

08-1194-CD  
Judith Billock vs DRMC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

JUDITH RICE BILLOCK  
(Plaintiff)

1902 Cemetery Hill Road  
(Street Address)

Brockway, PA 15824  
(City, State ZIP)

CIVIL ACTION

No. 2008-1194-CD

Type of Case: Fall

Type of Pleading: Complaint

VS.

Filed on Behalf of:

Judith Rice-Billock

DuBois Regional Medical Center  
(Defendant) (Plaintiff/Defendant)

100 Hospital Avenue  
(Street Address)

DuBois, PA 15801  
(City, State ZIP)

Richard F. Furia, Esquire  
(Filed by)

1719 Rittenhouse Square  
Philadelphia, PA 19103  
(Address)

215-985-4500  
(Phone)

Richard F. Furia  
(Signature)

**FILED** ATTY PAID 95.00  
M 11:44 AM '08  
JUN 30 2008 ICC ATTY  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 COMP. TO SHER.

**FURIA AND TURNER**  
**By: RICHARD F. FURIA, ESQUIRE**  
**Attorney I.D. No.: 09878**  
**JAMES M. TURNER, JR., ESQUIRE**  
**Attorney I.D. No. 39738**  
**1719 Rittenhouse Square**  
**Philadelphia, PA 19103**  
**215-985-4500**

**This is a Major Jury Trial**  
**Matter**  
**An Assessment of Damages**  
**Hearing is Required**

**Attorneys for the Plaintiff**

**JUDITH RICE-BILLOCK AND DOUGLAS:**  
**BILLOCK, w/h**  
**1902 Cemetery Hill Road**  
**Brockway, PA 15824**

**COURT OF COMMON PLEAS**  
**CLEARFIELD COUNTY**

**v.**

**DUBOIS REGIONAL MEDICAL CENTER:**  
**100 Hospital Avenue**  
**DuBois, PA 15801**

**COMPLAINT IN CIVIL ACTION**

**Notice**

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

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

**LAWYER REFERENCE SERVICE**  
**Court Administrator**  
**Clearfield County Courthouse**  
**Clearfield, PA 16830**  
**(814) 765-2641, ext. 51**

**A Aviso**

A Le han demandado a usted en la corte Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias, de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder Dinero o sus propiedades u otros derechos importantes para usted.

**ALLEVE ESTA DEMANDA A UNO ABOGADO INMEDIATAMENTE.**  
**SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE**  
**DE PAGAR TAL SERVICIO. VAYA EN PERSONA O LLAME POR**  
**TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA**  
**ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR**  
**ASISTENCIA LEGAL.**

**SERVICIO DE REFENCIAL LEGAL**  
**Court Administrator**  
**Clearfield County Courthouse**  
**Clearfield, PA 16830**  
**(814) 765-2641, ext. 51**

**FURIA and TURNER**

By: Richard F. Furia, Esquire

Identification No.: 09878

James M. Turner, Jr., Esquire

Identification No.: 39738

1719 Rittenhouse Square

Philadelphia, PA 19103

(215) 985-4500

Attorneys for Plaintiff

THIS IS A MAJOR JURY MATTER  
ASSESSMENT OF DAMAGES IS  
REQUIRED

JUDITH RICE-BILLOCK AND DOUGLAS:

BILLOCK, w/h :

1902 Cemetery Hill Road :

Brockway, PA 15824 :

v. :

DUBOIS REGIONAL MEDICAL CENTER:

100 Hospital Avenue :

DuBois, PA 15801 :

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

**CIVIL ACTION – COMPLAINT**

1. Plaintiffs, JUDITH RICE-BILLOCK, and DOUGLAS BILLOCK, are husband and wife and are adult individuals residing at 1902 Cemetery Hill Road, Brockway, Pennsylvania 15824.

2. Defendant, DUBOIS REGIONAL MEDICAL CENTER, is a non-profit corporation, partnership, sole proprietorship, unincorporated association, or other legal entity doing business and existing under the laws of the Commonwealth of Pennsylvania and as such owned, operated, supervised, controlled and maintained a facility with its principal place of business located at 100 Hospital Avenue, DuBois, Pennsylvania 19115.

3. On or about June 15, 2007, and at all times relevant thereto, Defendant, DUBOIS REGIONAL MEDICAL CENTER, owned, leased, managed, operated, and/or had control of an

medical building located at 100 Hospital Avenue, Dubois Pennsylvania known as the Medical Arts Building.

4. On or about June 15, 2007, at approximately 8:30 a.m., Plaintiff, JUDITH RICE-BILLOCK, was exiting the building known as the Medical Arts Building, located at 100 Hospital Avenue, DuBois, Pennsylvania, when suddenly and without warning she was caused to trip and fall to the ground as she stepped off the curb outside said building because of the deteriorated state of the curb in question, which said curb was permitted to remain in a disrepair and crumbling state by the Defendant, causing Plaintiff serious personal injuries which said injuries are set forth herein.

COUNT I  
**PLAINTIFF, JUDITH RICE-BILLOCK V. DEFENDANT, DUBOIS REGIONAL**  
**MEDICAL CENTER**

5. Plaintiff incorporates herein by reference Paragraphs 1 through 4, inclusive, of this Civil Action Complaint as fully as though the same were set forth herein at length.

6. On or about June 15, 2007, Defendant, DUBOIS REGIONAL MEDICAL CENTER did own, manage, maintain, lease and/or control the parking lot located at the Medical Arts Building, and the Defendant, DUBOIS REGIONAL MEDICAL CENTER was ultimately responsible for maintaining the aforesaid location in a safe and non-hazardous manner.

7. Defendant, DUBOIS REGIONAL MEDICAL CENTER, by its agents, servants, workmen and/or employees was, at all time relevant hereto, responsible for the condition of the curb located outside the Medical Arts Building.

8. Plaintiff, JUDITH RICE-BILLOCK, avers, it was the duty of Defendant, DUBOIS REGIONAL MEDICAL CENTER to maintain the curb referred to above in a reasonably safe condition for its intended use and free from all dangerous conditions, such as the curb being left

unpainted and in a deteriorated and crumbling condition, which Defendant knew or should have known was occurring or existed, and rendered the property dangerous and unsafe, or which would present an unreasonable risk of harm to her.

