

08-1552-CD
Frank Mizikar al vs John Martino

Westmoreland County
PROTHONOTARY
RON DIEHL

08-1552-CD

CHARLES WOLFE
Deputy Prothonotary

724-830-3502
Fax: 724-830-3517
PROTHON@WPA.NET

August 15, 2008

Clerk of Court & Prothonotary
William A. Shaw
P.O. Box 549
Clearfield, Pa 16830-0549

IN RE: 3690 of 2004
Frank J. Mizikar and
Shelva R. Mizikar, his wife,
Plaintiff's

Vs
John Martino,
Defendant

Dear Mr. Shaw,

The attached papers are being sent to you as per Order of Court dated August 1, 2008.

Sincerely,

Marian Stubbs
Marian Stubbs, for Prothonotary

FILED *Billable*
724-830-3502
AUG 19 2008 *\$75.00*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY
CIVIL ACTION LAW

Frank J. Mizikar and
Shelva R. Mizikar, his wife,
Plaintiff's,

No: 3690 of 2004

Vs

John Martino,
Defendant,

- | | |
|---|-----------------|
| 1. Praecipe Writ of Summons | May 18, 2004 |
| 2. Sheriff's Return | June 25, 2004 |
| 3. Complaint Civil Action | May 7, 2007 |
| 4. Appearance on behalf of John Martino Defendant | June 5, 2007 |
| 5. Motion to Transfer Case Clearfield County, Pa. | August 15, 2008 |

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW/EQUITY
COVER SHEET

FRANK J. MIZIKAR AND
SHELVA R. MIZIKAR, HHS
WIFE

Plaintiff(s)

vs.

JOHN MARTINO

Defendant(s)

Date Filed: 5/18/04

Case No: 3690 of 2004

Judge: Ackerman

Counsel of Record: ROBERT J. SPECHT

Attorney For: PLAINTIFFS

PA I.D. # : 68256

Firm: MOROCCO, MOROCCO + SPECHT P.C.

Address: 315 CAVITT AVE

TRAFFORD PA 15085

Phone No. (412) 373-0439

PLEASE ANSWER ALL OF THE FOLLOWING SECTIONS.

- I. IS THIS A MEDICAL MALPRACTICE CASE? YES ☒ NO
- II. IS THIS A REQUEST FOR AN IMMEDIATE INJUNCTION? YES ☒ NO
- III. IS THE AMOUNT IN CONTROVERSY LESS THAN \$30,000? YES ☒ NO
- IV. DO YOU ANTICIPATE THAT A TRIAL IN THIS CASE WILL TAKE MORE THAN 5 DAYS? IF "YES," THE PLAINTIFF MUST INFORM THE ASSIGNED JUDGE WHEN ALL ANSWERS DUE HAVE BEEN FILED. YES ☒ NO

V. PLEASE INDICATE IF THE CAUSE OF ACTION IS ONE OF THE FOLLOWING:

- ☐ APPEAL BOARD OF ASSESSMENT
- ☐ APPEAL SUSPENSION DRIVER'S LICENSE
- ☐ APPEAL SUSPENSION INSURANCE
- ☐ APPEAL SUSPENSION INSPECTION LICENSE
- ☐ APPEAL SUSPENSION REGISTRATION
- ☐ APPEAL SUSPENSION TEMPORARY CARD/PLATE
- ☐ APPEAL OF DISTRICT JUSTICE CONTEMPT ORDER
- ☐ COMPLAINT ASBESTOS
- ☐ COMPLAINT REPLEVIN
- ☐ MOTION/PETITION CHANGE OF NAME
- ☐ PETITION APPOINTMENT CONSTABLE/HUMANE OFFICER
- ☐ PETITION MANDATORY JUDICIAL SALE
- ☐ PETITION SET ASIDE JUDICIAL SALE
- ☐ STATEMENT OF OBJECTION

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
CIVIL DIVISION

FRANK J. MIZIKAR and
SHELVA R. MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

03690 of 2004

No. 3690 of 2004

**PRAECIPE FOR WRIT OF
SUMMONS**

Filed on behalf of:

Frank J. Mizikar and
Shelva R. Mizikar, Plaintiffs

Counsel for Plaintiffs:

ROBERT J. SPECHT, ESQ.
PA ID # 68256

MOROCCO, MOROCCO &
SPECHT, P.C.
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639



FILED
JUL 13 2004
TAX COURT
PROthonary

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
CIVIL DIVISION

FRANK J. MIZIKAR and)
SHELVA R. MIZIKAR, his wife,)

Plaintiffs,)

vs.)

JOHN MARTINO,)

Defendant.)

No. 3690 of 2004

PRAECIPE FOR WRIT OF SUMMONS

To: Ron Diehl, Prothonotary

Please issue a Writ of Summons on behalf of the Plaintiffs, Frank J.
Mizikar and Shelva R. Mizikar, his wife, and against the Defendant, John Martino.

Respectfully submitted,

MOROCCO, MOROCCO & SPECHT, P.C.

By: 

Robert J. Specht, Esquire

Attorney for Plaintiffs

PA I.D. #68256

315 Cavitt Avenue

Trafford, PA 15085

(412) 373-0639

Dated: 6/6/04

ml
x
Jefferson
County

CHRIS SCHEPHER, SHERIFF OF WESTMORELAND COUNTY

2 NORTH MAIN STREET

GREENSBURG, PA 15601

(724) 830-3457 Fax (724) 830-3660

DATE: 5-27-04

PG

LAST DAY TO SERVE: 6-17-04

PLAINTIFF: FRANK J. MIZIKAR and SHELVA R. MIZIKAR,
VS. his wife

DEFT(S): JOHN MARTINO

SERVE: John Martino
(DEFT(S)/GARNISHEE)

ADDRESS: 1528 Main Street
Brockway, PA 15824
(Jefferson County)

CASE# 3690 of 2004

- ☐ NOTICE/COMPLAINT
☒ SUMMONS -1
☐ REVIVAL OR SCI FA
☐ SEIZURE OR POSSESSION
☐ INTERROGATORIES
☐ EXECUTION, GARNISHEE
☐ HANDBILL
☐ NOTICE SALE/DEBTORS RIGHT
☐ OTHER
☐ LETTER MAILED

ATTY: Robert J. Specht, Esq.

ADDRESS: 315 Cavitt Avenue
Trafford, PA 15085

PHONE: (412) 373-0639

INDICATE TYPE OF SERVICE

- ☒ PERSON IN CHARGE ☐ PERSONAL ONLY ☒ DEPUTIZE ☐ POST
☐ CERTIFIED MAIL ☐ SEIZE/STORE ☐ OTHER

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 10th day of June 20 04, at 4:00 o'clock AM/P.M.

Address Above/Address Below, County of Westmoreland Pennsylvania I have served in the manner Described below:

- ☒ Defendant(s) personally served
☐ Adult in charge of Defendant's residence at time of service (name & relationship)
☐ Manager/other person authorized to accept
☐ Agent or person in charge of Defendant(s) office or usual place of business
☐ Other
☐ Property Posted

Defendant Not Found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

☐ Attempts made by leaving Sheriff's Card No response

☐ Certified Mail ☐ 1st Class Mail ☐ Ordinary Mail/Certificate of Mailing

ATTEMPTS

DEPUTY'S REMARKS: Served at new address of 707 McCullough Avenue, Borough of Brockway, County of Jefferson, State of Pennsylvania

DEPUTY'S SIGNATURE:

Advanced monies received	West'd Sheriff's Costs	Deputized Cty Costs	TOTAL COSTS RECORDED
\$ <u>100.00</u>	\$ <u>36.50</u>	\$ <u>Jefferson Co</u> 47.28	\$ <u>36.50</u>

Refund	Additional Amt Owed
\$ <u>63.50</u>	\$

NOW: May 27 20 04 I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputized the Sheriff of Jefferson County to execute this Writ and make return thereof according to law.

Deputized Cty Ck # 6699 Advance Amt \$ 125.00

Deputized Notary Ck \$

AFFIRMED and subscribed to before me this

23rd day of June 20 04

Paula G. Stent My Commission Expires 06/11/04

Notary Public/Prothonotary

Prothonotary (White Copy)

Attorney (Canary Copy)

First Monday January 2005

Sheriff (Pink Copy)

Deputized Sheriff (Gold Copy)

Deputized Sheriff

Chris Scherer
Signature of Sheriff (Westmoreland Co)

06/11/04

Date

6-24-04

Date

BA

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA.
CIVIL ACTION

FRANK J. MIZIKAR and
SHELVA R. MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

No. 3690 of 2004

**COMPLAINT IN CIVIL
ACTION**

Filed on behalf of:

Frank J. Mizikar and Shelva R.
Mizikar, Plaintiffs

Counsel of record for
this party:

ROBERT J. SPECHT, ESQ.
PA I.D. # 68256

MOROCCO, MOROCCO, &
SPECHT, P.C.
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639

PROCTOR'S OFFICE
WESTMORELAND COUNTY

07 MAY -7 PM 3:07

FILED
CLERK OF COURT
WESTMORELAND COUNTY

W

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
CIVIL DIVISION

FRANK J. MIZIKAR and)	
SHELVA R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	
)	
vs.)	No. 3690 of 2004
)	
JOHN MARTINO,)	
)	
Defendant.)	

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 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, TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

LAWYER REFERRAL SERVICE
WESTMORELAND BAR ASSOCIATION
P.O. BOX 565
GREENSBURG, PA 15601
(724) 834-8490

AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Westmoreland County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact Human Resources at (724) 830-4057. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
CIVIL DIVISION

FRANK J. MIZIKAR and)	
SHELVA R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	
)	
vs.)	No. 3690 of 2004
)	
JOHN MARTINO,)	
)	
Defendant.)	

COMPLAINT IN CIVIL ACTION

AND NOW, comes the Plaintiffs, FRANK J. MIZIKAR and SHELVA R. MIZIKAR, by and through their attorneys, Morocco, Morocco & Specht, P.C., by Robert J. Specht, Esquire, who file the within Complaint in Civil Action and avers the following:

1. Plaintiffs, FRANK J. MIZIKAR and SHELVA R. MIZIKAR, are husband and wife, who at all times pertinent to this action resided at Box 44, United, Westmoreland County, Pennsylvania 15689.
2. Defendant, JOHN MARTINO, is an adult individual, whose last known address is 707 McCullough Avenue, Brockway, Jefferson County, Pennsylvania, 15824.
3. This action arises out of injuries sustained by the Plaintiffs, FRANK J. MIZIKAR and SHELVA R. MIZIKAR, which occurred on June 23, 2002, at

approximately 6:00 p.m., while Plaintiffs were driving their Chevrolet Geo Tracker on Route 219 near Du Bois, Clearfield County, Pennsylvania.

4. The Plaintiff, FRANK J. MIZIKAR, was seated in the driver's seat, while Plaintiff, SHELVA R. MIZIKAR, was seated in the front passenger seat of their respective vehicle.

5. Plaintiffs were stopped at a red light, when suddenly and without warning, the Defendant's vehicle struck the rear of Plaintiffs' vehicle, causing the Plaintiffs to be tossed about their vehicle.

6. The Plaintiffs, FRANK J. MIZIKAR and SHELVA R. MIZIKAR, and the Defendant, JOHN MARTINO, exchanged information at the scene of the accident.

7. Plaintiffs, FRANK J. MIZIKAR and SHELVA R. MIZIKAR, allege that the Defendant, JOHN MARTINO, was negligent and that said negligence was the proximate cause of their injuries.

COUNT ONE - NEGLIGENCE
PLAINTIFF, FRANK J. MIZIKAR VS. DEFENDANT, JOHN MARTINO

8. Plaintiff, FRANK J. MIZIKAR, hereby incorporates Paragraphs 1 through 7, as if more fully set forth herein at length.

9. Plaintiff, FRANK J. MIZIKAR, alleges that Defendant, JOHN MARTINO, was negligent in the following particulars:

a. In operating his vehicle at a speed too fast for conditions; thereby striking Plaintiffs' vehicle, while it was in a stopped position.

b. In failing to keep a proper look out ahead; and striking Plaintiffs' vehicle which was stopped and in plain sight.

c. In failing to have his vehicle under such control so that the vehicle could be brought to a reasonable safe stop, without striking Plaintiffs' vehicle which was stopped at a traffic device.

d. In swerving around another vehicle, passing on a double yellow line and striking Plaintiffs' vehicle.

10. As a result of the accident on June 23, 2002, the Plaintiff, FRANK J. MIZIKAR, sustained the following injuries:

- a. Left knee injury;
- b. Left shoulder injury;
- c. Concussion;
- d. Jaw dislocation; and
- e. Neck injury.

11. Plaintiff, FRANK J. MIZIKAR, as a direct and proximate result of the negligence, recklessness and carelessness of Defendant, JOHN MARTINO, was violently struck and whipped about in the interior of Plaintiffs' vehicle and suffered severe injuries and must contend with pain from those injuries every day.

12. As a result of his injuries, Plaintiff, FRANK J. MIZIKAR, has incurred medical expenses for the injuries he sustained and will continue to incur further medical expense and income loss.

13. As a result of his injuries, Plaintiff, FRANK J. MIZIKAR, has been unable to undertake his normal duties and employment and believes that he will continue to suffer impairments and disabilities in the future which will result in a decrease in his earning capacity.

