB, Aks SE, Koenigsberg M, Bunney EB, Schurgin B, Levy P: Drug Use Patterns at Major Rock Concert Events. *Annals of Emergency Medicine* 1996; 28: 22-26

Erickson TB, Aks SE, Koenigsberg M, Bunney EB, Schurgin B, Levy P: Prehospital Severity Scoring at Major Rock Concert Events. *Prehospital and Disaster Medicine* 1997; Volume 12: 196-199

RESEARCH ACTIVITIES

Family Presence at Resuscitations – MacNeal Hospital

Comparison of Triage Classifications – MacNeal Hospital

Mercury Toxicity in the Amazon – University of Illinois Toxicology

PROFESSIONAL SOCIETIES

American College of Emergency Physicians
Illinois College of Emergency Physicians

CERTIFICATIONS

Emergency Medicine Board Certification, 1992, 2002
ACLS Certified
APLS Certified
ATLS Certified

LICENSURE

State of Illinois License Number: 036-076080
State of Wisconsin License Number: 49378-020
State of Missouri - Pending

HOBBIES AND INTERESTS

Golf, Skiing, Soccer, Tennis, Travel, Theater and Dining

PERSONAL

Date of Birth: October 3, 1961
Family Status: Married with two children

REFERENCES

Available upon request

JEFFREY S. FREED, M.D.
969 PARK AVENUE #1D
New York, New York 10028
(212) 396-0050

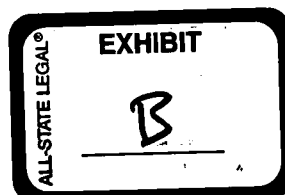
March 19th, 2010

Todd D. Bowlus, Esquire
Harry S. Cohen and Associates, P.c.
Two Chatham Center
Suite 985
Pittsburgh, PA 15219

RE: Thomas G. Ibberson

Dear Mr. Bowlus:

At your request I have reviewed the medical records of Thomas G. Ibberson with respect to the care he received for an episode of acute diverticulitis in April and May 2006. These include the records of Clearfield Hospital, Geisinger Medical Group (Dr. Manisha Patel – PCP, Dr. David Arbutina - surgeon) Timothy Kavic, M.D. (surgeon), the Moshannon Pharmacy, a CD containing the CT scans of April 13th and 14th, 2006, the expert report of Brian Schurmin, M.D. (plaintiff's emergency room expert), and the deposition transcripts of Defendants Stacy (Gerg) Merrow and Dr. James P. DeSantis and the deposition transcripts of Thomas and Patricia Ibberson and Dr. Manisha Patel. After review of these records I have come to the conclusion, beyond a reasonable degree of medical certainty, that the care delivered by the physicians and staff of Clearfield Hospital was below the



standard and negligent and increased of the risk of Mr. Ibberson developing the complications of and requiring the type of surgery he had to have. The reasons for my opinion follow.

In summary, on April 11, 2006, Thomas Ibberson, a healthy 54-year old male, saw his primary care physician, Dr. Manisha Patel, for a complaint diagnosed as bronchitis. Mr. Ibberson also had signs and symptoms of diverticulitis, including abdominal pain, anorexia and constipation and Dr. Patel ordered a CT scan of the abdomen that was performed at Clearfield Hospital on April 13th, 2006.

The CT scan, completed at 12:01PM on April 13th, was interpreted by a radiologist, Dr. Alfred B. Coren, as demonstrating "findings most consistent with acute diverticulitis". The results were reported to Dr. Patel by telephone. In view of the signs and symptoms Mr. Ibberson had exhibited, and the significant findings on the CT scan, a phone call was made from Dr. Patel's office to Mr. Ibberson around 12:20PM instructing him to go back to Clearfield Hospital to be seen in their Emergency Room.

Mr. Ibberson immediately followed these instructions and presented himself to the Clearfield Hospital Emergency Department. He was examined there by Stacy Gerg ("PA Gerg"), a Physician's Assistant. Dr. DeSantis was under the supervision of Dr. DeSantis. During the course of her interaction with Mr. Ibberson, Dr. DeSantis suggested that she contact the radiologist, Dr. Coren, who had done the CT scan to discuss the results. PA Gerg, however, informed Mr. Ibberson that she would call Dr. Patel instead to discuss the case.