9. Plaintiff, JUDITH RICE-BILLOCK, avers that it was the duty of Defendant, DUBOIS REGIONAL MEDICAL CENTER to have available sufficient personnel to properly inspect and maintain the aforesaid curb in a reasonably safe condition and to warn of the existence of dangerous conditions existing in the curb.

10. Plaintiff, JUDITH RICE-BILLOCK further avers that it was the duty of the Defendant, DUBOIS REGIONAL MEDICAL CENTER to exercise reasonable care to protect the Plaintiff from injury by inspection of the premises or by other affirmative acts such as warning Plaintiff of the existence of dangerous conditions occurring on the said property such as holes/depressions in the curb by means of the placement of warning signs or caution tape.

11. The aforesaid accident was caused by the negligence and carelessness of Defendant, DUBOIS REGIONAL MEDICAL CENTER in:

- a. Failing to exercise due regard for the rights and safety of the Plaintiff;
- b. Failing to properly position, secure, or place a barricade in the unsafe area;
- c. Negligently causing the said condition to exist;
- d. Failing to maintain the aforesaid premises in a reasonably safe condition;
- e. Maintaining the aforesaid premises in a dangerous and defective condition;
- f. Failing to warn persons on the premises of the dangerous condition therein which Defendant knew, or should have known, existed for some time prior to the aforesaid incident;
- g. Failing to instruct, and inform its agents, servants, workmen and/or employees of the safe method of maintaining the curb;

- h. Permitting said property to fall into, and remain, in a dangerous state which would endanger those persons lawfully on the premises;
- i. Failing to personally inspect the curb located at said premises or to request and supervise periodic inspections of the area by its agents;
- j. Failing to provide safe means of travel through said property by failing to cover said hole or depression in the curb referred to above;
- k. Acting in disregard of the rights and safety of the persons lawfully on said premises;
- l. Failing to warn Plaintiff of the dangerous condition of the curb of which Defendant knew or should have known existed;
- m. Failing to maintain said curb in a proper condition, which Defendant knew or should have had due and proper notice;
- n. Being guilty of willful, wanton and gross misconduct and negligence in other respects;
- o. Allowing and permitting holes/depressions to be left in an unsafe condition thus rendering the curb itself dangerous, unsafe, improper and unstable;
- p. Failing to properly, maintain, supervise and/or direct that their employees, agents and/or workmen properly display warning signs on said curb;
- q. Failing to inspect the aforesaid curb at reasonable intervals in order to determine the defective, dangerous and unsafe conditions thereon;
- r. Disregarding the rights and safety of the Plaintiff, and others lawfully using the curb in question;
- s. That said Defendant knew, or should have known, about the highly dangerous, defective, hazardous and unsafe condition, existing about and upon its premises, which was caused by unsafe and improper holes/depressions;
- t. That said Defendant maintained the aforesaid curb contrary to the general safety standards, precautionary standards, and other safety standards of the industry in violation of the appropriate federal, state and local laws, rules, regulations and code;
- u. That said Defendant constructed and/or maintained the aforementioned curb in complete violation of local building permit and building use statutes, as well as township building use statutes and township building permit statutes;

- v. That said Defendant was negligent per se;
- w. That said Defendant was otherwise negligent as may be determined through discovery proceedings pursuant to the Pennsylvania Rules of Civil Procedure;
- x. Being liable for acting contrary to the care required by Sections 410, 413, 324A, 414, 416, 422, 424, 426 and 427 of the Restatement of Torts 2<sup>nd</sup> as adopted in Pennsylvania;
- y. That said Defendant is otherwise liable for acting contrary to the care required by the Restatement (Second) of Torts, as adopted in Pennsylvania;
- z. Maintaining the curb in question in a dangerous and defective condition;
- aa. Failing to inspect the curb in question at reasonable intervals, in order to determine the defective, dangerous and unsafe conditions thereon;
- bb. Failing to discover unsafe holes/depressions on the curb in question;
- cc. That said Defendant knew, or should have known, of the highly dangerous, defective, hazardous and/or unsafe conditions existing about and upon the curb in question, and failed to warn the Plaintiff of its existence;
- dd. That said Defendant failed to warn Plaintiff of the hazardous, dangerous and defective condition of the curb in question by failing to place warning signs in the vicinity of same;
- ee. Said Defendant was otherwise negligent as may be determined through discovery proceedings pursuant to the Pennsylvania Rules of Civil Procedure; and
- ff. Said Defendant permitted the aforesaid curb to become and to remain in a dangerous, defective, hazardous and unsafe condition so as to constitute a menace, danger, nuisance, snare and trap for persons lawfully using said curb.

12. The aforesaid accident was due entirely to the negligence of the Defendant, it's agents, servants, workmen and/or employees acting within the scope of their employment for and on behalf of the Defendant.

13. As a direct and proximate result of the aforesaid negligence of the Defendant, the

Plaintiff, JUDITH RICE-BILLOCK, sustained severe and permanent injuries to her body, by reason of which she was rendered sick, sore, lame and disordered. More particularly, Plaintiff suffered severe and permanent injuries to the bones, muscles, tendons, ligaments, nerves and tissues of her right hand, right arm, the full extent of which is not yet known, including but not limited to, closed reduction with comminuted intra-articular fracture of the right distal radius and the application of an external fixator, and injuries to her nerves and nervous system, whereby she has in the past, and will in the future, continue to suffer severe pain.

14. Plaintiff's injuries cause constant pain, discomfort, and limitation of motion, all of which injuries are or may be of a permanent nature.

15. Plaintiff was made to undergo great mental anguish and bodily pain, as a result of which she has suffered, yet suffers, and will continue to suffer great mental anguish and bodily pain for an indefinite time in the future. She sustained a severe and permanent shock to her nerves and nervous system, and has, may and probably will in the future, continue to suffer great mental anguish and bodily pain.

16. Plaintiff, as a result of said injuries, has and probably will in the future be obliged to expend large and various sums of money for medicine and medical attention in and about an effort to treat and cure herself of her injuries.

17. As a further result of this accident, Plaintiff has, and will continue in the future, to be obliged to undergo medical attention and care, expend various sums of money, and incur various expenses for the injuries he has sustained. Plaintiff may be obliged to continue to expend such sums or incur such expenses for an indefinite time in the future.