14. Plaintiff, FRANK J. MIZIKAR, seek compensation for the following items:

a. Compensation for pain, suffering and inconvenience, past, present and future; and

b. Reimbursement for all medical bills not paid for under first party benefit payments.

WHEREFORE, Plaintiff, FRANK J. MIZIKAR, respectfully requests this Court to enter judgment against the Defendant, JOHN MARTINO, in excess of \$30,000.00, plus interests and costs of suit.

COUNT TWO - NEGLIGENCE
PLAINTIFF, SHELVA R. MIZIKAR VS. DEFENDANT, JOHN MARTINO

15. Plaintiff, SHELVA R. MIZIKAR, hereby incorporates Paragraphs 1 through 14, as if more fully set forth herein at length.

16. Plaintiff, SHELVA R. MIZIKAR, alleges that Defendant, JOHN MARTINO, was negligent in the following particulars:

c. In operating his vehicle at a speed too fast for conditions; thereby striking Plaintiffs' vehicle, while it was in a stopped position.

d. In failing to keep a proper look out ahead; and striking Plaintiffs' vehicle which was stopped and in plain sight.

e. In failing to have his vehicle under such control so that the vehicle could be brought to a reasonable safe stop, without striking Plaintiffs' vehicle which was stopped at a traffic device.

4. In swerving around another vehicle, passing on a double yellow line and striking Plaintiffs' vehicle.

17. As a result of the accident on June 23, 2002, the Plaintiff, SHELVA R. MIZIKAR, sustained the following injuries:

- a. Neck injury;
- b. Hip injury; and
- c. Lower back injury.

18. Plaintiff, SHELVA R. MIZIKAR, as a direct and proximate result of the negligence, recklessness and carelessness of Defendant, JOHN MARTINO, was violently struck and whipped about in the interior of Plaintiffs' vehicle and suffered severe injuries and must contend with pain from those injuries every day.

19. As a result of her injuries, Plaintiff, SHELVA R. MIZIKAR, has incurred medical expenses for the injuries she sustained and will continue to incur further medical expense and income loss.

20. As a result of her injuries, Plaintiff, SHELVA R. MIZIKAR has been unable to undertake her normal duties and employment and believes that she will continue to suffer impairments and disabilities in the future, which will result in a decrease in her earning capacity.

21. Plaintiff, SHELVA R. MIZIKAR, seek compensation for the following items:

- a. Compensation for pain, suffering and inconvenience, past, present and future; and
- b. Reimbursement for all medical bills not paid for under first party benefit payments.

WHEREFORE, Plaintiff, SHELVA R. MIZIKAR, respectfully requests this Court to enter judgment against the Defendant, JOHN MARTINO, in excess of \$30,000.00, plus interests and costs of suit.

COUNT THREE - CONSORTIUM
PLAINTIFF, FRANK J. MIZIKAR VS. DEFENDANT, JOHN MARTINO

22. Plaintiff, FRANK J. MIZIKAR, hereby incorporates Paragraphs 1 through 21, as if more fully set forth herein at length.

23. As a result of said injuries to wife/Plaintiff, husband/Plaintiff, has been deprived of his wife's physical intimacy, aid, comfort, services, assistance, companionship and consortium.

WHEREFORE, Plaintiff, FRANK J. MIZIKAR, respectfully requests this Court to enter judgment against the Defendant, JOHN MARTINO, in excess of \$30,000.00, plus interests and costs of suit.

COUNT FOUR - CONSORTIUM
PLAINTIFF, SHELVA R. MIZIKAR VS. DEFENDANT, JOHN MARTINO

24. Plaintiff, SHELVA R. MIZIKAR, hereby incorporates Paragraphs 1 through 23 as if more fully set forth herein at length.

25. As a result of said injuries to husband/Plaintiff, wife/Plaintiff,

has been deprived of her husband's physical intimacy, aid, comfort, services, assistance, companionship and consortium.

WHEREFORE, Plaintiff, SHELVA J. MIZIKAR, respectfully requests this Court to enter judgment against the Defendant, JOHN MARTINO, in excess of \$30,000.00, plus interests and costs of suit.

Respectfully submitted,

MOROCCO, MOROCCO & SPECHT, P.C.

By: 

Robert J. Specht, Esquire
Attorney for Plaintiffs

VERIFICATION

We, Frank J. Mizikar and Shelva R. Mizikar, do hereby verify that the facts contained in the foregoing document are true and correct to the best of our knowledge, information, and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

By: Frank J. Mizikar
Frank J. Mizikar

By: Shelva R. Mizikar
Shelva R. Mizikar

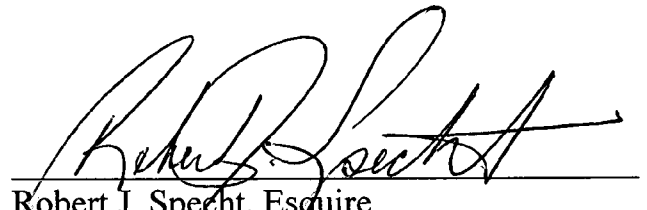
Dated: 3/28/07

CERTIFICATE OF SERVICE

I hereby certify that I have served the Complaint in Civil Action upon the person and in the manner indicated below, which service satisfies the requirements of Pa. R.C.P. 4019:

FIRST CLASS MAIL, POSTAGE PREPAID:

**JOHN MARTINO
707 MCCULLOUGH AVENUE
BROCKWAY, PA 15824**


Robert J. Specht, Esquire
P.A. I.D.#: 68256
MOROCCO, MOROCCO & SPECHT, P.C.
315 Cavitt Avenue
Trafford, PA 15085

Date: May 2, 2007

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

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

Plaintiff,

vs

JOHN MARTINO,

Defendant.

No. 3690 of 2004

Filed on behalf of: John Martino,
Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
1225 One Oxford Center
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

PROthonotary's OFFICE
WESTMORELAND COUNTY
07 JUN -5 PM 12:45
TAX AND FEE \$
RON DIEHL
PROTHONOTARY

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

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 3690 of 2004

VS

JOHN MARTINO,

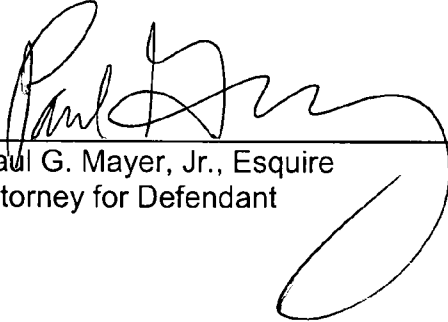
Defendant.

PRAECIPE FOR APPEARANCE

TO: PROTHONOTARY

Kindly enter my appearance on behalf of John Martino the Defendant in the
above captioned matter.

EISENBERG & TORISKY



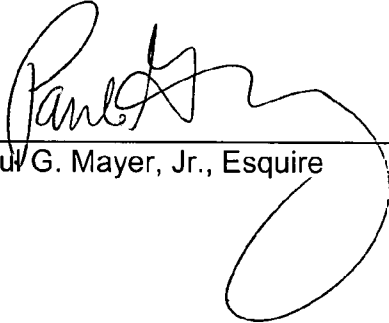
Paul G. Mayer, Jr., Esquire
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Praecipe for Appearance** was served upon the following at their address of record by first class mail, postage prepaid, this **3rd** day of **June, 2007**.

Robert J. Specht, Esq.
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue.
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R MIZIKAR, No. 3690 of 2004

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

MOTION TO TRANSFER CASE

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Center
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

PROTHONOTARY'S OFFICE
WESTMORELAND COUNTY
08 AUG 15 PM 1:57
TAX AND FEE
RCN DEPT
PROTHONOTARY

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiff,

vs

JOHN MARTINO,

Defendant.

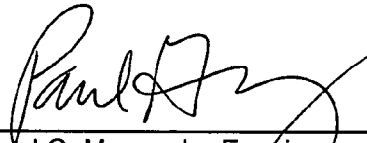
CIVIL DIVISION

No. 3690 of 2004

NOTICE OF PRESENTATION

Please take notice that the within **Motion to Transfer Case** will be presented before the Honorable Daniel J. Ackerman, on **Friday, August 1, 2008 at 9:00 a.m.** or as soon thereafter as suits the convenience of the Court.

EISENBERG & TORISKY



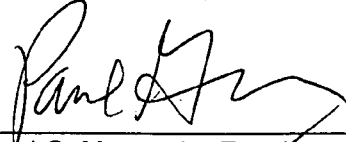
Paul G. Mayer, Jr., Esquire
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion to Transfer Case** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **25th** day of **July, 2008**, to:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue.
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire
Attorney for Defendant

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiff,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 3690 of 2004

MOTION TO TRANSFER CASE

AND NOW, comes the Defendant, John Martino, by his attorneys, Paul G. Mayer, Jr., Esquire and the Law Office of Eisenberg & Torisky, and sets forth the following Motion to Transfer Case.

1. This matter arises out of an automobile accident which occurred June 23, 2002, at DuBois, Clearfield County, Pennsylvania.

2. The Defendant in this matter, John Martino, is an individual who resides in Brockway, Jefferson County, Pennsylvania.

3. This action was filed by Plaintiff in Westmoreland County, Pennsylvania, where Plaintiffs, Frank J. Mizikar and Shelva R. Mizikar, reside.


4. As the accident occurred in Clearfield County and the Defendant resides in Jefferson County, proper venue for this matter is either Jefferson or Clearfield County, but not Westmoreland County, as there is no basis for jurisdiction there.

5. Defendant counsel, along with Plaintiff counsel, have agreed to transfer this matter to Clearfield County, Pennsylvania.

WHEREFORE, Defendant, John Martino, requests this Honorable Court to transfer this action to Clearfield County, Pennsylvania

Respectfully submitted,

By:



Paul G. Mayer, Jr.
Counsel for Defendant, John Martino

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiff,

vs

JOHN MARTINO,

Defendant.

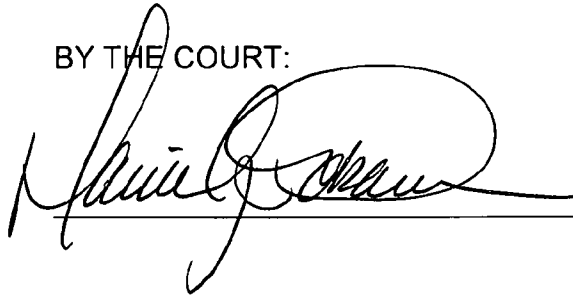
CIVIL DIVISION


No. 3690 of 2004

ORDER OF COURT

AND NOW, this 1st day of August, 2008, it is **ORDERED** this
action is transferred to Clearfield County, Pennsylvania, for all further proceedings.

BY THE COURT:

 J.

Date 8-18-08
Certified to be a
True Copy

Prothonotary

PLEASE REMIT:

COPY

Bill for service –

August 19, 2008

Transfer of Case from Westmoreland
County, Re: Mizikar etal vs. Martino
Clearfield Co. No:08-1552-CD

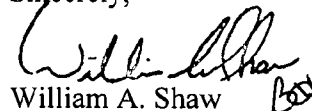
Cost: \$75.00

Remit to: Clearfield County Prothonotary, PO Box 549, Clearfield, PA 16830

Robert J. Specht, Esq:

Please remit \$75.00 for the transfer of the above-referenced case from Westmoreland County at your earliest convenience. If you have any questions, please contact my office at (814) 765-2641, ext. 1330. Thank you.

Sincerely,



William A. Shaw
Prothonotary

Enclosures

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF, FRANK J.
MIZIKAR**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED *no cc*
m/10:30
SEP 15 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

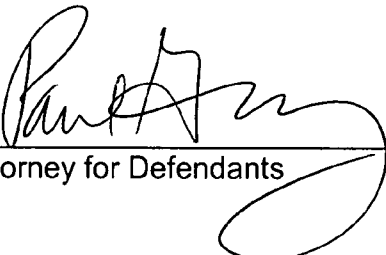
No. 08-1552-CD

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO PLAINTIFF, FRANK J. MIZIKAR**

TO: PROTHONOTARY

It is hereby certified that the Interrogatories and Request for Production of Documents were forwarded to counsel for Plaintiffs on this **11th of September, 2008** by U.S. First Class Mail.

EISENBERG & TORISKY



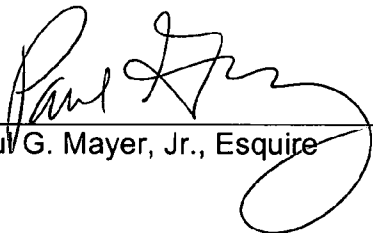
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF, FRANK J. MIZIKAR** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **11th** day of **September, 2008**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**NOTICE OF SERVICE OF
INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF, SHELVA R.
MIZIKAR**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED *no cc*
m110:3641
SEP 15 2008
UM
William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

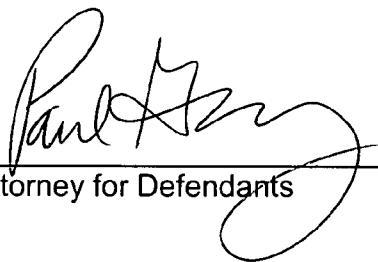
No. 08-1552-CD

**NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS DIRECTED TO PLAINTIFF, SHELVA R. MIZIKAR**

TO: PROTHONOTARY

It is hereby certified that the Interrogatories and Request for Production of Documents were forwarded to counsel for Plaintiffs on this 11th of September, 2008 by U.S. First Class Mail.