PA Gerg, after completing her examination, placed Mr. Ibberson on antibiotic therapy. During this period Dr. Patel contacted Mr. Ibberson on his cell phone because the doctor was concerned about the medical condition. Dr. Patel, in her deposition testimony, does

not refute that this conversation took place. During the course of this cell phone conversation, according to Mr. Ibberson, Dr. Patel and PA Gerg discussed Mr. Ibberson's case and Dr. Patel told PA Gerg that Mr. Ibberson should be admitted to the hospital.

Rather than admit Mr. Ibberson for his acute diverticulitis, PA Gerg decided to discharge Mr. Ibberson at approximately 7:18PM with prescriptions for Flagyl and Cipro, and instructions for taking a clear fluid diet for 24 hours and to follow-up with Dr. Patel in 2-4 days. Mr. Ibberson was unable to have his prescriptions filled that night because Moshannon Pharmacy that he usually frequented had closed at 7:00PM.

The following morning, April 14th, Mr. Ibberson experienced worsening of his pain and difficulty voiding. Mrs. Ibberson telephoned the Clearfield Hospital's Emergency Department at 7:38AM following their recommendation to call if there were worsening of her husband's symptoms. She followed that with a call to Dr. Patel's office that was returned at 9:00AM. Dr. Patel was surprised that Mr. Ibberson had not been admitted and advised him to the Emergency Department if his symptoms continued to deteriorate.

Later that morning Mrs. Ibberson went to their pharmacy to fill the prescriptions (filled at 2:13PM). He finally arrived at the Emergency Department, after his wife had returned, between 4:00 and 5:00PM.

In the Emergency Department a physician's assistant, Jennifer Southern under the supervision of Dr. Ernest P. Jones, performed an examination that revealed a low grade temperature, marked abdominal tenderness with peritoneal signs in all four quadrants, and a white blood cell count of 25,000 with a left shift. A repeat CT scan of the abdomen was performed that revealed intra-abdominal free air with free fluid and worse inflammatory

changes. Dr. Timothy N. Kavic, a surgeon, was called emergently who immediately took Mr. Ibberson to the operating room where a laparotomy revealed a large phlegmonous mass in the left lower quadrant that contained the site of the perforation with numerous diverticula compatible with perforated sigmoid diverticulitis. Dr. Kavic performed a Hartmann procedure (sigmoid colectomy and end sigmoid colostomy) and placed Jackson-Pratt drains in the area of the resection. Subsequent to the surgery, Mr. Ibberson remained in the Intensive Care Unit for 7 days and several days on the surgical floor.

Mr. Ibberson deferred reversal of his colostomy until such time as a para-stomal hernia began to interfere with his colostomy function. He also had developed a midline incisional hernia. He sought consultation with Dr. Arbutina, a general surgeon, who recommended in view of the fact that adequate time had passed since the original surgery that the colostomy be reversed and the hernias be repaired.

On January 28th, 2009, Mr. Ibberson underwent reversal of his colostomy and repair of his abdominal wall hernias. This surgery was performed by Dr. Arbutina.

Currently, Mr. Ibberson has 4-6 bowel movements per day, depending on the type of food he ingests. He has a restriction on the weight limit of things he can lift (that impacts his ability to work as a general contractor) and he notes that his surgery site on the left side of his abdomen is still very tender. He has a definite risk of a recurrent hernia and being admitted to the hospital for small bowel obstruction from adhesions. These problems were all a result of Mr. Ibberson's episode of diverticulitis being allowed to perforate because of the Clearfield Hospital Emergency Room physician and physician's assistant failing to timely start appropriate medical therapy for his condition and sending Mr.

Ibberson home in spite of the instructions from his primary care physician to admit him.

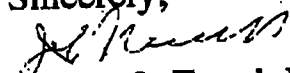
It is my opinion, to a reasonable degree of medical certainty, that had the staff of the Clearfield Hospital Emergency Department, on April 13th, 2006 proceeded to admit Thomas Ibberson to the hospital and begun appropriate intravenous antibiotic therapy Mr. Ibberson would not have had the increased risk of harm that he suffered by the delay in treatment as a result of an inappropriate discharge. There is a substantial possibility that Mr. Ibberson would have avoided the surgical procedure he underwent as an emergency the following day; and if he did require surgery that there would have been a definite possibility of him having a one-stage operation; and that there would not have been diffuse peritonitis that increased his risk of developing abdominal wall hernias; and that he not be at a higher risk of developing adhesive intestinal obstruction sometime during his life.