18. As a further result of the accident, Plaintiff has or may suffer an injury which may

be of a psychological nature, all of which may and probably will be of a permanent nature or irreparable and severe.

19. As a further result of this accident, Plaintiff has suffered and may continue to suffer, a severe loss of earnings and/or impairment of her earning capacity and power.

20. As a direct and proximate result of this accident, Plaintiff has, or may in the future, incur other financial losses or expenses, which do or may exceed amounts which she might otherwise be entitled to recover.

21. As a result of the Defendants' negligence, Plaintiff has and probably will in the future, be hindered from attending and performing her usual and daily activities, duties, and recreational social pursuits.

**WHEREFORE**, Plaintiff, JUDITH RICE-BILLOCK, demands judgment against Defendant, DUBOIS REGIONAL MEDICAL CENTER, in a sum in excess of Fifty Thousand Dollars (\$50,000.00).

**COUNT II**

**Plaintiff, DOUGLAS BILLOCK vs. Defendant, DUBOIS REGIONAL MEDICAL CENTER**

22. Plaintiff incorporates herein by reference Paragraphs 1 through 21, inclusive, of this Civil Action Complaint as fully as though the same were set forth herein at length.

23. Solely because of the aforesaid negligence of the Defendant, DUBOIS REGIONAL MEDICAL CENTER, Plaintiff, DOUGLAS BILLOCK, has been and probably will in the future be deprived of the aid, comfort, society and consortium of his wife, JUDITH RICE-BILLOCK.

**WHEREFORE**, Plaintiff, DOUGLAS BILLOCK, demands judgment against

Defendant, DUBOIS REGIONAL MEDICAL CENTER, in a sum in excess of Fifty Thousand Dollars (\$50,000.00).

**FURIA AND TURNER**

By:

A handwritten signature in cursive script, appearing to read "Richard F. Furia", is written over a horizontal line.

**RICHARD F. FURIA, ESQUIRE**  
Attorney for Plaintiffs

## **VERIFICATION**

Judith A. Rice-Billock hereby verifies that I am the Plaintiff in the within action, and that the facts set forth in foregoing Pleading are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

\* Judith A. Rice - Billock

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1194-CD

JUDITH RICE BILLOCK

vs

DUBOIS REGIONAL MEDICAL CENTER  
COMPLAINT

SERVICE # 1 OF 1

SERVE BY: 07/30/2008

HEARING:

PAGE: 104348

DEFENDANT: DUBOIS REGIONAL MEDICAL CENTER  
ADDRESS: 100 HOSPITAL AVE.  
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS

FILED

07/30/08

JUL 07 2008

**SHERIFF'S RETURN**

NOW, THIS 7TH DAY OF July 2008 AT 1:50 AM / PM SERVED THE WITHIN

COMPLAINT ON DUBOIS REGIONAL MEDICAL CENTER, DEFENDANT

BY HANDING TO GREG VOLPE / RISK MANAGEMENT DIRECTOR

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 100 HOSPITAL AVE. DUBOIS, PA 15801

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT FOR DUBOIS REGIONAL MEDICAL CENTER

AT (ADDRESS) \_\_\_\_\_

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DUBOIS REGIONAL MEDICAL CENTER

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Gnodory  
Deputy Signature

Mark A. Gnodory  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

CIVIL DIVISION

No. 2008 – 1194-CD

Issue No.

PRAECIPE FOR APPEARANCE

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

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

(412) 232-3400

**FILED** *no cc*  
*7/11/08*  
JUL 21 2008 *WAS*

William A. Shaw  
Prothonotary/Clerk of Courts

PRAECIPE FOR APPEARANCE

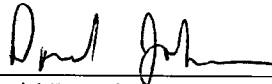
TO: PROTHONOTARY

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

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.



---

David R. Johnson, Esquire  
Attorneys for defendant.

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the within PRAECIPE FOR  
APPEARANCE has been served upon the following counsel of record and same placed  
in the U.S. Mails on this 17<sup>th</sup> day of July, 2008:

Richard F. Furia, Esquire  
Furia and Turner  
1719 Rittenhouse Square  
Philadelphia, PA 19103

THOMSON, RHODES & COWIE, P.C.

David R. Johnson  
David R. Johnson, Esquire  
Attorneys for defendant.

**FILED**

**JUL 21 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN RE: [illegible]  
[illegible]

[illegible]

[illegible]  
[illegible]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

) CIVIL DIVISION

) No. 2008 - 1194-CD

**FILED**

AUG 06 2008

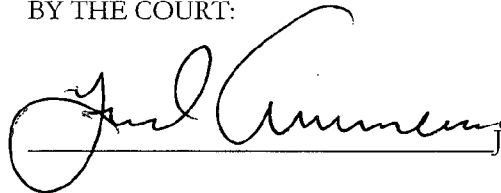
0/9:30/~  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 cens to Att

(60)

ORDER OF COURT

AND NOW on this 5<sup>th</sup> day of August, 2008, it is hereby ORDERED,  
ADJUGED and DECREED that oral argument on defendants' preliminary objections is scheduled for the  
2<sup>nd</sup> day of September, 2008, at 9:45 a.m./p.m. before Judge  
Ammerman in Courtroom No. 1 of the Clearfield County Courthouse.

BY THE COURT:

  
\_\_\_\_\_

**FILED**  
AUG 06 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 6-6-01  
A You are responsible for serving all appropriate parties.  
The Prothonotary's office has provided service to the following parties:  
Plaintiff(s) \_\_\_\_\_  
Defendant(s) \_\_\_\_\_  
Defendant(s) Attorney \_\_\_\_\_  
Plaintiff(s) Attorney \_\_\_\_\_  
Other: \_\_\_\_\_

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

CIVIL DIVISION

2008-1194  
No. 2006-1600-CD

Issue No.

**PRAECIPE FOR ARGUMENT**

Filed on behalf of DuBois Regional Medical Center,  
defendant

Counsel of Record for This Party:

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

Brad R. Korinski, Esquire  
PA I.D. # 86831

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

(412) 232-3400

**FILED** *no cc*  
*JP/11/2/08*  
JUL 25 2008 *@10*

William A. Shaw  
Prothonotary/Clerk of Courts

PRAECIPE FOR ARGUMENT

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

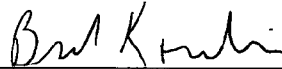
KINDLY SUBMIT THIS MATTER TO THE COURT FOR ARGUMENT ONLY.