EISENBERG & TORISKY



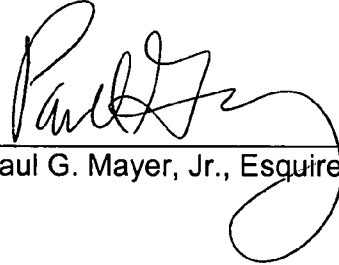
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF, SHELVA R. MIZIKAR** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **11th** day of **September, 2008**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY

A handwritten signature in black ink, appearing to read "Paul G. Mayer, Jr.", is written over a horizontal line. The signature is stylized with a large, looping initial "P" and a long, sweeping underline.

Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

VS

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**ANSWER, NEW MATTER AND NEW
MATTER PURSUANT TO RULE 2252(d)**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

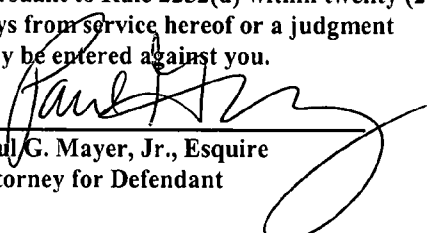
Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

NOTICE TO PLEAD

You are hereby notified to plead to
the following New Matter and New Matter
Pursuant to Rule 2252(d) within twenty (20)
days from service hereof or a judgment
may be entered against you.


Paul G. Mayer, Jr., Esquire
Attorney for Defendant

JURY TRIAL DEMANDED

FILED *no cc*
m/10:36/81
SEP 15 2008 *EU*

William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)

AND NOW, comes the defendant, JOHN MARTINO, by his attorney, Paul G. Mayer, Jr., Esquire and the Law Office of Eisenberg & Torisky, and sets forth the following Answer, New Matter and New Matter under Rule 2252(d):

1. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1.

2. Admitted.

3. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 3.

4. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 4.

5. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 5.

6. Admitted.

7. Paragraph 7 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 7 is denied pursuant to PA.R.C.P. 1029(e).

COUNT I

8. The defendant incorporates paragraphs 1 through 7 above as if the same were fully set forth.

9. Paragraph 9 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 9, including subparagraphs (a) through (d) are denied pursuant to PA.R.C.P. 1029(e).

10. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 10 including subparagraphs (a) through (e), and strict proof of any injuries alleged is demanded.

11. Paragraph 11 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 11 is denied pursuant to PA.R.C.P. 1029(e).

12. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 12, and strict proof thereof is demanded.

13. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 13, and strict proof thereof is demanded.

14. Paragraph 14 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 14, including subparagraphs (a) and (b) are denied pursuant to PA.R.C.P. 1029(e).

COUNT II

15. The defendant incorporates paragraphs 1 through 14 above as if the same were fully set forth.

16. Paragraph 16 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 16, including subparagraphs (c) through (e) are denied pursuant to PA.R.C.P. 1029(e).

17. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 17, including subparagraphs (a) through (c), and strict proof of any injuries or damages alleged by plaintiff is demanded.

18. Paragraph 18 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 18 is denied pursuant to PA.R.C.P. 1029(e).

19. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 19, and strict proof of any injury or damage claim is demanded.

20. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 20, and strict proof of any injury or damage claim is demanded.

21. Paragraph 21 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 21, including subparagraphs (a) and (b) are denied pursuant to PA.R.C.P. 1029(e).

COUNT III

22. The defendant incorporates paragraphs 1 through 21 above as if the same were fully set forth.

23. Paragraph 23 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 23 is denied pursuant to PA.R.C.P. 1029(e).

COUNT IV

24. The defendant incorporates paragraphs 1 through 23 above as if the same were fully set forth.

25. Paragraph 25 sets forth conclusions of law to which no responsive pleading is required. To the extent a responsive pleading may be deemed required, paragraph 25 is denied pursuant to PA.R.C.P. 1029(e).

WHEREFORE, defendant JOHN MARTINO denies that he is liable to plaintiffs, and requests that judgment be entered in his favor.

NEW MATTER

26. Defendant raises the comparative negligence act as a defense.

27. Defendant raises assumption of risk as a defense.

28. Defendant raises the sudden emergency doctrine as a defense.

29. Defendant raises the provisions of the Pennsylvania Motor Vehicle Financial Responsibility Law as a defense, and avers that plaintiff may not prove, plead, introduce into evidence or recover any benefits paid or payable under the Pennsylvania Motor Vehicle Financial Responsibility Law.

30. Defendant raises the plaintiff's selection of the limited tort option, if applicable, and further alleges that plaintiff's injuries do not meet the "serious injury" threshold as set forth in the Pennsylvania Motor Vehicle Financial Responsibility Law.

31. Defendant avers that injuries or damages claimed by plaintiff in the complaint were the result of superseding and/or intervening causes over which this defendant had no control.

32. This defendant raises the applicable statute of limitations as an affirmative defense to plaintiff's complaint.

33. Defendant avers that the injuries and damages claimed by plaintiff are or may be the result of pre-existing conditions, and were not caused by, or aggravated by, the incident in question.

WHEREFORE, defendant, JOHN MARTINO, denies that he is liable to plaintiffs, and requests that judgment be entered in his favor.

NEW MATTER UNDER RULE 2252(d)

34. Defendant JOHN MARTINO denies that he is liable to plaintiffs, as alleged in their complaint, for failing to operate his vehicle at a reasonable speed; failure to keep a proper lookout and observe oncoming traffic; suddenly stopping in the roadway; and otherwise being negligent under the circumstances.

35. To the contrary, Defendant JOHN MARTINO alleges that FRANK J. MIZIKAR was solely liable for any damages alleged by himself or SHELVA J. MIZIKAR, or is liable to defendant for indemnification or contribution.

WHEREFORE, defendant, JOHN MARTINO denies that he is liable to plaintiffs, and requests judgment be entered in his favor.

EISENBERG & TORISKY

By:



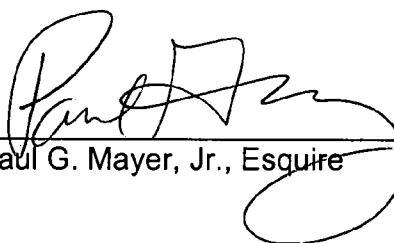
PAUL G. MAYER, JR., ESQUIRE
Attorney for Defendant, John Martino

VERIFICATION

I, PAUL G. MAYER, JR., ESQUIRE, do hereby verify that I am counsel for JOHN MARTINO, Defendant herein, and that as such, I have the authority to make this verification on behalf of JOHN MARTINO, Defendant herein. I verify that the averments of fact set forth in the foregoing ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d) are true and correct to the best of my knowledge, information and belief based upon information provided to me by others.

This verification is made subject to the penalties of 18 PA CS. 4904 relating to unsworn falsification to authorities.

Dated: 9/11/08

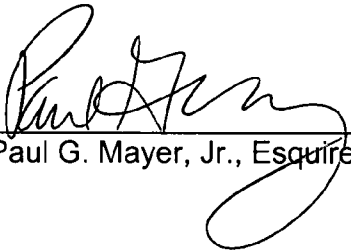

Paul G. Mayer, Jr., Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ANSWER, NEW MATTER AND NEW MATTER PURSUANT TO RULE 2252(d)** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **11th** day of **September, 2008**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

MOTION TO COMPEL

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED NOCC
m 10:03 AM
DEC 04 2008
S (610)
William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

MOTION TO COMPEL DISCOVERY

AND NOW COMES, the defendant, JOHN MARTINO, by his attorney, Paul G. Mayer, Jr., Esquire and the Law Offices of Eisenberg & Torisky, and hereby sets forth the following Motion to Compel:

1. On September 11, 2008, counsel for Defendant served Plaintiff's counsel with Interrogatories direct to the Plaintiff's and Request for Production of Documents directed to the Plaintiffs. A copy of the Notice of Service of the Interrogatories and Request for Production of Documents directed to Shelva Mizikar and Frank J. Mizikar are attached as Exhibits "1 and 2".

2. Plaintiff responses to said Interrogatories and Request for Production were due on or about October 11, 2008; however to date, neither any responses nor objections to the Discovery have been served.

3. Defendant is prejudiced in preparation of a defense in this matter by the Plaintiffs' failure to Answer the Interrogatories and produce the documents requested.

WHEREFORE, Defendant, JOHN MARTINO, requests this Honorable Court Order Plaintiff to serve Answers to Interrogatories and produce documents responsive to the Request for Production of Documents within 30 days.

Respectfully submitted,

EISENBERG & TORISKY

By: 

Paul G. Mayer, Jr., Esquire
Attorney for defendant, JOHN MARTINO

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion to Compel** was served upon the following at their address of record by first class mail, postage prepaid, this 2nd day of December 2008.

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

Respectfully submitted,

EISENBERG & TORISKY

By: 

Paul G. Mayer, Jr., Esquire
Attorney for defendant, JOHN MARTINO

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

SCHEDULING ORDER

AND NOW comes, the defendant, through his counsel and upon consideration of the foregoing Motion to Compel Argument is hereby scheduled for the ____ day of _____, 200__ in Court Room No. ____ before the Honorable _____.

BY THE COURT

_____, J.

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

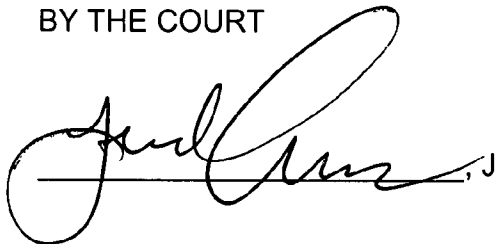
CIVIL DIVISION

No. 08-1552-CD

ORDER OF COURT

AND NOW comes, the defendant, through his counsel this 4th day of Dec., 2008, upon consideration of the foregoing Motion to Compel, it is hereby ORDERED, ADJUDGED and DECREED that Plaintiff shall serve Answers to Interrogatories and Produce documents responsive to the Request for Production of Documents within thirty (30) days of the date of this Order.

BY THE COURT


_____, J.

FILED 3cc
DEC 04 2008
S 04:00 PM Amy Mayer
William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK J. MIZIKAR and
SHELVA R. MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

No.08-1552-CD

FILED

DEC 19 2008

William A. Shaw
Prothonotary/Clerk of Courts
1 SENT TO ATT

ANSWER TO NEW MATTER

Filed on behalf of:

Frank J. Mizikar and Shelva R.
Mizikar, Plaintiffs

Counsel of record for
this party:

ROBERT J. SPECHT, ESQ.
PA I.D. # 68256

MOROCCO, MOROCCO, &
SPECHT, P.C.
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639

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

FRANK J. MIZIKAR and)	
SHELVA R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	
)	
vs.)	No.08-1552-CD
)	
JOHN MARTINO,)	
)	
Defendant.)	

PLAINTIFF'S ANSWER TO NEW MATTER IN CIVIL COMPLAINT

AND NOW, comes the Plaintiffs, FRANK J. MIZIKAR and SHELVA R. MIZIKAR, by and through her attorneys, Morocco, Morocco & Specht, P.C., and Robert J. Specht, Esquire, and files the following Answer to New Matter and avers as follows:

NEW MATTER

26. Denied. Plaintiffs were not negligent in any way, let alone comparative.
27. Denied. Plaintiffs did not contribute to any amount of damages, therefore any and all damages were solely caused by Defendant.
28. After reasonable investigation, Plaintiff's are without knowledge or information sufficient to form a belief as to the

truth of the averment, therefore, Plaintiff can neither Admit or Deny said allegation, and strict proof is required at trial.

29. Denied. Plaintiff is able to prove, plead, and introduce evidence and recover benefits paid or payable under the Pennsylvania Motor Vehicle Financial Responsibility Law.
30. Denied. Plaintiffs do meet the "serious injury" threshold as set forth in the Pennsylvania Motor Vehicle Financial Responsibility Law, that were caused by Defendant's negligent actions.
31. Denied. Defendant caused Plaintiff's injuries and/or exasperated any injuries Plaintiff's may or may not have previously suffered.
32. Denied. Due to the timely filing of the Complaint, Plaintiffs are within the Statute of Limitations.
33. Denied. Defendant caused Plaintiff's injuries and/or exasperated any injuries Plaintiff's may or may not have previously suffered.

NEW MATTER UNDER RULE 2252(d)

34. Denied. Defendant was in fact negligent in the specific particulars entitled in said paragraph.
 35. Denied. Plaintiff's were not negligent in any way regarding this automobile accident and Defendant is solely liable for all
-

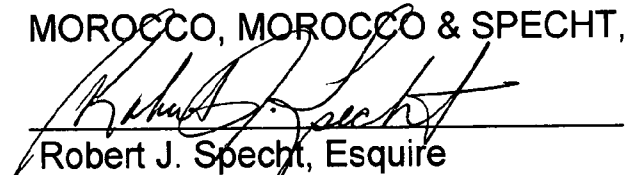
damages and injuries to Plaintiffs.

WHEREFORE, the Plaintiffs, Frank J. Mizikar, and Shelva R. Mizikar, respectively request Judgement against the Defendant, JOHN MARTINO, along with cost of suit and interest.

Respectfully submitted,

MOROCCO, MOROCCO & SPECHT, P.C.