I hold all these opinions stated above to a reasonable degree of medical certainty.

I retain the right to add to my opinion if further information becomes available to me.

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

Sincerely,



Jeffrey S. Freed, M.D.

Associate Clinical Professor

Dept. of Surgery

Mount Sinai School of Medicine

New York City

JEFFREY S. FREED, M.D., P.C.

CURRICULUM VITAE

NAME: Jeffrey Stephen Freed

SPECIALTY: General Surgery/Proctology

DATE OF BIRTH: April 8, 1945
PLACE OF BIRTH: Brooklyn, New York

EDUCATION:	COLLEGE	DEGREE	YEAR
	Brooklyn College	BA	1961-1964
	State University of New York - Downstate College of Medicine Brooklyn, New York	M.D.	1970

TRAINING:	POST GRADUATE	
Internship	Mount Sinai Medical Center New York, New York	7/1/70 - 6/30/71
Residency	General Surgery Mount Sinai Medical Center New York, New York	7/1/71 - 6/30/76
Board Certification	The American Board of Surgery Board Recertification	11/11/77 10/13/89

LICENSURE #

110976
New York State – January 10, 1972

Honors and Awards:

B.A. Cum Laude
Brooklyn College, 1966
Brooklyn, New York

M.D. Cum Laude
State University of New York
Downstate Medical Center
Brooklyn, New York

Academic Appointments:

Associate Clinical Professor	Mt. Sinai Medical Center, 1992 – Present
Associate Attending	Mt. Sinai Medical Center, 1/92 to Present
Attending	Mt. Sinai Medical Center, 1979 to 1992
Section Chief – Surgery	Bronx Veterans Hospital, 7/79 to Present
Attending	Lenox Hill Hospital, 6/67 to Present

Professional Societies:

American College of Gastroenterology – Fellow
American College of Surgeons – Fellow
American Medical Association
The Society for Surgery of the Alimentary Tract
American Society for Parenteral and Enteral Nutrition
Association for Academic Surgery
Brooklyn Surgical Society
Medical Society of the County of Queens
New York Academy of Gastroenterology
National Physicians Review Organization
New York Society of Surgeons
American Geriatric Society
New York Surgical Society
Society of Laparoendoscopic Surgeons
Association of Clinical Scientists
American Society of Colon and Rectal Surgeons

Committees:

1978 to Present	Admissions Committee Value Improvement Program Cholecystectomy Task Force
1988 to Present	Transfusion Committee
3/1991 to Present	Publications Committee – Alumni, Chairman Editor, The Alumni News
2003	Oversight Committee for Visit of Liaison Committee on Medical Education and Accreditation – Department of Medical Education – Mount Sinai School of Medicine

Subcommittees:

July 26 & 27, 1990	Interdisciplinary Communications Nurse – Physician Collaboration Mount Sinai Hospital
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Funded Research Projects (Completed)

1. Efficacy of Control Release Sutures (funded by Ethicon Corporation.) 1976-7.
2. Treatment of Chronic Encephalopathy (funded by the Mount Sinai School of Medicine and Warner Chilcott.) 1978-9.
3. Effect of Naloxone on Septic Shock in Dogs (funded by the Mount Sinai School of Medicine.) 1983.
4. Use of Ozone in Burns (Principal Investigator H. Weinberg – Sponsor, Medizone International, Inc.) 1988-89.
5. The Use of Beta-Starch Based Solutions for Volume Replacement in the Shock and Normovolemic Models (Principal Investigator: Jeffrey Silverstein – Sponsor, Biotime, Inc.) 1994 – present.