1. The matter to be submitted for argument is Preliminary Objections.
2. Oral argument is requested.
3. This is not a discovery matter.
4. I certify that notice has been given to all counsel of record and to all unrepresented parties

of record of the filing of this Praecipe.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.



---

David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for defendant.

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the PRELIMINARY OBJECTIONS has been served upon the following counsel of record and same placed in the U.S. Mails on this 22nd day of

July, 2008:

Richard F. Furia, Esquire  
Furia and Turner  
1719 Rittenhouse Square  
Philadelphia, PA 19103

THOMSON, RHODES & COWIE, P.C.

Brad Korinski  
David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for the defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

CIVIL DIVISION

No. 2008 – 1194-CD

Issue No.

**PRAECIPE FOR ARGUMENT**

Filed on behalf of DuBois Regional Medical Center,  
defendant

Counsel of Record for This Party:

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

Brad R. Korinski, Esquire  
PA I.D. # 86831

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

(412) 232-3400

PRAECIPE FOR ARGUMENT

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

KINDLY SUBMIT THIS MATTER TO THE COURT FOR ARGUMENT ONLY.

1. The matter to be submitted for argument is Preliminary Objections.
2. Oral argument is requested.
3. This is not a discovery matter.
4. I certify that notice has been given to all counsel of record and to all unrepresented parties

of record of the filing of this Praecipe.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

Brad Korinski

David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for defendant.

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the PRELIMINARY OBJECTIONS has been served upon the following counsel of record and same placed in the U.S. Mails on this 30<sup>th</sup> day of

July, 2008:

Richard F. Furia, Esquire  
Furia and Turner  
1719 Rittenhouse Square  
Philadelphia, PA 19103

THOMSON, RHODES & COWIE, P.C.

Brad Korinski  
David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for the defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

CIVIL DIVISION

2008-1194  
No. 2006-1600-CD

Issue No.

PRELIMINARY OBJECTIONS TO PLAINTIFFS'  
COMPLAINT

Filed on behalf of DuBois Regional Medical Center,  
defendant

Counsel of Record for This Party:

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

Brad R. Korinski, Esquire  
PA I.D. # 86831


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

(412) 232-3400

NOTICE TO PLEAD

TO THE PLAINTIFFS:

You are hereby notified to file a written  
response to the enclosed Preliminary  
Objections within twenty (20) days of service  
hereof or a default judgment may be entered  
against you.

  
\_\_\_\_\_  
Brad R. Korinski, Esquire  
Attorneys for defendant

**FILED** 2cc  
m11121301 Atty Korinski  
JUL 25 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

PRELIMINARY OBJECTIONS TO PLAINTIFFS' COMPLAINT

AND NOW, comes DuBois Regional Medical Center, the defendant, and files these within preliminary objections to plaintiffs' complaint for the consideration of this Honorable Court, and, in support thereof, aver as follows.

1. This is a premises liability/general negligence claim filed against DuBois Regional Medical Center (hereinafter "DRMC") arising out of an incident wherein wife-plaintiff, Mrs. Judith Rice-Billock, while exiting from the Medical Arts Building on DRMC's campus, fell to the pavement after stepping off of a curb located on the sidewalk adjacent to the building.

2. In particular, plaintiffs in their complaint advance the theory (in paragraph 4) that the "deteriorated state of the curb in question" caused wife-plaintiff's pedestrian misadventure "because [the defendant] permitted the curb to remain in a disrepair and crumbling state."

3. Curiously as to the causation of wife-plaintiff's fall, this is not a situation where wife-plaintiff approached the curb, walked toward it, and then tripped because of some discrepancy in elevation between the curb and surrounding pavement. Rather, it is alleged, in vague and conclusory terms, that wife-plaintiff somehow lost her balance while ambulating down the curb to exit the premises of the Medical Arts Building. Other than setting forth, as noted above, the "deteriorated state of the curb in question," the complaint does not deign to identify particularly what "deteriorated" feature of the curb caused this accident.

4. There are no facts plead in the complaint to suggest or infer that, when this accident occurred, wife-plaintiff suffered from any physical, mental or optical abnormalities which rendered her unable to be cognizant of her surroundings, or to otherwise walk down and/or around the curb without the need of special assistance or precautions. Nor is there any allegation that wife-plaintiff stands as a member of a

protected class (e.g., someone with a disability) requiring especial assistance in ingress and egress to accommodations.

5. Count I of the complaint brings premises liability claims against DRMC on behalf of wife-plaintiff. Count II seeks to assert a loss of consortium cause of action for the benefit of Douglas Billock, husband of wife-plaintiff. In addition to the rudimentary allegations typical of a premises liability claim, plaintiffs variously contend that DRMC violated a laundry list of unidentified federal, state and local laws and safety standards pertaining to its construction, maintenance and repair of the curb, the alleged violations of which have the effect of DRMC being "negligent per se." Moreover, in what appears to be a surreptitious attempt at recovering punitive damages, the complaint argues that DRMC's actions constitute "willful, wanton and gross misconduct."

**A. Demurrer to All Liability Claims Founded  
Upon the Theory of Negligence Per Se**

6. The bases for plaintiffs' liability claims against DRMC are set forth in paragraph 11 of the complaint. Concerning DRMC's alleged "per se" negligence, the following facts are averred, in relevant part, as set forth below.

The aforesaid accident was caused by the negligence and carelessness of defendant DuBois Regional Medical Center in:

...

(t) That said defendant maintained the aforesaid curb contrary to the general safety standards, precautionary standards, and other safety standards of the industry in violation of the appropriate federal, state and local laws, rules, regulations and code.

(u) That said defendant constructed and/or maintained the aforementioned curb in complete violation of local building permit and building use statutes, as well as township building use statutes and township building permit statutes.

(f) That said defendant was negligent per se.

...

See Complaint, ¶ 11(t), (u) and (v).

7. Under Pennsylvania law, for a *per se* finding of negligence to be warranted, the statute or regulation at issue must be so specific as to leave little question that a person or entity found in violation of it deviated from a reasonable standard of care. Shamnoski v. PG Energy, Div. of Southern Union Co., 858 A.2d 589 (Pa. 2004).