By:


Robert J. Specht, Esquire
Attorney for Plaintiff


CERTIFICATE OF SERVICE

I hereby certify that I have served the Answer to New Matter upon the person and in the manner indicated below, which service satisfies the requirements of Pa. R.C.P. 4019:

FIRST CLASS MAIL, POSTAGE PREPAID:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Dated: 12/4/08


Robert J. Specht, Esquire
P.A. I.D.#: 68256
MOROCCO, MOROCCO & SPECHT, P.C.
315 Cavitt Avenue
Trafford, PA 15085

VERIFICATION

We, Frank J. Mizikar and Shelva R. Mizikar, do hereby verify that the facts contained in the foregoing Answer to New Matter are true and correct to the best of our knowledge, information, and belief. We understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsifications to authorities.

Dated:

By: Frank J. Mizikar
Frank J. Mizikar

By: Shelva R. Mizikar
Shelva R. Mizikar

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA.
ACTION - LAW

FILED

DEC 19 2008

William A. Shaw
Notary/Clerk of Courts

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR

Plaintiffs,

vs.

JOHN MARTINO

Defendant.

No. 08-1552-CD of 2008

**NOTICE OF SERVICE
PLAINTIFFS' ANSWERS TO
DEFENDANT'S INTERROGATORIES**

Filed on Behalf of:

FRANK J. MIZIKAR & ,
SHELVA R. MIZIKAR,
Plaintiffs

Counsel of Record
For This Party:

ROBERT J. SPECHT, ESQUIRE
Pa I.D. No. 68256

MOROCCO, MOROCCO &
SPECHT, P.C.
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR

Plaintiffs,

vs.

JOHN MARTINO

Defendant.

No.08-1552-CD of 2008

NOTICE OF SERVICE

I, the undersigned attorney for the Plaintiff, hereby certify that the Plaintiff's Answers to Defendant's Interrogatories and Request for Production of Documents were served by First Class Mail, United States Mail, postage prepaid this _____ day of December 2008 at the following address:

**c/o Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219**

By: 

Robert J. Specht, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within
PRODUCTION OF DOCUMENTS and INTERROGATORIES DIRECTED TO
DEFENDANT was served upon the person and in the manner indicated below,
which service satisfies the requirements of Pa. R.A.P. 121:

FIRST CLASS MAIL, POSTAGE PREPAID:

**JOHN MARTINO
c/o Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219**

Date: _____


Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
Attorney Registration No. 68256
Attorney for Plaintiff
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR

Plaintiffs,

vs.

JOHN MARTINO

Defendant.

No. 08-1552-CD of 2008

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

Filed on Behalf of:

FRANK J. MIZIKAR & ,
SHELVA R. MIZIKAR,
Plaintiffs

Counsel of Record
For This Party:

ROBERT J. SPECHT, ESQUIRE
Pa I.D. No. 68256

MOROCCO, MOROCCO &
SPECHT, P.C.
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639

5
FILED No. CC
m110:1932
JAN 02 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR

Plaintiffs,

vs.

JOHN MARTINO

Defendant.

No.08-1552-CD of 2008

NOTICE OF SERVICE

I, the undersigned attorney for the Plaintiff, hereby certify that the Interrogatories Directed to Defendant and Request for Production of Documents were served by First Class Mail, United States Mail, postage prepaid this _____ day of December 2008 at the following address:

**c/o Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219**

By: _____

**Robert J. Specht, Esquire
Attorney for Plaintiff**

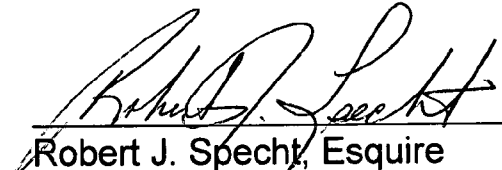
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within
PRODUCTION OF DOCUMENTS and INTERROGATORIES DIRECTED TO
DEFENDANT was served upon the person and in the manner indicated below,
which service satisfies the requirements of Pa. R.A.P. 121:

FIRST CLASS MAIL, POSTAGE PREPAID:

**JOHN MARTINO
c/o Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219**

Date: _____


Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
Attorney Registration No. 68256
Attorney for Plaintiff
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

FILED

MAR 30 2009

William A. Shaw
Prothonotary/Clerk of Courts
w/c

**NOTICE OF INTENT TO SERVE A
SUPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURUSANT TO RULE 4009.21 DIRECTED
TO BRETHEN MUTUAL INSURANCE
COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 08-1552-CD of 2008

VS

JOHN MARTINO,

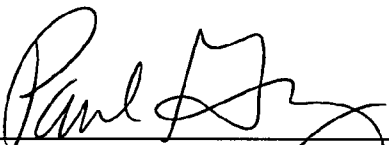
Defendant.

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 DIRECTED TO BRETHREN
MUTUAL INSURANCE COMPANY**

John Martino intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: _____

3/26/09



Paul G. Mayer, Jr., Esquire
Attorney for Defendant John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Brethren Mutual Insurance Company

(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:

Complete copy of claims file for date of loss 05/19/2006, File No. 30001977890
Claim NO. 335341, Policy no. WCP0008367.

(Address)

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

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

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

NAME: Paul G. Mayer, Jr., Esquire

ADDRESS: 2925 One Oxford Centre, 301 Grant Street
Pittsburgh, PA 15219

TELEPHONE: (412)281-7761

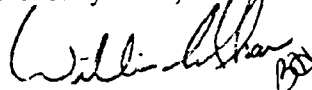
SUPREME COURT ID # 37461

ATTORNEY FOR: John Martino

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary

My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

DATE: Friday, March 20, 2009
Seal of the Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVICE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURUSANT TO RULE 4009.21 DIRECTED TO BRETHREN MUTUAL INSURANCE COMPANY** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **26th** day of **March, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY

Paul G. Mayer, Jr. / sew
Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

FILED

No. 08-1552-CD

MAR 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

**NOTICE OF INTENT TO SERVE A
SUPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURUSANT TO RULE 4009.21 DIRECTED
TO ENCOMPASS INSURANCE COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 08-1552-CD of 2008

vs

JOHN MARTINO,

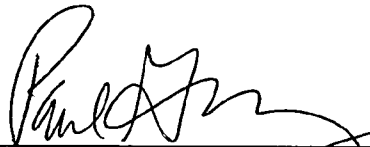
Defendant.

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

John Martino intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: _____

3/26/09



Paul G. Mayer, Jr., Esquire
Attorney for Defendant John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Encompass Insurance Company

(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:

Complete copy of claims file for date of loss: 09/29/2003, File No. 2C001531852
Claim Number: 0R100387192.

(Address)

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

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

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

NAME: Paul G. Mayer, Jr., Esquire

ADDRESS: 2925 One Oxford Centre, 301 Grant Street
Pittsburgh, PA 15219

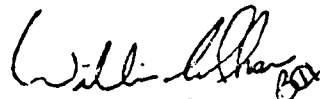
TELEPHONE: (412)281-7761

SUPREME COURT ID # 37461

ATTORNEY FOR: John Martino

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

DATE: Friday, March 20, 2009
Seal of the Court

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVICE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 DIRECTED TO ENCOMPASS INSURANCE** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **26th** day of **March, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY

Paul G. Mayer, Jr. / sew

Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

FILED

MAR 30 2009

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

**NOTICE OF INTENT TO SERVE A
SUPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURUSANT TO RULE 4009.21 DIRECTED
TO CONTINENTAL INSURANCE
COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 08-1552-CD of 2008

VS

JOHN MARTINO,

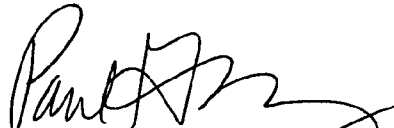
Defendant.

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

John Martino intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: _____

3/26/09



Paul G. Mayer, Jr., Esquire
Attorney for Defendant John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Continental Insurance Company

(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:

Complete copy of claims file for date of loss: 09/29/2003, File No. 1L001560486
Claim # R1387192402857704, Policy #: 402857704.

(Address)

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

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

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

NAME: Paul G. Mayer, Jr., Esquire

ADDRESS: 2925 One Oxford Centre, 301 Grant Street
Pittsburgh, PA 15219

TELEPHONE: (412)281-7761

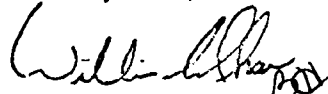
SUPREME COURT ID # 37461

ATTORNEY FOR: John Martino

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

WILLIAM A. SHAW
Prothonotary

My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

DATE: Friday, March 20, 2009

Seal of the Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVICE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURUSANT TO RULE 4009.21 DIRECTED TO CONTINENTAL INSURANCE** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **26th** day of **March, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY

Paul G. Mayer, Jr. /sew
Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

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

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED *no cc*
MD:3561
APR 01 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 08-1552-CD of 2008

vs

JOHN MARTINO,

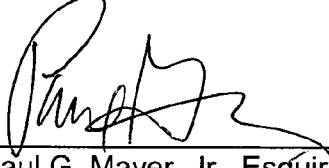
Defendant.

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

TO: PROTHONORARY

It is hereby certified that Responses to Interrogatories and Request for Production of Documents Directed to Defendant were forwarded to counsel for Plaintiffs on this ~~20~~²⁰th day of **March, 2009**, by first class mail.

EISENBERG & TORISKY



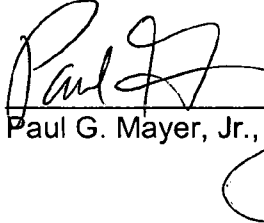
Paul G. Mayer, Jr., Esquire
Attorney for Defendant, John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF SERVICE OF RESPONSES TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this ~~20th~~^{30th} day of **March, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**CERTIFICATE OF PREREQUISITE TO
SERVICE OF A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.21 DIRECTED TO BRETHREN
MUTUAL INSURANCE COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED ^{no cc}
MID 2861
APR 17 2009 (66)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 08-1552-CD of 2008

vs

JOHN MARTINO,

Defendant.

CERTIFICATE PREREQUISITE TO SERVICE
OF A SUBPOENA PURSUANT TO RULE 4009.22

As a prerequisite to service of a Subpoena for documents and things pursuant to Rule 4009.22, PAUL G. MAYER, JR., ESQUIRE certifies that:

(1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,

(2) A copy of the Notice of Intent, including the proposed subpoena, is attached to this certificate,

(3) No objection to the subpoena has been received, and

(4) The subpoena which will be served is identical to the subpoena which is attached to the Notice of Intent to serve the subpoena.

Date: _____

4/15/09

BY: _____

Paul G. Mayer, Jr., Esquire
Attorney for John Martino

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURUSANT TO RULE 4009.21 DIRECTED
TO BRETHEN MUTUAL INSURANCE
COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

Plaintiff,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD of 2008

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND
THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 DIRECTED TO BRETHREN
MUTUAL INSURANCE COMPANY**

John Martino intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: _____

3/26/09



Paul G. Mayer, Jr., Esquire
Attorney for Defendant John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: Brethren Mutual Insurance Company
(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:

Complete copy of claims file for date of loss 05/19/2006, File No. 30001977890
Claim NO. 335341, Policy no. WCP0008367.

(Address)

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

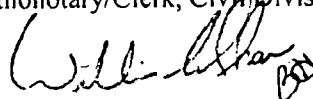
If you fail to produce the documents or things required by this subpoena within twenty
(20) days after its service, the party serving this subpoena may seek a court order compelling you
to comply with it.

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

NAME: Paul G. Mayer, Jr., Esquire
ADDRESS: 2925 One Oxford Centre, 301 Grant Street
Pittsburgh, PA 15219
TELEPHONE: (412)281-7761
SUPREME COURT ID # 37461
ATTORNEY FOR: John Martino

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

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

DATE: Friday, March 20, 2009
Seal of the Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVICE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURUSANT TO RULE 4009.21 DIRECTED TO BRETHREN MUTUAL INSURANCE COMPANY** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **26th** day of **March, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY

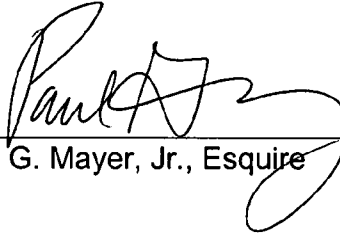
Paul G. Mayer, Jr. / sew
Paul G. Mayer, Jr., Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 DIRECTED TO BRETHREN MUTUAL INSURANCE COMPANY** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **15th** day of **April, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**CERTIFICATE OF PREREQUISITE TO
SERVICE OF A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.21 DIRECTED TO ENCOMPASS
MUTUAL INSURANCE COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED

APR 17 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 08-1552-CD of 2008

vs

JOHN MARTINO,

Defendant.

CERTIFICATE PREREQUISITE TO SERVICE
OF A SUBPOENA PURSUANT TO RULE 4009.22

As a prerequisite to service of a Subpoena for documents and things pursuant to Rule 4009.22, PAUL G. MAYER, JR., ESQUIRE certifies that:

(1) A notice of intent to serve the subpoena with a copy of the subpoena attached thereto was mailed or delivered to each party at least twenty days prior to the date on which the subpoena is sought to be served,

(2) A copy of the Notice of Intent, including the proposed subpoena, is attached to this certificate,

(3) No objection to the subpoena has been received, and

(4) The subpoena which will be served is identical to the subpoena which is attached to the Notice of Intent to serve the subpoena.

Date: _____

4/15/09

BY: _____

Paul G. Mayer, Jr., Esquire
Attorney for John Martino

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURUSANT TO RULE 4009.21 DIRECTED
TO ENCOMPASS INSURANCE COMPANY**

Filed on behalf of: John Martiro, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

Plaintiff,

vs

JOHN MARTINO,

Defendant.