BIBLIOGRAPHY

A. PAPERS

1. Freed, J. S., Giron, F.: PROFUNDA FEMORIS REVASCULARIZATION: A NEW TECHNIQUE. Mount Sinai Journal of Medicine 43:385, 1976.
2. Freed, J.S., Edelman, S.: PRIMARY TORSION OF THE GREATER OMENTUM MIMICKING DUODENAL ULCER. American Journal of Gastroenterology 66:386, 1976.
3. Freed, J.S., Baum, V.: CONTROL OF LUMBAR ARTERIAL BLEEDING DURING AORTIC ANEURYSM SURGERY. Archives of Surgery 112:345, 1977.
4. Freed, J.S., Sicular, A.: ANOMALOUS BILIARY AND PANCREATIC DUCT INSERTION. Mount Sinai Journal of Medicine 44:282, 1977.
5. Freed, J.S., Christodoulides, G., Szuchmacher, P.H.: A NEW TECHNIQUE FOR RESECTION OF GASTRIC POLYPS. Mount Sinai Journal of Medicine 45:232, 1978.
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7. Szuchmacher, P.H., Freed, J.S.: IMMEDIATE REVASCULARIZATION OF THE POPLITEAL ARTERY AND VEIN: A CASE REPORT. Vascular Surgery 18:142, 1978.
8. Bluestone, L., Freed, J.S. and Szuchmacher, P.H.: THE INTERNEURAL INCISION FOR BILIARY TRACT OPERATIONS. Surgery, Gynecology and Obstetrics 147:21, 1978.
9. Freed, J.S., Kaynan, A., Szuchmacher, P.H.: DOPAMINE AND THE AGED. Journal of the American Geriatric Society 26:524, 1978.
10. Freed, J.S., Kirscher, P.: SURGERY FOR SOLITARY MULTIPLE PULMONARY METASTASES. New York State Journal of Medicine 78:1711, 1978.

11. Freed, J.S., Szuchmacher, P.H., Bluestone, L., Fano, A.: MASSIVE COLONIC VARICEAL BLEEDING SECONDARY TO ABNORMAL SPLENOCOLIC COLLATERALS. Diseases of Colon and Rectum 21:126, 1979.
12. Freed, J.S., Krespi, Y.: UNUSUAL UROLOGIC CATHETER COMPLICATIONS. New York State Journal of Medicine 79:1892, 1979.
13. Freed, J.S., Roc, G., Szuchmacher, P.H.: INTRAMURAL DUODENAL HEMATOMA MIMICKING CARCINOMA OF THE HEAD OF THE PANCREAS. Mount Sinai Journal of Medicine 46:564, 1979.
14. Szuchmacher, P.H., Freed, J.S.: THE EXTERNAL CAROTID ARTERY IN REVASCULARIZATION OF THE UPPER EXTREMITY. Vascular Surgery 14:30, 1980.
15. Szuchmacher, P.H., Freed, J.S.: AXILLARY ANEURYSM. New York State Journal of Medicine 80:795, 1980.
16. Freed, J.S., Reiner, M.A., Kirschner, P.: METACHRONOUS PULMONARY METASTASES. Mount Sinai Journal of Medicine 49:237, 1982.
17. Freed, J.S., Reiner, M.A., Dreiling, D.S.A.: PANCREATIC ABSCESS SECONDARY TO DEGENERATED NON-HODGKINS LYMPHOMA. Mount Sinai Journal of Medicine 50:424-427, 1983.
18. Freed, J.S., Reiner, M.A., Levy, L., Savit, J.: MOYA MOYA DISEASE IN BLACK ADULTS. New York State Journal of Medicine 83:237, 1983.
19. Freed, J.S., Reiner, M.A.: ACUTE CHOLECYSTITIS AS A COMPLICATION OF SARCIDOSIS. Archives of Internal Medicine 143:2188, 1983.
20. Heimann, T.M., Freed, J.S., Reiner, M.A.: A SIMPLE TECHNIQUE FOR RESECTION OF THE UNCINATE PROCESS DURING PANCREATECTOMY. Surgery, Gynecology and Obstetrics 160:166-7, 1985.
21. Freed, J.S., Reiner, M.A.: P.R.O. AND THE AGED. Journal of the American Geriatric Society 33:198-199, 1985.

22. Lourie, G., Pruzansky, J., Reiner, M.A., Freed, J.S.: PYARTHROSIS OF THE SACRO-ILIAC JOINT PRESENTING AS LUMBAR RADICULOPATHY. *Spine* 11:638-640, 1986.
23. Norton, K., Cohen, B., Reiner, M.A., Freed, J.S.: RETROPERITONEAL ABSCESS FROM PERFORATED SIGMOID DIVERTICULITIS. *American Journal of Gastroenterology* 80:986-988, 1986.
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25. Freed, J.S., Reiner, M.A.: SEPSIS: UNUSUAL PRESENTATION SECONDARY TO PROCAINAMINE INDUCED AGRANULOCYTOSIS. *Mount Sinai Journal of Medicine* 80:194-197, 1986.
26. Keohane, M.E., Schwartz, I., Freed, J.S., Fische, R.: SUB-DIAPHRAGMATIC BRONCHOGENIC CYST WITH COMMUNICATION TO THE STOMACH. *Human Pathology* 19:868-871, 1988.
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32. Blinderow, S.R., Mayer, R., Freed, J.S.: MASSIVE HEMORRHAGE FROM SOLITARY RECTAL ULCER: Toward a Definitive Treatment. *The Mount Sinai Journal of Medicine* 9:1-4, 1995.
33. Freed, J.S., Aldoroty, R.: SUTURELESS RECTOPEXY. PRELIMINARY RESULTS. *American Journal of Gastroenterology* 98:S109, 2003.
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B. TEXTBOOK CHAPTER