8. Herein, the above "general safety standards" and alleged violations "appropriate federal, state and local laws, rules and codes" cannot, on the face of the pleadings, serve as a basis to impose *per se* liability upon the defendant for the reason that their vague and non-specific content evidences no intent whatsoever that an alleged violation of any of these legislative or regulatory pronouncements may automatically give rise to civil liability. And, in any event, plaintiffs fail to adduce any facts which, even if assumed to be true, would establish a conclusive violation of these provisions sufficient for the imposition of *per se* liability. Finally, so as to give the plaintiffs the largest benefit of the doubt, assuming the existence of such laws, rules and codes and even assuming some technical violation of them committed by defendant, there are absolutely no facts to suggest that wife-plaintiff, as a fully functional, non-disabled adult, falls within the ambit of the class of persons sought to be protected by the, as of yet unidentified, laws rules and codes, such that an injury to her caused by a violation can engender the drastic penalty of *per se* liability.

WHEREFORE, the defendants respectfully request that this Honorable Court strike Count I of the complaint, specifically paragraph 11 and its sub-paragraphs (t), (u) and (v), and dismiss all claims of negligence *per se* brought by plaintiffs.

**B. Demurrer/Motion to Strike All Allegations of  
Willful, Wanton and Gross Misconduct**

9. Count I of the complaint, paragraph 11(n) alleges that DRMC is "guilty of willful, wanton and gross misconduct and negligence in other respects." Notwithstanding that this is not a criminal trial and

the "guilt" or "innocence" of the defendant is of no moment, the allegations of willful, wanton and gross misconduct appear to be attempts on the part of plaintiff to interject punitive damage claims into this lawsuit, even though such claims are not explicitly stated within the complaint.

10. It is well established precedent in Pennsylvania that punitive damages may only be awarded where the actor has engaged in conduct where it "knows or has the reason to know of facts which create a high degree to risk of physical harm to another, and deliberately proceeds to act, or to fail to act, in conscious disregard of, or indifference to, that risk." SHV Coal, Inc. v. Continental Grain Co., 587 A.2d 702 (Pa. 1991).

11. Here, there are insufficient facts plead to support any finding that DRMC acted in deliberate disregard of known risks faced by wife-plaintiff or that DRMC proceeded with any other *mens rea* to support the imposition of punitive damages or a finding that it acted willfully, wantonly or with gross negligence. Punitive damages are wholly inappropriate to this lawsuit.

12. Moreover, since no punitive damage claim has been filed, any allegation that DRMC conduct its affairs willfully, wantonly or with gross negligence are irrelevant and superfluous to a determination of DRMC's liability in this premises liability action. Accordingly, the allegations of the complaint raising

WHEREFORE, the defendants respectfully request that all claims of punitive damages be stricken from the complaint, as well as the allegations of "wanton, willful, and gross misconduct" contained in paragraph 11(n).

C. Motion to Strike for Lack of Specificity

13. Pursuant to the contention that DRMC committed per se negligence, sub-paragraphs 11(t) and (u) baldly allege the violation of various regulations, laws, standards and statutes, in relevant part, as follows.

- (t) That said defendant maintained the aforesaid curb contrary to the general safety standards, precautionary standards, and other safety standards of the industry in violation of the appropriate federal, state and local laws, rules, regulations and code.
- (u) That said defendant constructed and/or maintained the aforementioned curb in complete violation of local building permit and building use statutes, as well as township building use statutes and township building permit statutes.

See Complaint, ¶ 11(t), (u).

14. In addition, via sub-paragraphs 11(w) and 11(ee), plaintiffs allege that DRMC is "otherwise" negligent without setting forth any specific negligent actions.

- (w) That said defendant was otherwise negligent as may be determined through discovery proceedings pursuant to the Pennsylvania Rules of Civil Procedure.
- (ee) Said defendant was otherwise negligent as may be determined through discovery proceedings pursuant to the Pennsylvania Rules of Civil Procedure.

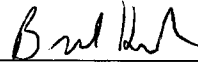
15. To the extent that the averments concerning defendant's alleged violation of governmental rules and standards are at all germane to this lawsuit, the allegations set forth in paragraphs 11(t) and (v) are vague and conclusory and fail to comply with the pleading requirements Pa. R.C.P. 1019. These allegations are further overly broad and do not specify the acts or omissions that form the basis of this defendant's purported negligence, nor do the allegations put plaintiff on notice of the specific regulations, law, statutes or rules which it is alleged to have violated.

16. Plaintiffs supposition that DRMC can somehow stand "otherwise" negligent also runs afoul of the fact-pleading requirements of Pa. R.C.P. 1019. If, indeed, plaintiffs find additional bases for DRMC's negligence during the discovery process, their recourse is to file an amended complaint - not to take prophylactic action in this pleading by levying general, "catch-all" allegations at the defendant.

WHEREFORE, paragraphs 11(t), 11(u), 11(w) and 11(ee) should be stricken from the complaint for lack of specificity pursuant to Pa. R.C.P. 1019.

Respectfully Submitted,

THOMSON, RHODES & COWIE, P.C.

A handwritten signature in dark ink, appearing to read "David R. Johnson", is positioned above a horizontal line.

David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for defendant.

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the PRELIMINARY OBJECTIONS has been served upon the following counsel of record and same placed in the U.S. Mails on this 22nd day of

July, 2008:

Richard F. Furia, Esquire  
Furia and Turner  
1719 Rittenhouse Square  
Philadelphia, PA 19103

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for the defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

) CIVIL DIVISION  
)  
) No. ~~2006-1600-CD~~ **2008-1194**

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

**ORDER OF COURT**

AND NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the preliminary objections filed on behalf of DuBois Regional Medical Center, the defendant herein, it is hereby ORDERED, ADJUDGED and DECREED that said preliminary objections are GRANTED, with the Order of this Court being as follows.

- (1) All claims brought pursuant to the legal theory of negligence per se are hereby stricken;
- (2) All punitive damages claims against defendant are hereby stricken from the complaint, as well as the allegations concerning willful, wanton and gross misconduct in paragraph 11(n) of the complaint.
- (3) Paragraphs 11(t), 11(u), 11(w) and 11(ee) are stricken for failure to conform to Pennsylvania Rule of Civil Procedure 1019.