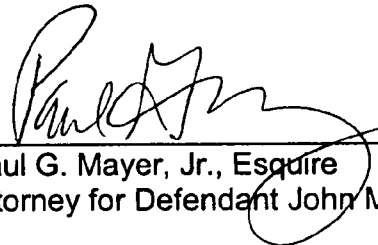
CIVIL DIVISION

No. 08-1552-CD of 2008

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

John Martino intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: 3/26/09



Paul G. Mayer, Jr., Esquire
Attorney for Defendant John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: Encompass Insurance Company

(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:

Complete copy of claims file for date of loss: 09/29/2003, File No. 2C001531852
Claim Number: OR100387192.

(Address)

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

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

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

NAME: Paul G. Mayer, Jr., Esquire

ADDRESS: 2925 One Oxford Centre, 301 Grant Street

Pittsburgh, PA 15219

TELEPHONE: (412) 281-7761

SUPREME COURT ID # 37461

ATTORNEY FOR: John Martino

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division



Deputy

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

DATE: Friday, March 20, 2009
Seal of the Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVICE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURUSANT TO RULE 4009.21 DIRECTED TO ENCOMPASS INSURANCE** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **26th day of March, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY

Paul G. Mayer, Jr. / sew

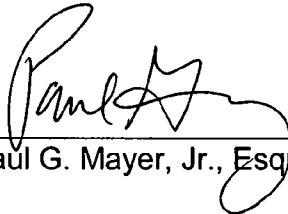
Paul G. Mayer, Jr., Esquire

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 DIRECTED TO ENCOMPASS INSURANCE COMPANY** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **15th** day of **April, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**CERTIFICATE OF PREREQUISITE TO
SERVICE OF A SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.21 DIRECTED TO CONTINENTAL
INSURANCE COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

FILED NO CC
m 10:28 AM
APR 17 2009 (GW)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

CIVIL DIVISION

Plaintiff,

No. 08-1552-CD of 2008

vs

JOHN MARTINO,

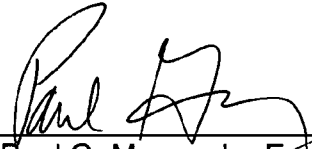
Defendant.

CERTIFICATE PREREQUISITE TO SERVICE
OF A SUBPOENA PURSUANT TO RULE 4009.22

As a prerequisite to service of a Subpoena for documents and things pursuant to Rule 4009.22, PAUL G. MAYER, JR., ESQUIRE certifies that:

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

Date: 4/15/09

BY: 
Paul G. Mayer, Jr., Esquire
Attorney for John Martino

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY
PURUSANT TO RULE 4009.21 DIRECTED
TO CONTINENTAL INSURANCE
COMPANY**

Filed on behalf of: John Martino, Defendant

Counsel of record for this Party:

Paul G. Mayer, Jr., Esquire
EISENBERG & TORISKY
2925 Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Atty. State I.D. No. 37461

Tel. (412) 281-7761

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANK J. MIZIKAR & SHELVA R
MIZIKAR,

Plaintiff,

vs

JOHN MARTINO,

Defendant.

CIVIL DIVISION

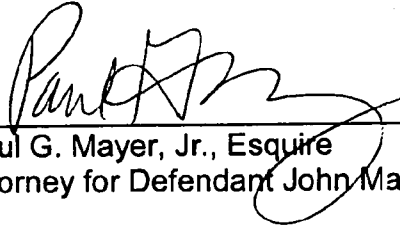
No. 08-1552-CD of 2008

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

John Martino intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Date: _____

3/26/09


Paul G. Mayer, Jr., Esquire
Attorney for Defendant John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: Continental Insurance Company
(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:

Complete copy of claims file for date of loss: 09/29/2003, File No. 1L001560486
Claim # R1387192402857704, Policy #: 402857704.

(Address)

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

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

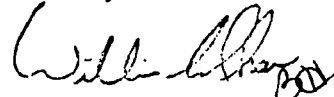
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Paul G. Mayer, Jr., Esquire
ADDRESS: 2925 One Oxford Centre, 301 Grant Street
Pittsburgh, PA 15219

TELEPHONE: (412)281-7761
SUPREME COURT ID # 37461
ATTORNEY FOR: John Martino

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division



Deputy

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

DATE: Friday, March 20, 2009
Seal of the Court

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **NOTICE OF INTENT TO SERVICE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURUSANT TO RULE 4009.21 DIRECTED TO CONTINENTAL INSURANCE** was served upon the following, at their address of record, by U.S. First Class Mail, postage prepaid, this **26th day of March, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY

Paul G. Mayer, Jr. /sew
Paul G. Mayer, Jr., Esquire

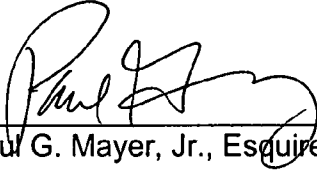
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.21 DIRECTED TO CONTINENTAL INSURANCE COMPANY** was served upon the following, at their address of record, by U.S.

First Class Mail, postage prepaid, this **15th** day of **April, 2009**, to the following:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

EISENBERG & TORISKY



Paul G. Mayer, Jr., Esquire

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**PRAECIPE TO WITHDRAW/ENTER
APPEARANCE**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED NO CC
MAY 18 2009
William A. Shaw
Prothonotary/Clerk of Courts
Copy to CIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

PRAECIPE TO WITHDRAW/ENTER APPEARANCE

TO: Department of Court Records

I, Paul G. Mayer, Jr., Esquire associated with the law firm of EISENBERG & TORISKY, ask that our Entry of Appearance on behalf of Defendant, John Martino, be withdrawn from the above-captioned action.

I, Joseph L. Orszulak, II, Esquire, associated with the law firm of MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C., ask that our appearance be entered on behalf of Defendant, John Martino, in the above-captioned action.

Eisenberg & Torisky

By: _____

Paul G. Mayer, Jr., Esquire
2925 One Oxford Centre
301 Grant Street
Pittsburgh, PA 15219

Marks, O'Neill, O'Brien & Courtney, P.C.

By: _____

Joseph L. Orszulak, II, Esquire
2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

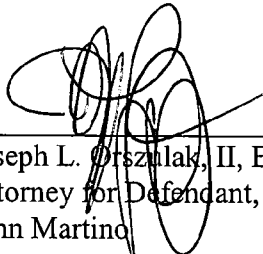
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praeceptum to Withdraw/Enter Appearance was served upon counsel of record by first class, United States Mail, postage pre-paid this 13 day of May, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: _____


Joseph L. Orszulak, II, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DR. RINCUSE**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED No
m111236/ cc
OCT 02 2009 (GW)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

*

*

*

No. 2008-01552-CD

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

TO: Daniel/Donald Rinchuse, DMD, MS, MDS, Ph.D.

(Name of Person or Entity)

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

all records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, P.C., 2600 Gulf Tower, 707 Grant Street Pittsburgh, PA 15219

(Address)

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

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

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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William D. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30th day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DR. RINCUSE**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED

11/23/09
OCT 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Daniel/Donald Rinchuse, DMD, MS, MDS, Ph.D.

(Name of Person or Entity)

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

all records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.

(Address)


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

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

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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


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

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30 day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO EUGENE
KEENAN, JR., M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED

OCT 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Eugene Keenan, Jr., M.D.

(Name of Person or Entity)

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

all records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, P.C., 2600 Gulf Tower, 707 Grant Street Pittsburgh, PA 15219.

(Address)

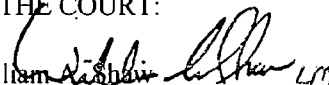
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing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

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

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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William J. Shahan
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30 day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By:  _____

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO MATTHEW
COLE, DO**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED

MT11:2364
OCT 02 2009

NO CC
CR

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Dr. Matthew Cole

(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 records concerning Shelva R. Mizikar to Adam G. Anderson, Esquire, Marks, O'Neill, O'Brien & Courtney, P.C., 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.

(Address)

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

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

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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaver
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30 day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO JAN ESWAY,
DMD**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED

OCT 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Jan Esway, DMD

(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 records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at
Marks, O'Neill, O'Brien & Courtney, 2600 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219.

(Address)

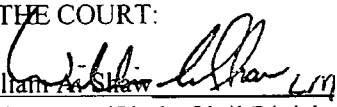
You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing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

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

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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30th day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO MATTHEW COLE, DO**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED
OCT 22 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22**

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Matthew Cole, DO as follows:

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

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO MATTHEW
COLE, DO**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

*

*

*

No. 2008-01552-CD

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

TO: Dr. Matthew Cole

(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 records concerning Shelva R. Mizikar to Adam G. Anderson, Esquire, Marks, O'Neill, O'Brien & Courtney, P.C., 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.

(Address)

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

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

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

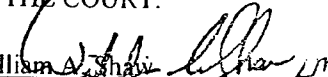
NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219

TELEPHONE: 412-391-6171

SUPREME COURT ID # 93538

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

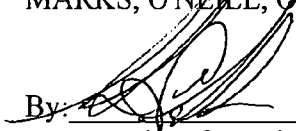
Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30 day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 
Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 20th day of October, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO EUGENE KEENAN,
JR., M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

5
FILED no cc
OCT 22 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Eugene Keenan, Jr., M.D. as follows:

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

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO EUGENE
KEENAN, JR., M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Eugene Keenan, Jr., M.D.

(Name of Person or Entity)

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

all records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, P.C, 2600 Gulf Tower, 707 Grant Street Pittsburgh, PA 15219.

(Address)

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

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

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

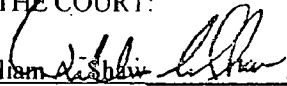
NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219

TELEPHONE: 412-391-6171

SUPREME COURT ID # 93538

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaver

Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30 day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 20th day of October, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO JAN ESWAY, DMD**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED *no cc*
10:45/64
OCT 22 2009 *@*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Jan Esway, DMD. as follows:

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

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO JAN ESWAY,
DMD**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Jan Esway, DMD

(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 records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at
Marks, O'Neill, O'Brien & Courtney, 2600 Gulf Tower, 707 Grant Street
Pittsburgh, PA 15219.

(Address)

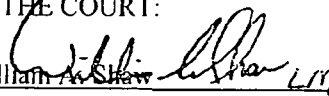
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this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing the things sought.

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: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30th day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 20th day of October, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL/DONALD
RINCUSE, DMD, MS, MDS, PH.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED *no cc*
10/10/4/2009
OCT 22 2009 *@*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Daniel/Donald Rinchuse, DMD, MS, MDS, Ph.D. as follows:

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

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DR. RINCUSE**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: _____

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Daniel/Donald Rinchuse, DMD, MS, MDS, Ph.D.
(Name of Person or Entity)

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

all records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.

(Address)

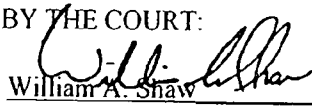
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing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

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

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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


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

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30 day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 20th day of October, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL/DONALD
RINCUSE, DMD, MS, MDS, PH.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED *no cc*
m10:44/209
OCT 22 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22**

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Daniel/Donald Rinchuse, DMD, MS, MDS, Ph.D. as follows:

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

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. No objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DR. RINCUSE**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Daniel/Donald Rinchuse, DMD, MS, MDS, Ph.D.

(Name of Person or Entity)

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

all records concerning Frank J. Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, P.C., 2600 Gulf Tower, 707 Grant Street Pittsburgh, PA 15219

(Address)

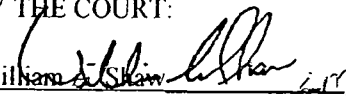
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing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

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

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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William J. Shaw
Prothonotary/Clerk, Civil Division

DATE: Monday, September 28, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 30th day of September, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 20th day of October, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED *no cc*
11:00 AM
NOV 04 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

*

*

*

No. 2008-01552-CD

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

TO: Daniel Mussio, M.D.

(Name of Person or Entity)

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

All records concerning Frank Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, P.C, 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.

(Address)

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

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

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

NAME: Adam G. Anderson, Esq.

ADDRESS: 2600 Gulf Tower, 707 Grant St.

Pittsburgh, PA 15219

TELEPHONE: 412-391-6171

SUPREME COURT ID # 93538

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 2nd day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE OF COMPLIANCE
WITH SUBPOENA TO PRODUCE
DOCUMENTS OR THINGS
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL/DONALD
RINCUSE, DMD, MS, MDS, PH.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

5
FILED
NOV 04 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE

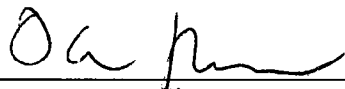
TO: Daniel/Donald Rinchuse, DMD, MS, MDS, Ph.D.
Municipal Building, Etze Avenue
Mt. Pleasant, PA 15666

You are required to complete the following Certificate of Compliance when producing documents or things pursuant to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO
PRODUCE DOCUMENTS OR THINGS PURSUANT TO RULE 4009.22**

I, DANIEL J. RINCUSE, certify to the best of my knowledge, information and belief that all documents or things required to be produced pursuant to the subpoena issued on October 20, 2009 have been produced.