1. FREED, Jeffrey S., and Reiner, Mark A.: SURGERY IN THE AGED; SPECIAL CONSIDERATIONS IN AGING: *The Universal Human Experience*, New York: Springer, 1988. Pp. 169-178.

C. ABSTRACTS

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3. Reiner, M.A., Freed, J.S.: CLINICAL SIGNS AND SYMPTOMS OF INTRA-ABDOMINAL INFECTION IN THE GERIATRIC PATIENT. Abstract, July 1985;18. International Congress of the International Society of Gerontology.
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D. LETTERS

1. Freed, J.S.: GASTROINTESTINAL SERIES IN PATIENTS WITH GALLSTONES. Correspondence Society of Surgeons 240:2734, 1978.
2. Freed, J.S.: POLYPS. Correspondence Society of Surgeons 2:3, 1979.

3. Freed, J.S.: BRACHIAL ARTERY RECONSTRUCTION USING THE HEPARIN BONDED SUNDT SHUNT. *Surgery* 89:355, 1981.
4. Freed, J.S.: INVASIVE ADENOCARCINOMA IN A POLYP REMOVED BY COLOTOMY. *Correspondence Society of Surgeons* 6:5, 1983.
5. Freed, J.S.: ON WHETHER SMALL DIRECT INGUINAL HERNIAS NEED REPAIR IN 1990. *Correspondence Society of Surgeons* 2:3, 1990.
6. Freed, J.S., Reiner, M.A.: INTRA-ABDOMINAL INFECTIONS IN ELDERLY. *Journal of American Geriatrics Society* 32:408, 1984.
7. Freed, J.S.: NON-SPECIFIC PROCTITIS IN A PATIENT WITH HARTMANN'S POUCH. *Correspondence Society of Surgeons* 6:3, 1984.
8. Freed, J.S., Reiner, M.A.: PRIMARY LINITIS PLASTICA. *Dis. Colon, Rectum* 27:274, 1984.
9. Freed, J.S.: TREATMENT OF ASYMPTOMATIC SUBMUCOSAL CECAL TUMOR. *Correspondence Society of Surgeons* 7:8, 1985.
10. Freed, J.S., Reiner, M.A.: BACTERIOLOGY AND SEPTIC COLO COMPLICATIONS OF APPENDICITIS. *Annals of Surgery* 202:131, 1985.
11. Freed, J.S., Reiner, M.A.: NUTRITION, SURVIVAL AND AIDS. *The American Journal of Gastroenterology* 12:476, 1990.
12. Freed, J.S.: POPLITEAL ARTERY INJURY. *Contemporary Surgery* 148:151, 1997.

E. LECTURES AND PRESENTATIONS

1. INFLAMMATORY BOWEL DISEASE. St. John's Episcopal Hospital, Far Rockaway, New York. October 25, 1977.
2. INFLAMMATORY BOWEL DISEASE. Long Beach Hospital, Long Beach, New York. December 9, 1977.