\_\_\_\_\_, J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

CIVIL DIVISION

No. 2008 – 1194-CD

Issue No.

**STIPULATION TO AVERMENTS OF  
PLAINTIFFS' COMPLAINT**

Filed on behalf of DuBois Regional Medical Center,  
defendant

Counsel of Record for This Party:

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

Brad R. Korinski, Esquire  
PA I.D. # 86831

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

(412) 232-3400

**FILED** *no cc*  
*mlo: 5430*  
AUG 14 2008 *62*

William A. Shaw  
Prothonotary/Clerk of Courts

STIPULATION TO AVERMENTS  
OF PLAINTIFFS' COMPLAINT

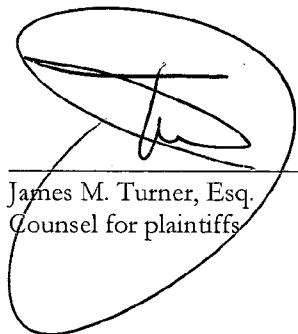
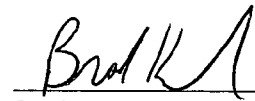
AND NOW, comes DuBois Regional Medical Center, the defendant, and files this within STIPULATION TO AVERMENTS OF PLAINTIFFS' COMPLAINT, in order to resolve all outstanding preliminary objections filed by defendant.

The plaintiffs agree to strike from the complaint the following sub-paragraphs 11(t), 11(u), 11(v). This resolves defendant's preliminary objection in the nature of a demurrer/motion to strike to all liability claims founded upon the theory of negligence per se.

The plaintiffs agree to strike from the complaint subparagraph 11(n). This resolves defendant's preliminary objection in the nature of a demurrer/motion to strike all allegations of willful, wanton and gross misconduct.

The plaintiffs agree to strike from the complaint the following sub-paragraphs: 11(t), 11(u), 11(w) and 11(ee). This resolves defendant's preliminary objection in the nature of a motion to strike for lack of specificity.

Respectfully Submitted,

  
\_\_\_\_\_  
James M. Turner, Esq.  
Counsel for plaintiffs  
\_\_\_\_\_  
Brad R. Korinski, Esq.  
Counsel for defendant

FILED *NO CC*  
*m/11:2130*  
AUG 28 2008 *EC*

William A. Shaw  
Prothonotary/Clerk of Courts

**FURIA and TURNER**

By: RICHARD F. FURIA, ESQUIRE

Attorneys for Plaintiffs

Identification No.: 09878

By: JAMES M. TURNER, ESQUIRE

Identification No.: 39738

1719 Rittenhouse Square

Philadelphia, PA 19103

(215) 985-4500

JUDITH RICE-BILLOCK AND DOUGLAS:

COURT OF COMMON PLEAS

BILLOCK, w/h

CLEARFIELD COUNTY

No.: 2008-1194-CD

v.

DUBOIS REGIONAL MEDICAL CENTER:

**PLAINTIFFS, JUDITH RICE-BILLOCK AND DOUGLAS BILLOCK'S,  
RESPONSE TO DEFENDANT, DUBOIS REGIONAL MEDICAL CENTER'S NEW  
MATTER**

Plaintiffs, by and through their attorney, Richard F. Furia, Esquire, files the following response to Defendant's New Matter as follows:

10. Denied. The averments contained in paragraph 10 of Defendant's New Matter are mere conclusions of law to which no response is required by the Pennsylvania Rules of Civil Procedure. To the extent that an answer is required, Plaintiff denies each and every averment contained in paragraph 10 of Defendant's New Matter and demands strict proof of same at time of trial.

11. Denied. The averments contained in paragraph 11 of Defendant's New Matter are mere conclusions of law to which no response is required by the Pennsylvania Rules of Civil Procedure. To the extent that an answer is required, Plaintiff denies each and every averment

contained in paragraph 11 of Defendant's New Matter and demands strict proof of same at time of trial.

12. Denied. It is denied that Plaintiff's complaint fails to state any cause of action against this defendant. To the contrary Plaintiff's Complaint states a cause of action against the Defendant. All allegations to the contrary are denied and strict proof is demanded at time of trial.

13. Denied. The averments contained in paragraph 13 of Defendant's New Matter are mere conclusions of law to which no response is required by the Pennsylvania Rules of Civil Procedure. To the extent that an answer is required, Plaintiff denies each and every averment contained in paragraph 13 of Defendant's New Matter and demands strict proof of same at time of trial.

14. Denied. The averments contained in paragraph 14 of Defendant's New Matter are mere conclusions of law to which no response is required by the Pennsylvania Rules of Civil Procedure. To the extent that an answer is required, Plaintiff denies each and every averment contained in paragraph 14 of Defendant's New Matter and demands strict proof of same at time of trial.

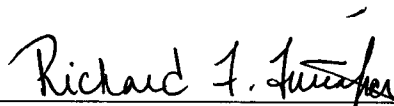
15. Denied. The averments contained in paragraph 15 of Defendant's New Matter are mere conclusions of law to which no response is required by the Pennsylvania Rules of Civil Procedure. To the extent that an answer is required, Plaintiff denies each and every averment contained in paragraph 15 of Defendant's New Matter and demands strict proof of same at time of trial.

16. Denied. The averments contained in paragraph 16 of Defendant's New Matter are mere conclusions of law to which no response is required by the Pennsylvania Rules of Civil Procedure. To the extent that an answer is required, Plaintiff denies each and every averment

contained in paragraph 16 of Defendant's New Matter and demands strict proof of same at time of trial.

WHEREFORE, Plaintiffs, demand that the Defendant's New Matter be stricken of record and that judgment be entered in favor of the Plaintiffs and against the Defendant.