Date: OCT. 26, 2009


Signature

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate of Compliance was served upon counsel of record by first class, United States Mail, postage pre-paid this 2nd day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE OF COMPLIANCE
WITH SUBPOENA TO PRODUCE
DOCUMENTS OR THINGS
PURSUANT TO RULE 4009.22
DIRECTED TO JAN ESWAY, DMD**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

S
FILED *no cc*
m/11:03/09
NOV 04 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE

TO: Jan Esway, DMD
31 North Maple Avenue
Greensburg, PA 15601

You are required to complete the following Certificate of Compliance when producing documents or things pursuant to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO
PRODUCE DOCUMENTS OR THINGS PURSUANT TO RULE 4009.22**

I, LEILA MAY MEROLTA, certify to the best of my knowledge, information and belief that all documents or things required to be produced pursuant to the subpoena issued on October 20, 2009 have been produced.

Date: 10-21-2009


Signature

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate of Compliance was served upon counsel of record by first class, United States Mail, postage pre-paid this 2nd day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

FILED

NOV 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

No. 9/C

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO BOMPIANI
CHIROPRACTIC CLINIC**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: BOMPIANI CHIROPRACTIC CLINIC

(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:
any and all records concerning Frank and/or Shelva Mizikar to
Adam G. Anderson, Esquire, Marks, O'Neill, O'Brien & Courtney,
2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219
(Address)

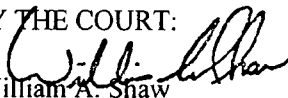
You may deliver or mail legible copies of the documents or produce things requested by
this subpoena, together with the certificate of compliance, to the party making this request at the
address listed above. You have the right to seek in advance the reasonable cost of preparing the
copies or producing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

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

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

NAME: Adam G. Anderson, Esq.
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 4th day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

FILED

NOV 16 2009
11:30 AM
William A. Shaw
Prothonotary/Clerk of Courts
No. 216

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL MUSSIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Daniel Muccio, M.D. as follows:

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

Defendants certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. Opposing counsel has waived the twenty (20) day time period, or no objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

**MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.**

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: Daniel Mussio, M.D.

(Name of Person or Entity)

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

All records concerning Frank Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, P.C, 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.

(Address)

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

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

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

NAME: Adam G. Anderson, Esq.

ADDRESS: 2600 Gulf Tower, 707 Grant St.

Pittsburgh, PA 15219

TELEPHONE: 412-391-6171

SUPREME COURT ID # 93538

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 2nd day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 11th day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

FILED

NOV 16 2009
11/8/09
William A. Shaw
Prothonotary/Clerk of Courts
WC 4C (60)

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO BOMPIANI
CHIROPRACTIC CLINIC**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22**

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Bompiani Chiropractic Clinic as follows:

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

Defendants certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. Opposing counsel has waived the twenty (20) day time period, or no objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO BOMPIANI
CHIROPRACTIC CLINIC**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: BOMPIANI CHIROPRACTIC CLINIC

(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:
any and all records concerning Frank and/or Shelva Mizikar to
Adam G. Anderson, Esquire, Marks, O'Neill, O'Brien & Courtney,
2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219
(Address)

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

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

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

NAME: Adam G. Anderson, Esq.
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


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

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 4th day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 11th day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

105

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE OF COMPLIANCE
WITH SUBPOENA TO PRODUCE
DOCUMENTS OR THINGS
PURSUANT TO RULE 4009.22
DIRECTED TO BOMPIANI
CHIROPRACTIC CLINIC**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED

NO CC
M110-2464
JAN 08 2010 (60)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE

TO: Bompiani Chiropractic Clinic
403 S. 3rd Street, Suite 4
Youngwood, PA 15697

You are required to complete the following Certificate of Compliance when producing documents or things pursuant to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO
PRODUCE DOCUMENTS OR THINGS PURSUANT TO RULE 4009.22**

I, Amanda Ferree, certify to the best of my knowledge, information and belief that all documents or things required to be produced pursuant to the subpoena issued on October 20, 2009 have been produced.

Date: 12/1/09


Signature

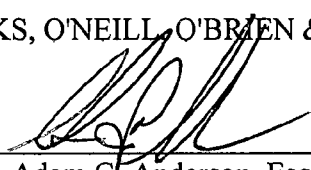
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate of Compliance was served upon counsel of record by first class, United States Mail, postage pre-paid this 6th day of January, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: _____


Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**MOTION TO COMPEL DISCOVERY
RESPONSES**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED No
m 11/10/08 cc
JUL 06 2010
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

MOTION TO COMPEL DISCOVERY RESPONSES

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and in support of the within Motion to Compel, sets forth as follows:

1. This lawsuit arises out of an automobile accident on June 23, 2002.
2. On September 11, 2008, counsel for Defendant served upon counsel for Plaintiff Shelva Mizikar Interrogatories and Requests for Production of Documents.
2. Plaintiffs failed to respond to said requests and were Ordered to serve answers by Order of Court dated December 4, 2008. See Order attached Exhibit "A".
3. Plaintiff Shelva Mizikar eventually did serve said responses.
4. Within and through these responses, Plaintiff Shelva Mizikar has made claim for treatment and surgery performed by Dr. Daniel Muccio; however, Plaintiff failed to provide any such medical records, although requested.
5. In early 2009, the defense of this lawsuit was transferred to the undersigned counsel, Adam G. Anderson of Marks, O'Neill, O'Brien & Courtney, P.C.

6. On July 20, 2009, the undersigned counsel memorialized a telephone conversation wherein the defense requested the medical records of Dr. Muccio. See correspondence attached Exhibit "B".

7. Without receiving any response, on November 11, 2009, defense counsel began the subpoena process in an effort to subpoena records from Dr. Muccio. See Certificate Prerequisite to Service of Subpoena attached as Exhibit "C".

8. Counsel, by letter of November 17, 2009, waived the twenty (20) day notice and in fact asked for copies of the records the defense was able to obtain. See Correspondence attached as Exhibit "D".

9. As a result, the subpoena was served upon Dr. Muccio. See Subpoena attached as Exhibit "E".

10. Dr. Muccio failed to comply with said subpoena and failed to produce any records.

11. Defendant continued to request the medical records of Dr. Muccio from Plaintiffs' counsel and was advised in March of 2010 that Dr. Muccio had left the state. Plaintiffs' counsel further advised he would continue to try to obtain said records.

12. To date, Plaintiff has failed to produce any records.

13. The requested medical records for treatment and surgery rendered by Dr. Daniel Muccio are necessary for Defendant to defend the instant suit.

14. The defense is severely prejudiced in its ability to defend without these records.

WHEREFORE, Defendant John Martino respectfully requests this Honorable Court
Order Plaintiff Shelva Mizikar to produce these medical records or be precluded from making
claim for any such treatment and/or surgery.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATION OF COUNSEL PURSUANT TO L208.2(e)

Counsel for Defendant, John Martino, has conferred with all interested parties in order to resolve the matter without Court action.

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: _____
Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

900-6
PBM

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

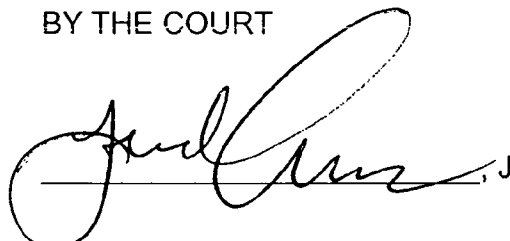
CIVIL DIVISION

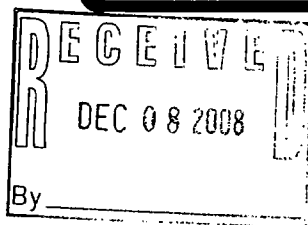
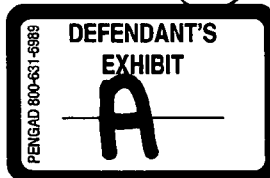
No. 08-1552-CD

ORDER OF COURT

AND NOW comes, the defendant, through his counsel this 4th day of Dec.,
2008, upon consideration of the foregoing Motion to Compel, it is hereby ORDERED,
ADJUDGED and DECREED that Plaintiff shall serve Answers to Interrogatories and
Produce documents responsive to the Request for Production of Documents within thirty
(30) days of the date of this Order.

BY THE COURT

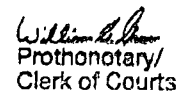

_____, J.



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

DEC 04 2008

Attest.


Prothonotary/
Clerk of Courts

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

ATTORNEYS AT LAW

www.mooclaw.com

PITTSBURGH OFFICE

Suite 2600

Gulf Tower

707 Grant Street

Pittsburgh, PA 15219

(412) 391-6171 Fax: (412) 391-8804

Adam G. Anderson

Member PA, KY, OH & WV Bars

aanderson@mooclaw.com

July 20, 2009

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

RE: Frank J. Mizikar and Shelva R. Mizikar v. John Martino
Case No.: 08-1552-CD

Dear Mr. Specht:

Pursuant to our telephone conversation of July 20, 2009, please kindly provide me with information concerning whether Frank Mizikar will be making a claim for the costs of treatment rendered by a Dr. Muzzio in regard to the subject accident. I do not have these records in my possession; and, I am therefore unable to ascertain whether such treatment is related to the accident. I believe I have all other necessary medical records. I would like to get this case moving again.

Thank you for your cooperation.

Respectfully,

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: Adam G. Anderson
Adam G. Anderson

AGA/cvq

Philadelphia
Pennsylvania

Pennsauken
New Jersey

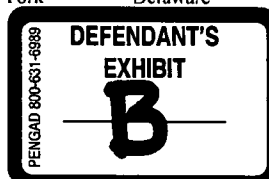
New York City
New York

Wilmington
Delaware

Towson
Maryland

Doylestown
Pennsylvania

Elmsford
New York



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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL MUSSIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

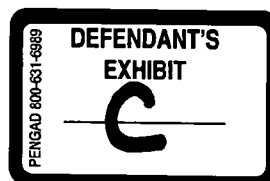
Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Daniel Muccio, M.D. as follows:

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

Defendants certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. Opposing counsel has waived the twenty (20) day time period, or no objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

**MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.**

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

*

*

*

No. 2008-01552-CD

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

TO: Daniel Mussio, M.D.

(Name of Person or Entity)

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

All records concerning Frank Mizikar to Adam G. Anderson, Esquire
at Marks, O'Neill, O'Brien & Courtney, P.C, 2600 Gulf Tower, 707
Grant Street, Pittsburgh, PA 15219.

(Address)

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

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

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

NAME: Adam G. Anderson, Esq.
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 2nd day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 11th day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

MOROCCO, MOROCCO & SPECHT, P.C.

ATTORNEYS AT LAW

VINCENT J. MOROCCO
RACHEL E. MOROCCO
ROBERT J. SPECHT

315 CAVITT AVENUE
TRAFFORD, PA 15085

(412) 373-0639

FAX (412) 373-5202

WEBSITE: www.mmspcnlaw.com

November 17, 2009

GREENSBURG
(724) 837-8070

SMITHTON
(724) 872-8809

VIA FACSIMILE (412) 391-8804

Adam G. Anderson
MARK, O'NEILL, O'BRIEN & COURTNEY, P.C.
Suite 2600
Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Re: Frank J. Mizikar and Shelve R. Mizikar v. John Martino
Case No.: 08-1552-CD

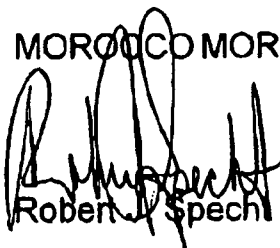
Dear Mr. Anderson:

Please be advised I waive the 20 day notice regarding the subpoena to Dr. Muccio and Dr. Bompiani. Please forward exact copies of all records you receive.

Thank you.

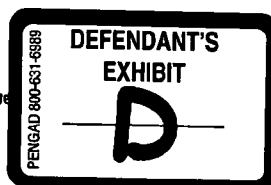
Very Truly Yours,

MOROCCO MOROCCO & SPECHT, P.C.


Robert J. Specht

RJS/mac

3:18081 Personal Injury/MIZIKAR/Letter to Attorney Adam Anderson



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: Daniel Muccio, M.D.

(Name of Person or Entity)

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

All records concerning Frank Mizikar to Adam G. Anderson, Esquire at Marks, O'Neill, O'Brien & Courtney, P.C, 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.

(Address)

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

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

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

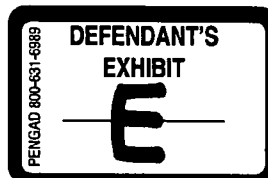
NAME: Adam G. Anderson, Esq.
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Compel was served upon counsel of record by first class, United States Mail, postage pre-paid this 2nd day of July, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**PRAECIPE TO WITHDRAW MOTION
TO COMPEL DISCOVERY
RESPONSES**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED NO cc
JUL 14 2010
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

PRAECIPE TO WITHDRAW MOTION TO COMPEL DISCOVERY RESPONSES

TO: WILLIAM A. SHAW, PROTHONOTARY

Please withdraw the Motion to Compel Discovery Responses filed by Defendant, John Martino on July 6, 2010.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: Adam G. Anderson
Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Praecipe to Withdraw was served upon counsel of record by first class, United States Mail, postage pre-paid this 12th day of July, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: Adam G. Anderson /awg
Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CA

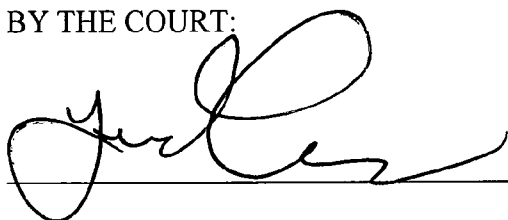
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

ORDER OF COURT

AND NOW, this 14 day of July, 2010, upon consideration of Defendant John Martino's Motion to Compel Discovery, it is ORDERED that said Motion is GRANTED. Plaintiffs are to provide medical records from Dr. Daniel Muccio within twenty (20) days of the date of this Order or suffered further sanctions such that Plaintiff Shelva Mizikar will be precluded from making claim for any and all treatment or surgery provided by Dr. Dan Muccio and from injuries or damages related thereto.