3. SURGERY FOR SOLITARY AND MULTIPLE PULMONARY METASTASES. Paper and lecture published in New York State Journal of Medicine, September 1978. New York Society of Thoracic Surgery. January 16, 1978.
4. DISCUSSION OF PRESENT CONCEPTS IN ETIOLOGY DIAGNOSIS AND THERAPY OF HEPATIC ENCEPHALOPATHY INCLUDING ARTIFICIAL LIVER SUPPORT WITH THE CHARCOAL HEMOPERFUSION SYSTEM. St. John's Episcopal Hospital, Far Rockaway, New York. May 9, 1978.
5. USE OF HEMOPERFUSION IN THE POST PORTACAVAL SHUNT ENCEPHALOPATHIC PATIENT. Surgical Rounds, Mount Sinai Hospital, New York, New York. June 14, 1978.
6. SURGERY OF PANCREATIC DISEASE. Combined GI/Surgical Grand Rounds, Bronx VA Hospital, Bronx, New York. September 10, 1982.
7. SURGERY IN THE AGED. Combined GI/Surgical Grand Rounds, Bronx VA Hospital, Bronx, New York. August 1, 1985.
8. AIDS IN MEDICINE. Annual Shop Stewards' Educational Program, Local 153 OPEIU. September 14 and 28, October 12, and November 2, 1985.
9. CLINICAL SIGNS AND SYMPTOMS OF INTRA-ABDOMINAL INFECTION IN THE GERIATRIC PATIENT. Presented at the International Congress Meetings in New York. The International Society of Gerontology. 1985.
10. DIVERTICULITIS OF SMALL AND LARGE INTESTINE. Surgical Grand Rounds, Doctors Hospital, New York, New York. November 21, 1985.
11. "MANAGEMENT OF VASCULAR ACCESS CATHETERS." Presented at Doctors Hospital, New York, New York. February 14, 1991.
12. "ADVANCES IN LAPAROSCOPIC SURGERY." Surgical Grand Rounds, Bronx VA Medical Center. Surgical Service, Bronx, New York. September 5, 1991.

13. "OVERVIEW OF ADVANCES IN LAPAROSCOPIC SURGERY."
Surgical Grand Rounds, Valley Hospital, Ridgewood, New Jersey.
February 29, 1992.
14. "ADVANCES IN LAPAROSCOPIC TECHNIQUES."
LAPAROSCOPIC COLECTOMY COURSE. Dept. of Surgery, The
Mount Sinai School of Medicine and the Page and William Black
Postgraduate School of Medicine. Faculty. September 11-12, 1992 and
December 4-5, 1992.
15. "TRANSABDOMINAL PREPERITONEAL APPROACH TO
LAPAROSCOPIC HERNIORRHAPHY." Exhibit - presentation. The
American College of Surgeons - Scientific Exhibition. Clinical.
16. COLLAGEN SPHINCTEROPLASTY. Assn. Of Attending Staff of the
Mount Sinai Hospital - Fifteenth Annual Medical Symposium. Faculty.
1993.
17. "COMMON DISORDERS OF THE ANORECTUM." Assn. Of
Attending Staff of the Mount Sinai Hospital. Considered. 18th ANNUAL
COURSE, New York Society for Gastrointestinal Endoscopy and Cornell
University Medical College. New York. November 10-11, 1994.
18. Posters. Feighner, J.P., Sverdlov, L., Abajian, H., Nicolau, G., Hlavka, J.,
Freed, J.: PILOT STUDY WITH NEMIFITIDE IN PATIENTS WITH
SEVERE TREATMENT-RESISTANT DEPRESSION. XXIII CINP
Congress. Montreal, Canada. June 23-27, 2002.
19. Poster. Aldoroty, Robert A., Freed, Jeffrey S.: SUTURELESS
LAPAROSCOPIC RECTOPEXY: Preliminary results. American
College of Gastroenterology, October 2003.
20. ANAL SPHINCTER PRESERVATION IN RECTAL CARCINOMA.
Oncology Conferences. Centre Hospitalier Universitaire Brugmann.
Universitair Verplegingscentrum Brugmann. Service de Pneumologie.
Brussels, Belgium. May 15 - May 21, 2005.
21. Poster. Blumenfeld, Y., Rochon, M., Eddleman, K., Freed, J.:
LAPAROTOMY VERSUS LAPAROSCOPY FOR ANTENATAL
APPENDECTOMY. SMFM Abstracts. Supplement to American Journal
of Obstetrics & Gynecology. Poster Session II. February 2, 2006.

22. MEDICAL EDUCATION: FACTORS THAT AFFECT MEDICAL STUDENT ATTITUDES TOWARD THE PRACTICE OF CLINICAL MEDICINE. A LONGITUDINAL STUDY. Medical Education Grand Rounds, Mount Sinai School of Medicine, New York, New York. May 3, 2006.

23. Teaching. Intersession March 2006. PBL Sessions. Mount Sinai School of Medicine, New York, New York.

24. INTERNATIONAL SERVICE. THE REALITIES OF THE BRIGADE. Pan-American Healthcare Dialogue. Guatemala City, Guatemala. April 21, 2006.