**FURIA and TURNER**

  
\_\_\_\_\_  
RICHARD F. FURIA, ESQUIRE  
Attorney for Plaintiffs

## **VERIFICATION**

Judith A. Rice-Billock hereby verifies that I am the Plaintiff in the within action, and that the facts set forth in foregoing Pleading are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

\* Judith A. Rice - Billock

**CERTIFICATE OF SERVICE**

I, RICHARD F. FURIA, ESQUIRE , hereby certify that a true and correct copy of the  
within Response to New Matter was served upon the following individual by United States, First

Class Mail this date:

Brad R. Korinski, Esquire  
THOMAS, RHODES AND COWIE  
Two Chatham Center, 10<sup>th</sup> Floor  
Pittsburgh, PA 15219-3499

**FURIA and TURNER**

By: Richard F. Furia  
RICHARD F. FURIA, ESQUIRE  
Attorney for Plaintiffs

Dated: 8/26/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

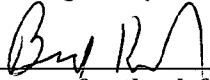
DUBOIS REGIONAL MEDICAL CENTER,

Defendant.

**NOTICE TO PLEAD**

**TO THE PLAINTIFFS:**

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

  
\_\_\_\_\_  
Attorneys for the defendant.

CIVIL DIVISION

No. 2008 – 1194-CD

Issue No.

**ANSWER AND NEW MATTER**

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

Brad R. Korinski, Esquire  
PA I.D. #86831

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

(412) 232-3400

**FILED** No cc.  
m/lb: 10 cm  
SEP - 2 2008  


William A. Shaw  
Prothonotary/Clerk of Courts

ANSWER AND NEW MATTER

NOW COMES the defendant, by its attorneys, Thomson, Rhodes & Cowie, P.C. and files the following answer and new matter averring as follows:

Answer

1. Defendant is advised and therefore believes that the Pennsylvania Rules of Civil Procedure do not require it to set forth its answer and defenses except as set forth below.

2. If and to the extent that any factual averment in the complaint is responded to in the paragraphs which follow, said averment is denied for the reason that, after a reasonable investigation, this defendant lacks sufficient information or knowledge upon which to form a belief as to the truth of the averments therein.

3. Each of the paragraphs of this answer should be read so as to incorporate by reference each of the other paragraphs of this answer.

4. Per stipulation filed with the Court on August 11, 2008, the parties have agreed to strike the following paragraphs from the complaint: 11(n), 11(t), 11(u), 11(v), 11(w) and 11(ee). In addition, under the same stipulation, the parties have agreed that the complaint does not set forth a claim for negligence *per se*. The referenced stipulation is incorporated into this answer and new matter as if same was set forth at length. Defendant's answer and new matter shall be read in conformance with the aforementioned stipulation.

4. The following paragraphs of the complaint are denied for the reason that, after a reasonable investigation, this defendant has insufficient information or knowledge to form a belief as to the truth of the averments therein: 1, 4, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 23. To the extent that any of these paragraphs contain legal conclusions, the Pennsylvania Rules of Civil Procedure do not require a response. However, if any response is deemed necessary, these paragraphs are denied.

5. Paragraph 2 of the complaint is denied as stated. DuBois Regional Medical Center is a not-for-profit corporation organized and existing as such under the laws of Pennsylvania. To the extent that this paragraph suggests or implies facts to the contrary, it is denied. The remaining averments of the complaint are admitted.

6. Paragraph 3 of the complaint is denied as stated. DuBois Regional Medical Center was the owner of the premises on which wife-plaintiff's accident occurred as described in the complaint. To the extent that this paragraph suggests or implies facts to the contrary, it is denied.

7. Paragraphs 5 and 22 of the complaint merely incorporate preceding paragraphs and do not contain averments of fact, therefore, a response is not required. However, if any response is deemed necessary, these paragraphs are denied.

8. Paragraphs 6 and 7 of the complaint are admitted in part; denied in part. It is admitted that defendant owned and was responsible for the premises identified in the complaint. However, the remaining averments of these paragraphs constitute conclusions of law to which no response is required. However, if a further response is deemed necessary, said averments in said paragraphs are denied for the reason that, at all times, defendant maintained the premises in a safe and non-hazardous manner.

9. Paragraphs 8, 9, 10, 11, 12 of the complaint (including its sub-paragraphs) constitute conclusions of law to which no response is required. However, if any response is deemed necessary, these paragraphs and sub-paragraphs are denied.

WHEREFORE, plaintiffs' complaint should be dismissed and judgment should be entered in favor of the defendant.

New Matter

10. Defendant pleads the applicability of the Pennsylvania Comparative Negligence Statute as an affirmative defense.

11. While denying all negligence and all liability, this defendant avers that if it is found to have been negligent in any respect, any liability resulting therefrom would be diminished or barred by operation of the Pennsylvania Comparative Negligence Statute.

12. Plaintiff's complaint fails to state any cause of action against this defendant.

13. Defendant pleads the doctrines of intervening and superseding causes as affirmative defenses.

14. Defendant pleads "payment" as an affirmative defense to the extent that any amount less than the amount billed for medical services to the plaintiff after the alleged incident was accepted as payment in full.

15. Defendant is not liable for any pre-existing medical conditions which caused the claimed injuries and/or damages.

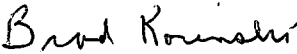
16. Defendant raises the defense of the statute of limitations.

WHEREFORE, plaintiffs' complaint should be dismissed and judgment should be entered in favor of the defendant.

JURY TRIAL DEMANDED.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

  
\_\_\_\_\_  
David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for the defendant.

VERIFICATION

I, Gregory J. Volpe in the capacity of  
Director of Risk Mgt at DuBois Regional Med Ctr have read the  
foregoing ANSWER AND NEW MATTER. The statements therein are correct to the best of my  
personal knowledge or information and belief.

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




Date: 8-20-08

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within document has been served upon the following counsel of record and same placed in the U.S. Mails on this 21<sup>st</sup> day of Aug, 2008:

James M. Turner, Jr., Esquire  
Furia and Turner  
1719 Rittenhouse Square  
Philadelphia, PA 19103

THOMSON, RHODES & COWIE, P.C.

  
\_\_\_\_\_  
David R. Johnson, Esquire  
Brad R. Korinski, Esquire  
Attorneys for the defendant.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104348  
NO: 08-1194-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: JUDITH RICE BILLOCK  
vs.  
DEFENDANT: DUBOIS REGIONAL MEDICAL CENTER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	FURIA	19104	10.00
SHERIFF HAWKINS	FURIA	19104	40.23

5  
FILED  
03:30 PM  
OCT 10 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

FILED

MAR 24 2010  
William A. Shaw  
Prothonotary/Clerk of Courts  
no C/

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

CIVIL DIVISION

No. 2008 – 1194-CD

Issue No.