BY THE COURT:

 J.

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013:0000
JUL 13 2010
Atty Orszulak
William A. Shaw
Prothonotary/Clerk of Courts
60

FILED

JUL 15 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/15/10

☒ You are responsible for serving all appropriate parties.

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

Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other _____

Defendant(s) _____ Defendant(s) Attorney _____

Special Instructions: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

5 FILED No CC
m/ 11:03 am
JUL 26 2010

Will am A. Shaw
Prothonotary, Clerk of Courts

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

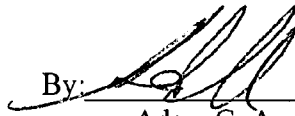
FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By:  _____
Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: DANIEL MUCCIO, M.D.

(Name of Person or Entity)

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

any and all medical records, x-rays and/or films regarding Shelva
Mizikar to 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.
(Address)

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

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

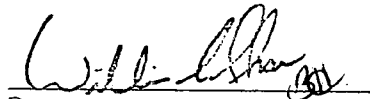
THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, July 16, 2010
Seal of the Court


Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 21st day of July, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, ONEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL MUSSIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED No
m 11:30/01 cc
AUG 02 2010 60

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22**

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Daniel Muccio, M.D. as follows:

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

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. Opposing counsel has waived the twenty (20) day time period, or no objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

FILED
11:03 Am
JUL 26 2010

William A. Shaw
Prothonotary/Clerk of Courts

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

*

*

*

No. 2008-01552-CD

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

TO: DANIEL MUCCIO, M.D.

(Name of Person or Entity)

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

any and all medical records, x-rays and/or films regarding Shelva
Mizikar to 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.
(Address)

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

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


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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, July 16, 2010
Seal of the Court


Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 21st day of July, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this ³⁰~~28~~th day of July, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED NO
M10:57/6H CC
AUG 05 2010
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

*

*

*

No. 2008-01552-CD

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

TO: DANIEL MUCCIO, M.D. - WESTMORELAND PAIN MANAGEMENT

(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:

Any and all medical records, x-rays and/or films regarding Shelva
Mizikar to 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219

(Address)

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

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

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

NAME: Adam G. Anderson

ADDRESS: 2600 Gulf Tower, 707 Grant St.

Pittsburgh, PA 15219

TELEPHONE: 412-391-6171

SUPREME COURT ID # 93538

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009

Seal of the Court

Deputy

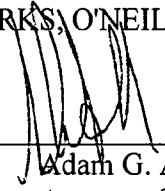
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intert to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 3rd day of August, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: _____


Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE OF COMPLIANCE
WITH SUBPOENA TO PRODUCE
DOCUMENTS OR THINGS
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL MUSSIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED no
M10:51371 CC
AUG 05 2018
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA
R. MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

NOTICE

TO: Daniel Muccio, M.D.
1910 Sassafras Street, Suite 300
Erie, PA 16502

You are required to complete the following Certificate of Compliance when producing documents or things pursuant to the Subpoena.

CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO
PRODUCE DOCUMENTS OR THINGS PURSUANT TO RULE 4009.22

I, Mary Szymanski, certify to the best of my knowledge, information and belief that all documents or things required to be produced pursuant to the subpoena issued on July 29, 2010 have been produced.

Date: 8-2-10

Mary Szymanski
Signature

I spoke with Adam H. Anderson Esq. by phone on 8-2-10 @ 2:38 PM.

Dr. Muccio has never seen the patient in his practice in Erie, Pa. Dr. Muccio has been in practice in Erie Pa. for 5 or 6 yrs.

Record from his old practice in Greensburg, Pa. sent to Westmoreland, Pa. Clinic 724-832-04902.

Sincerely,

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate of Compliance was served upon counsel of record by first class, United States Mail, postage pre-paid this 3rd day of August, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

FILED

AUG 16 2010
William A. Shaw
Prothonotary/Clerk of Courts

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL MUSSIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22**

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Daniel Muccio, M.D. as follows:

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

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. Opposing counsel has waived the twenty (20) day time period, or no objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

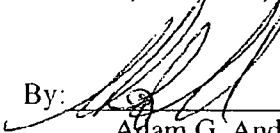
FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 
Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: DANIEL MUCCIO, M.D. - WESTMORELAND PAIN MANAGEMENT

(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:

Any and all medical records, x-rays and/or films regarding Shelva
Mizikar to 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219

(Address)

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

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

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

NAME: Adam G. Anderson

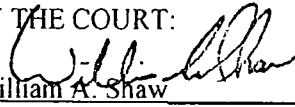
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219

TELEPHONE: 412-391-6171

SUPREME COURT ID # 93538

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 3rd day of August, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 12th day of August, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARSH O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

**MOTION TO COMPEL DISCOVERY
RESPONSES**

Defendant.

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

FILED *no cc*
1:2:49/31
SEP 07 2010 *(60)*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

MOTION TO COMPEL DISCOVERY RESPONSES

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and in support of the within Motion to Compel, sets forth as follows:

1. This lawsuit arises out of an automobile accident on June 23, 2002.
2. On September 11, 2008, counsel for Defendant served upon counsel for Plaintiff Shelva Mizikar Interrogatories and Requests for Production of Documents.
2. Plaintiffs failed to respond to said requests and were Ordered to serve answers by Order of Court dated December 4, 2008. See Order attached Exhibit "A".
3. Plaintiff Shelva Mizikar eventually did serve said responses.
4. Within and through these responses, Plaintiff Shelva Mizikar has made claim for treatment and surgery performed by Dr. Daniel Muccio; however, Plaintiff failed to provide any such medical records, although requested.
5. In early 2009, the defense of this lawsuit was transferred to the undersigned counsel, Adam G. Anderson of Marks, O'Neill, O'Brien & Courtney, P.C.

6. On July 20, 2009, the undersigned counsel memorialized a telephone conversation wherein the defense requested the medical records of Dr. Muccio. See correspondence attached Exhibit "B".

7. Without receiving any response, on November 11, 2009, defense counsel began the subpoena process in an effort to subpoena records from Dr. Muccio. See Certificate Prerequisite to Service of Subpoena attached as Exhibit "C".

8. Counsel, by letter of November 17, 2009, waived the twenty (20) day notice and in fact asked for copies of the records the defense was able to obtain. See Correspondence attached as Exhibit "D".

9. As a result, the subpoena was served upon Dr. Muccio. See Subpoena attached as Exhibit "E".

10. Dr. Muccio failed to comply with said subpoena and failed to produce any records.

11. Defendant continued to request the medical records of Dr. Muccio from Plaintiffs' counsel and was advised in March of 2010 that Dr. Muccio had left the state. Plaintiffs' counsel further advised he would continue to try to obtain said records.

12. On or about July 6, 2010, Defendant's counsel filed a Motion to Compel Dr. Muccio's records.

13. In response to that Motion to Compel, Plaintiff's counsel supplied Defendant's counsel with a new address for Dr. Muccio and therefore, the Motion was withdrawn on July 14, 2010.

14. On or about July 29, 2010, Defendant's counsel mailed a new subpoena to Dr. Muccio requesting any and all medical records for Shelva Mizikar. See letter and subpoena attached hereto as Exhibit "F".

15. On or about August 2, 2010, Dr. Muccio's office faxed the Certificate of Compliance to Defendant's counsel's office noting on the Certificate that "Records from his old practice in Greensburg, PA went to Westmoreland Pain Clinic". See Certificate of Compliance attached hereto as Exhibit "G".

16. On or about August 12, 2010, Defendant's counsel mailed the subpoena to Westmoreland Pain Clinic. See letter and subpoena attached hereto as Exhibit "H".

17. As of this date, no records have been forthcoming from the Westmoreland Pain Clinic.

18. The requested medical records for treatment and surgery rendered by Dr. Daniel Muccio are necessary for Defendant to defend the instant suit.

19. The defense is severely prejudiced in its ability to defend without these records.

WHEREFORE, Defendant John Martino respectfully requests this Honorable Court Order Plaintiff Shelva Mizikar to produce these medical records or be precluded from making claim for any such treatment and/or surgery.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

968-6
PGM

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs

JOHN MARTINO,

Defendant.

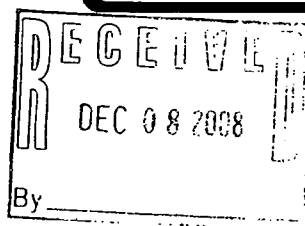
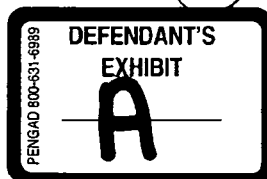
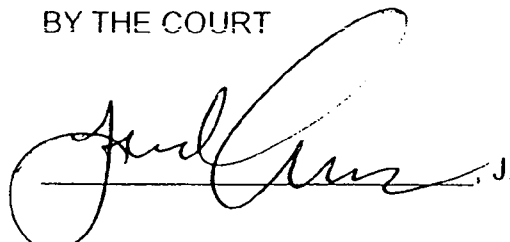
CIVIL DIVISION

No. 08-1552-CD

ORDER OF COURT

AND NOW comes, the defendant, through his counsel this 4th day of Dec.,
2008, upon consideration of the foregoing Motion to Compel, it is hereby ORDERED,
ADJUDGED and DECREED that Plaintiff shall serve Answers to Interrogatories and
Produce documents responsive to the Request for Production of Documents within thirty
(30) days of the date of this Order.

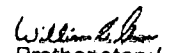
BY THE COURT



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

DEC 04 2008

Attest.


William L. Shaw
Prothonotary/
Clerk of Courts

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

ATTORNEYS AT LAW

www.mooclaw.com

PITTSBURGH OFFICE

Suite 2600
Gulf Tower
707 Grant Street
Pittsburgh, PA 15219
(412) 391-6171 Fax: (412) 391-8804

Adam G. Anderson

Member PA, KY, OH & WV Bars
aanderson@mooclaw.com

July 20, 2009

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085

RE: Frank J. Mizikar and Shelva R. Mizikar v. John Martino
Case No.: 08-1552-CD

Dear Mr. Specht:

Pursuant to our telephone conversation of July 20, 2009, please kindly provide me with information concerning whether Frank Mizikar will be making a claim for the costs of treatment rendered by a Dr. Muzzio in regard to the subject accident. I do not have these records in my possession; and, I am therefore unable to ascertain whether such treatment is related to the accident. I believe I have all other necessary medical records. I would like to get this case moving again.

Thank you for your cooperation.

Respectfully,

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: Adam G. Anderson
Adam G. Anderson

AGA/cvq

Philadelphia
Pennsylvania

Pennsauken
New Jersey

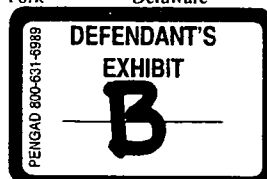
New York City
New York

Wilmington
Delaware

Towson
Maryland

Doylestown
Pennsylvania

Elmsford
New York



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

CIVIL DIVISION

Plaintiffs,

No. 08-1552-CD

vs.

JOHN MARTINO,

Defendant.

**CERTIFICATE PREREQUISITE TO
SERVICE OF A SUBPOENA
PURSUANT TO RULE 4009.22
DIRECTED TO DANIEL MUSSIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

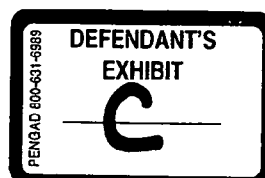
Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATE PREREQUISITE TO SERVICE OF A SUBPOENA PURSUANT TO RULE
4009.22

AND NOW, comes Defendant, John Martino, by and through his attorneys, Adam G. Anderson, Esquire and Marks, O'Neill, O'Brien & Courtney, P.C., and file this Certificate Prerequisite to Service of a Subpoena Pursuant to Rule 4009.22 directed to Daniel Muccio, M.D. as follows:

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

Defendants certify that:

1. A Notice of Intent to Serve the Subpoena with a copy of the Subpoena attached thereto was mailed or delivered to each party at least twenty (20) days prior to the date on which the subpoena is sought to be served;
2. A copy of the Notice of Intent, including the proposed Subpoena, is attached to this Certificate;
3. Opposing counsel has waived the twenty (20) day time period, or no objection to the Subpoena has been received; and
4. The Subpoena which will be served is identical to the Subpoena which is attached to the Notice of Intent to Serve the Subpoena.

Respectfully submitted,

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

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

FRANK J. MIZIKAR and SHELVA R.
MIZIKAR, his wife,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

CIVIL DIVISION

No. 08-1552-CD

**NOTICE OF INTENT TO SERVE A
SUBPOENA TO PRODUCE
DOCUMENTS AND THINGS FOR
DISCOVERY PURSUANT TO RULE
4009.22 DIRECTED TO DANIEL
MUCCIO, M.D.**

Filed on behalf of Defendant,
John Martino

Counsel of record for this Party:

Joseph L. Orszulak, II, Esquire
Pa. I.D. #63304

Adam G. Anderson, Esquire
Pa. I.D. #93538

MARKS, O'NEILL, O'BRIEN &
COURTNEY, P.C.