25. ETHICS OF INTERNATIONAL SERVICE. Humanities in Medicine Forum. Mount Sinai School of Medicine, New York, New York. July 10, 2006.

26. BECOMING A SURGEON. Alumni Career Mentoring Day. State University of New York Downstate Medical Center, Brooklyn, New York. July 7, 2006.

F. CONFERENCES/LECTURES ATTENDED

1. "UPDATE ON ADVANCES IN ALZHEIMER'S DISEASE." Research Insights and New Therapies. The Jewish Home and Hospital (Isadore Gerber Memorial Lecture). New York, New York. November 1, 1993.
2. COLLAGEN SPHINCTEROPLASTY. Assn. of Attending Staff of the Mount Sinai Hospital - Fifteenth Annual Medical Symposium. Faculty. 1993.
3. SURGICAL GRAND ROUNDS - MOUNT SINAI SCHOOL OF MEDICINE. 1/1/93 to 12/31/93. 30 HOURS.
4. "COMMON DISORDERS OF THE ANORECTUM." Assn. of Attending Staff of the Mount Sinai Medical Center - 18th ANNUAL COURSE, New York Society for Gastrointestinal Endoscopy and Cornell University Medical College, New York. November 10-11, 1994.
5. SURGICAL GRAND ROUNDS - MOUNT SINAI SCHOOL OF MEDICINE. 1/1/94 to 12/31/94. 30 HOURS.

6. SURGICAL GRAND ROUNDS - MOUNT SINAI SCHOOL OF MEDICINE. 1/1/95 to 12/31/95. 30 HOURS.
7. "MODERN TREATMENT OF HEMORRHOIDS." Mount Sinai School of Medicine - GI Care Center Lecture Series. June 6, 1996.
8. HIGH TECHNOLOGY TRENDS IN HEALTH CARE. The Page and William Black Postgraduate School of the Mount Sinai School of Medicine. June 7, 1996.
9. SURGICAL GRAND ROUNDS - MOUNT SINAI SCHOOL OF MEDICINE. 1/1/96 to 12/31/96. 30 HOURS.
10. "MAKING DECISIONS IN INFLAMMATORY BOWEL DISEASE." 24th ANNUAL SPRING MEETING. American College of Surgeons. April 11-14, 1996.
11. RESEARCH PROJECT ON NEW TOBACCO-LESS CIGARETTES. Sponsors: Feton International - Rue Gabrielle Petistratt 4. Bruxelles - Brussels. August 26, 1997.
12. SCIENTIFIC PROGRAM - ALUMNI MOUNT SINAI SCHOOL OF MEDICINE: The Page and William Black Continuing Medical Education Program. April 12, 1997.
13. TACROLIMUS IMPROVES BUT DOES NOT INDUCE REMISSION OF CROHN'S PERIANAL FISTULAS. Medscape CME. February 20, 2004.
14. COMPUTED TOMOGRAPHY OF THE ABDOMEN AND PELVIS: A GUIDE FOR REFERRING PHYSICIANS. Medscape CME. March 9, 2004.
15. NEW GUIDELINES FOR STAGE II COLON CANCER. Medscape CME. September 5, 2004.
16. RADIATION THERAPY FOR PROSTATE CANCER MAY INCREASE RECTAL CANCER RISK IN IRRADIATED FIELD. Medscape CME. April 12, 2005.

G. AWARDS

1. Voluntary Attending of the Year 2006. Alpha Omega Alpha, Lambda Chapter. Mount Sinai School of Medicine. February 23, 2006.

H. MEDICAL MISSIONS

1. Thailand, June 2003. Bangkok University Hospital, Sponsor, Thai-American. 2 weeks surgical mission.
2. Belize, March 2004. Mount Sinai School of Medicine. 1 week Medical Student Teaching/Clinic mission.
3. San Francisco de Macoris, Dominican Republic, March 2005. Mount Sinai School of Medicine. 1 week Medical Student/Faculty surgical mission.
4. San Pedro Sula, Honduras, December 2005. Mount Sinai School of Medicine. Medical Students Making Impacts. 1 week Medical Student/Faculty surgical mission.
5. San Pedro Sula, Honduras, June 2006. Mount Sinai School of Medicine. Medical Students Making Impacts. 1 week Medical Student/Faculty surgical mission.