**PRAECIPE FOR STATUS CONFERENCE  
PURSUANT TO RULE 212.1**

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

Christian W. Wrabley, Esquire  
PA I.D. #92630

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

(412) 232-3400

**PRAECIPE FOR STATUS CONFERENCE PURSUANT TO RULE 212.1**

AND NOW, comes the defendant, by its attorneys, Thomson, Rhodes & Cowie, P.C., and requests that this Honorable Court enter an order scheduling a status conference pursuant to Rule 212.1 in the above-captioned matter.

Respectfully submitted,

THOMSON, RHODES & COWIE, P.C.

By: 

David R. Johnson, Esquire  
PA 26409

Christian W. Wrabley, Esquire  
PA 92630

Firm #720  
1010 Two Chatham Center  
Pittsburgh, PA 15219  
Phone (412) 232-3400  
Fax # (412) 232-3498

Attorneys for defendant

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within document has been served upon the following counsel of record and same placed in the U.S. Mails on this 19<sup>th</sup> day of March, 2010:

Richard F. Furia, Esquire  
James Turner, Esquire  
Furia and Turner  
1719 Rittenhouse Square  
Philadelphia, PA 19103

THOMSON, RHODES & COWIE, P.C.



David R. Johnson, Esquire  
Christian W. Wrabley, Esquire  
Attorneys for the defendant

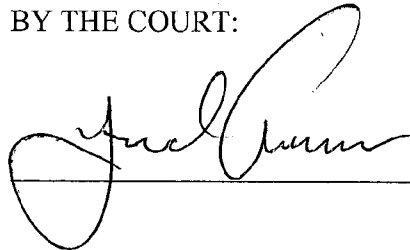
## IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS	)	CIVIL DIVISION
BILLOCK, wife and husband,	)	
	)	No. 2008 – 1194-CD
Plaintiffs,	)	
	)	
vs.	)	
	)	
DUBOIS REGIONAL MEDICAL	)	
CENTER,	)	
	)	
Defendant.	)	

ORDER OF COURT

AND NOW on this 25 day of March, 2010, it is hereby  
 ORDERED, ADJUGED and DECREED that a status conference requested by defendant is  
 scheduled for the 20<sup>th</sup> day of April, 2010, at 11:00  
a.m. before Judge Ammerman in Judge's Chambers of the Clearfield  
 County Courthouse.

BY THE COURT:


 J.

FILED

MAR 26 2010

 William A. Shaw  
 Prothonotary/Clerk of Courts

(CA)

**FILED**  
MAR 24 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

MAR 26 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3/26/10

☒ You are responsible for serving all appropriate parties.

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

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

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

\_\_\_ Special Instructions:

5  
**FILED** <sup>ED</sup>

APR 05 2010

*W. A. Shaw*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*no C/C*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JUDITH RICE-BILLOCK and DOUGLAS  
BILLOCK, wife and husband,

Plaintiffs,

vs.

DUBOIS REGIONAL MEDICAL  
CENTER,

Defendant.

CIVIL DIVISION

No. 2008 – 1194-CD

Issue No.

**AFFIDAVIT OF SERVICE OF COURT  
ORDER**

Code: 007

Filed on behalf of defendant.

Counsel of Record for This Party:

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

Christian W. Wrabley, Esquire  
PA I.D. #92630

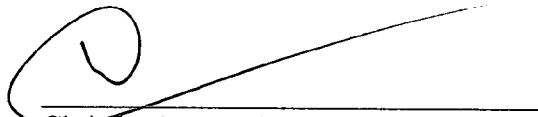
THOMSON, RHODES & COWIE, P.C.  
Firm #720  
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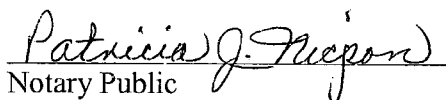
AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared Christian W. Wrabley, Esquire, who, being duly sworn, deposes and says that a true and correct copy of the Judge Ammerman's March 25, 2010 Order in the above-captioned case was served upon plaintiff's counsel, James Turner, Esquire, Furia and Turner, 1719 Rittenhouse Square, Philadelphia, PA 19103, by United States, first class, postage pre-paid mail on March 31, 2010, as shown by the certificate of mailing attached hereto.

THOMSON, RHODES & COWIE, P.C.

  
Christian W. Wrabley, Esquire

Sworn to and subscribed before me  
this 31<sup>st</sup> day of March, 2010.

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Patricia J. Nicpon, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Oct. 28, 2010

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To: James Turner, Esq.  
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CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the within document has been served upon the following counsel of record and same placed in the U.S. Mails on this 21st day of March, 2010:

Richard F. Furia, Esquire  
James Turner, Esquire  
Furia and Turner  
1719 Rittenhouse Square  
Philadelphia, PA 19103

THOMSON, RHODES & COWIE, P.C.

  
\_\_\_\_\_  
David R. Johnson, Esquire  
Christian W. Wrabley, Esquire  
Attorneys for the defendant

William A. Shaw  
Prothonotary/Clerk of Courts

APR 05 2010

FILED

**FURIA and TURNER**

By: Richard F. Furia, Esquire

Identification No.: 09878

By: James M. Turner, Jr., Esquire

Identification No.: 39738

1719 Rittenhouse Square

Philadelphia, PA 19103-6109

(215) 985-4500

Attorneys for Plaintiff(s)

JUDITH RICE-BILLOCK AND DOUGLAS:

BILLOCK, w/h

COURT OF COMMON PLEAS

CLEARFIELD COUNTY

No.: 2008-1194-CD

v.

DUBOIS REGIONAL MEDICAL CENTER:

**ORDER TO SETTLE, DISCONTINUE AND END**

**To the Prothonotary:**

Kindly mark the above-captioned matter settled, discontinued and ended upon  
payment of your costs only.

**FURIA and TURNER**

By:

  
\_\_\_\_\_  
RICHARD F. FURIA, ESQUIRE  
JAMES M. TURNER, JR., ESQUIRE

**FILED**

MAY 27 2010

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**MAY 27 2010**

William A. Shaw  
Prothonotary/Clerk of Courts