2600 Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

(412) 391-6171

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

**NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS
AND THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22**

Defendant, John Martino, intends to serve a subpoena identical to the one that is attached to this notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the subpoena. If no objection is made the subpoena may be served.

Respectfully submitted,

MARKS, O'NEIL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

*

*

*

No. 2008-01552-CD

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

TO: Daniel Mussio, M.D.

(Name of Person or Entity)

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

All records concerning Frank Mizikar to Adam G. Anderson, Esquire
at Marks, O'Neill, O'Brien & Courtney, P.C, 2600 Gulf Tower, 707
Grant Street, Pittsburgh, PA 15219.

(Address)

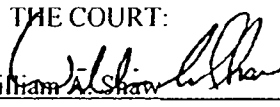
You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing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

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

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

NAME: Adam G. Anderson, Esq.
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shanley
Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Intent to Serve Subpoena was served upon counsel of record by first class, United States Mail, postage pre-paid this 2nd day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Certificate Prerequisite was served upon counsel of record by first class, United States Mail, postage pre-paid this 11th day of November, 2009, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

MOROCCO, MOROCCO & SPECHT, P.C.
ATTORNEYS AT LAW

VINCENT J. MOROCCO
RACHEL E. MOROCCO
ROBERT J. SPECHT

315 CAVITT AVENUE
TRAFFORD, PA 15085

(412) 373-0639
FAX (412) 373-5202
WEBSITE: www.mmspcclaw.com

GREENSBURG
(724) 837-8070

SMITHTON
(724) 872-8800

November 17, 2009

VIA FACSIMILE (412) 391-8804

Adam G. Anderson
MARK, O'NELL, O'BRIEN & COURTNEY, P.C.
Suite 2600
Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Re: Frank J. Mizikar and Shelva R. Mizikar v. John Martino
Case No.: 08-1552-CD

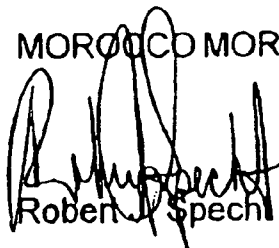
Dear Mr. Anderson:

Please be advised I waive the 20 day notice regarding the subpoena to Dr. Muccio and Dr. Bompiani. Please forward exact copies of all records you receive.

Thank you.

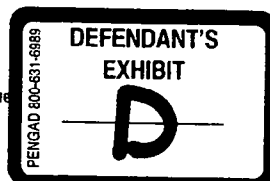
Very Truly Yours,

MOROCCO MOROCCO & SPECHT, P.C.


Robert J. Specht

RJS/mac

3:18081 Personal Injury/MIZIKAR/Letter to Attorney Adam Ande



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: Daniel MuCCio, M.D.

(Name of Person or Entity)

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

All records concerning Frank Mizikar to Adam G. Anderson, Esquire
at Marks, O'Neill, O'Brien & Courtney, P.C, 2600 Gulf Tower, 707
Grant Street, Pittsburgh, PA 15219.

(Address)

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

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

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

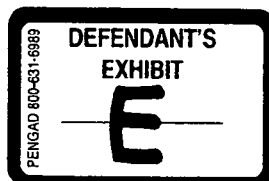
NAME: Adam G. Anderson, Esq.
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy



MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

ATTORNEYS AT LAW

www.mooclaw.com

PITTSBURGH OFFICE

Suite 2600

Gulf Tower

707 Grant Street

Pittsburgh, PA 15219

(412) 391-6171 Fax: (412) 391-8804

Adam G. Anderson

Member PA, KY, OH & WV Bars

aanderson@mooclaw.com

July 29, 2010

Daniel Muccio, M.D.
1910 Sassafra Street, Suite 300
Erie, PA 16502

RE: Frank J. Mizikar and Shelva R. Mizikar v. John Martino
Case No.: 08-1552-CD (Clearfield County, PA)

Dear Dr. Muccio:

Enclosed please find a Subpoena to Produce Documents or Things for Discovery Pursuant to Rule 4009.22 with respect to the above matter. Additionally, I am enclosing a Certificate of Compliance which I would ask that you sign and return along with the requested documents within twenty (20) days of service.

Thank you for your attention to this matter. Thank you for your attention to this matter.

Respectfully,

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

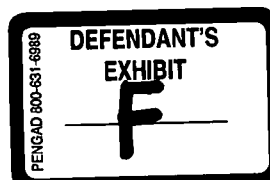
By: 

Adam G. Anderson

AGA/cvq

Enclosures

cc: Robert J. Specht, Esquire (w/enc)



Philadelphia
Pennsylvania

Pennsauken
New Jersey

New York City
New York

Wilmington
Delaware

Towson
Maryland

Elmsford
New York

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

Vs.

John Martino
Defendant(s)

No. 2008-01552-CD

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

TO: DANIEL MUCCIO, M.D.

(Name of Person or Entity)

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

any and all medical records, x-rays and/or films regarding Shelva Mizikar to 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219.
(Address)

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

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


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

NAME: Adam G. Anderson, Esquire
ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219
TELEPHONE: 412-391-6171
SUPREME COURT ID # 93538
ATTORNEY FOR: Defendant

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, July 16, 2010
Seal of the Court


Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan, 2014
Clearfield Co., Clearfield, PA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

NOTICE

TO: Daniel Muccio, M.D.
1910 Sassafras Street, Suite 300
Erie, PA 16502

You are required to complete the following Certificate of Compliance when producing documents or things pursuant to the Subpoena.

**CERTIFICATE OF COMPLIANCE WITH SUBPOENA TO
PRODUCE DOCUMENTS OR THINGS PURSUANT TO RULE 4009.22**

I, Mary Szymanski, certify to the best of my knowledge, information and belief that all documents or things required to be produced pursuant to the subpoena issued on July 29, 2010 have been produced.

Date: 8-2-10



Mary Szymanski
Signature

I spoke with Adam H. Anderson Esq. by phone on 8-2-10 @ 2:38 pm.

Dr. Muccio has never seen this patient in his practice in Erie, Pa. Dr. Muccio has been in practice in Erie Pa. for 50+ yrs.

Record from his old practice in Greensburg, Pa. sent to Westmoreland Pain Clinic 724-832-04902.

Sincerely,

Aug 2 2010 15:11 P.02

DRS MUCCIO DIEFFENBACH Fax: 814-4527848

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

ATTORNEYS AT LAW

www.mooclaw.com

PITTSBURGH OFFICE

Suite 2600

Gulf Tower

707 Grant Street

Pittsburgh, PA 15219

(412) 391-6171 Fax: (412) 391-8804

Adam G. Anderson

Member PA, KY, OH & WV Bars

aanderson@mooclaw.com

August 12, 2010

Westmoreland Pain Clinic
530 South Street
Medical Commons I, Suite 380
Greensburg, PA 15601
ATTN: MEDICAL RECORDS CUSTODIAN

RE: Frank J. Mizikar and Shelva R. Mizikar v. John Martino
Case No.: 08-1552-CD (Clearfield County, PA)

To Whom It May Concern:

Enclosed please find a Subpoena to Produce Documents or Things for Discovery Pursuant to Rule 4009.22 with respect to the above matter. Additionally, I am enclosing a Certificate of Compliance which I would ask that you sign and return along with the requested documents within twenty (20) days of service.

Thank you for your attention to this matter. Thank you for your attention to this matter.

Respectfully,

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

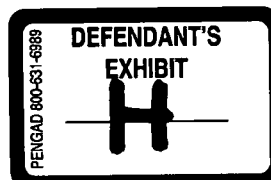
By: 

Adam G. Anderson

AGA/cvq

Enclosures

cc: Robert J. Specht, Esquire (w/enc)



Philadelphia
Pennsylvania

Pennsauken
New Jersey

New York City
New York

Wilmington
Delaware

Towson
Maryland

Elmsford
New York

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Frank J. Mizikar
Shelva R. Mizikar
Plaintiff(s)

*

Vs.

*

No. 2008-01552-CD

John Martino
Defendant(s)

*

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

TO: DANIEL MUCCIO, M.D. - WESTMORELAND PAIN MANAGEMENT

(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:

Any and all medical records, x-rays and/or films regarding Shelva Mizikar to 2600 Gulf Tower, 707 Grant Street, Pittsburgh, PA 15219

(Address)

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

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

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

NAME: Adam G. Anderson

ADDRESS: 2600 Gulf Tower, 707 Grant St.
Pittsburgh, PA 15219

TELEPHONE: 412-391-6171

SUPREME COURT ID # 93538

ATTORNEY FOR: Defendant

BY THE COURT:


William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Thursday, October 29, 2009
Seal of the Court

Deputy

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

CERTIFICATION OF COUNSEL PURSUANT TO L208.2(e)

Counsel for Defendant, John Martino, has conferred with all interested parties in order to resolve the matter without Court action.

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Compel was served upon counsel of record by first class, United States Mail, postage pre-paid this 3 day of September, 2010, addressed as follows:

Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
315 Cavitt Avenue
Trafford, PA 15085
Counsel for Plaintiff

MARKS, O'NEILL, O'BRIEN & COURTNEY

By: 

Adam G. Anderson, Esquire
Attorney for Defendant,
John Martino

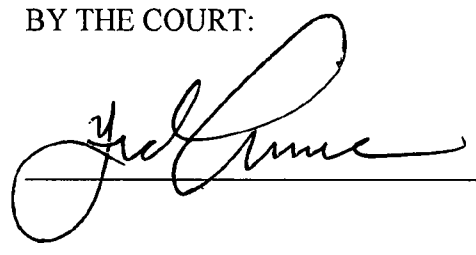
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

FRANK J. MIZIKAR and SHELVA)	CIVIL DIVISION
R. MIZIKAR, his wife,)	
)	
Plaintiffs,)	No. 08-1552-CD
)	
vs.)	
)	
JOHN MARTINO,)	
)	
Defendant.)	

ORDER OF COURT

AND NOW, this 8 day of Sept, 2010, upon consideration of Defendant John Martino's Motion to Compel Discovery, it is ORDERED that said Motion is GRANTED. Plaintiffs are to provide medical records from Dr. Daniel Muccio within twenty (20) days of the date of this Order or suffered further sanctions *as the Court deems appropriate.* ~~such that Plaintiff Shelva Mizikar~~ *FJA* will be ~~precluded from making claim for any and all treatment or surgery provided by Dr. Dan Muccio and from injuries or damages related thereto.~~

BY THE COURT:

 , J.

FILED 2cc
014:00601
SEP 08 2010
Shirley Anderson
William A. Shaw
Prothonotary/Clerk of Courts
(60)

FILED

SEP 08 2010

William A. Shaw
Prothonotary/Clerk of Courts

FILED

SEP 07 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/8/10

- ☒ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other
____ Defendant(s) ____ Defendant(s) Attorney
____ Special Instructions:

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

FILED
2 MAY 19 2011
m/10:35/w
William A. Shaw
Prothonotary/Clerk of Courts

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs.

JOHN MARTINO,

Defendant.

No. 08-1552-CD of 2008

**PRAECIPE TO SETTLE
DISCONTINUE AND END**

Filed on Behalf of :

FRANK J. MIZIKAR &
SHELVA R. MIZIKAR
Plaintiffs

Counsel on Record
For this party:

ROBERT J. SPECHT, ESQUIRE
Pa I.D. No. 68256

MOROCCO, MOROCCO &
SPECHT, P.C.

315 Cavitt Avenue

Trafford, PA 15085

(412) 373-0639

www.mmspclaw.com

mail@mmspclaw.com

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

FRANK J. MIZIKAR & SHELVA R.
MIZIKAR,

Plaintiffs,

vs.

JOHN MARTINO

Defendant.

No. 1552-CD of 2008

**PRAECIPE TO SETTLE,
DISCONTINUE AND END**

PRAECIPE TO SETTLE, DISCONTINUE AND END

TO: Ms. Christine O'Brien, Prothonotary

Please Settle, Discontinue and End, the above-captioned case, at No.

1552-CD of 2008.

Date: 5/6/11



Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
Attorney Registration No. 68256
Attorney for Plaintiff
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639
www.mmsspclaw.com
mail@mmsspclaw.com

CERTIFICATE OF SERVICE

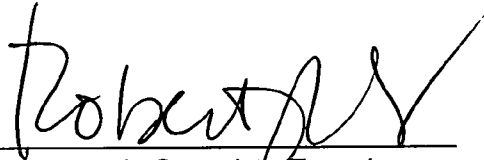
I hereby certify that a true and correct copy of the within Praecipe to Settle, Discontinue and End was served upon the person and in the manner indicated below, which service satisfies the requirements of Pa.

R.A.P. 121:

FIRST CLASS MAIL, POSTAGE PREPAID:

Adam G. Anderson, Esquire
MARK, O'NEILL, O'BRIEN & COURTNEY, P.C.
Suite 2600, Gulf Tower
707 Grant Street
Pittsburgh, PA 15219

Date: 5/6/11


Robert J. Specht, Esquire
Morocco, Morocco & Specht, P.C.
Attorney Registration No. 68256
Attorney for Plaintiff
315 Cavitt Avenue
Trafford, PA 15085
(412) 373-0639