CERTIFICATE OF SERVICE

I hereby certify that **PLAINTIFFS' DISCLOSURE OF EXPERT REPORTS** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by the first-class mailing and/or facsimile of a true and correct copy to the party and address listed below on the 30th day of April 2010:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(Counsel for Defendants)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

CA

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

THOMAS G. IBBERSON and PATRICIA ANN IBBERSON,
Plaintiffs

vs

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult individual;
and CLEARFIELD HOSPITAL, a Pennsylvania corporation,
Defendants

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NO. 08-469-CD

ORDER

NOW, this 28th day of May, 2010, following status 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 **July 22, 2010** 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 25, 26, 27 and 28, 2010**, commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial for the Plaintiff which has not previously been provided to opposing counsel shall be delivered within no more than thirty (30) days from this date. Written reports of any defense expert shall be delivered within no more than 90 days from this date. Failure to comply will result in the witness not being available for use at trial.

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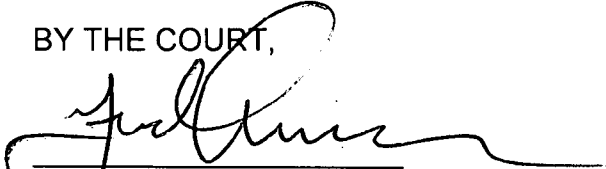
William A. Shaw
Prothonotary/Clerk of Courts

2 CC Atty's:
Cohen/Bowles

1 CC Atty Hasty

5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the Court, in writing, no later than forty-five (45) days prior to the commencement of trial. All objections shall reference specific page and line numbers within the deposition(s) in question along with that party's brief relative same. The opposing party shall file an Answer thereto and submit its brief in opposition to said objections no later than thirty (30) days prior to the commencement of trial.
6. Any party filing any Motion or Petition regarding limitation or exclusion of evidence or testimony to be presented at time of trial, including but not limited to Motions in Limine, shall file the same no more than forty-five (45) days prior to the trial date. The party's Petition or Motion shall be accompanied by an appropriate brief. The responding party thereto shall file its Answer and submit appropriate response brief no later than thirty (30) days prior to trial.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

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JUN 01 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/1/10

 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

THOMAS G. IBBERSON and PATRICIA
ANN IBBERSON, as Husband and Wife,

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual;
JAMES P. DESANTIS, D.O., an adult
individual; and CLEARFIELD HOSPITAL,
a Pennsylvania corporation,

Defendants.

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

**PRAECIPE TO SETTLE AND
DISCONTINUE**

Filed on behalf of Plaintiffs

Counsel of record for Plaintiffs:

Harry S. Cohen, Esquire
PA I.D. #30682

Todd D. Bowlus, Esquire
PA I.D. #89106

HARRY S. COHEN & ASSOCIATES, P.C.
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
Firm I.D. #813

(412) 281-3000

JURY TRIAL DEMANDED

November 17, 2010

FILED NO
m/11/10/2010 cc
NOV 19 2010 (60)
William A. Shaw
Prothonotary/Clerk of Courts

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

THOMAS G. IBBERSON and PATRICIA :
ANN IBBERSON, as Husband and Wife, :

Plaintiffs,

vs.

STACY GERG, P.A.C., an adult individual; :
JAMES P. DESANTIS, D.O., an adult :
individual; and CLEARFIELD HOSPITAL :
a Pennsylvania corporation, :

Defendants. :

CIVIL DIVISION – MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 08-469-CD

PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA:

Kindly discontinue the above-captioned matter.

Respectfully submitted,

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire
Attorneys for Plaintiffs
Two Chatham Center, Suite 985
Pittsburgh, PA 15219
(412) 281-3000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PRAECIPE TO SETTLE AND DISCONTINUE** has been served pursuant to Pennsylvania Rule of Civil Procedure 440 by first-class mailing, facsimile, email and/or hand delivery of a true and correct copy to the party and address listed below on the 17th day of November 2010:

Frank J. Hartye, Esquire
McIntrye, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648
(*Counsel for Defendants*)

HARRY S. COHEN & ASSOCIATES, PC

By: 

Harry S. Cohen, Esquire
Todd D. Bowlus, Esquire

FILED

NOV 19 2010

William A. Shaw
Prothonotary/Clerk of Courts