

08-2400-CD

John Munson al vs Gregory Roscoe al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

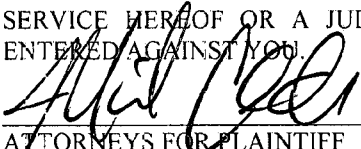
v.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

TO THE WITHIN-NAMED DEFENDANTS:

YOU ARE HEREBY NOTIFIED TO FILE A
WRITTEN RESPONSE TO THE ENCLOSED
COMPLAINT WITHIN TWENTY (20) DAYS FROM
SERVICE HEREOF OR A JUDGMENT MAY BE
ENTERED AGAINST YOU.


ATTORNEYS FOR PLAINTIFF

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY

No. 2008-2400-CD

Code:

COMPLAINT IN CIVIL ACTION

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

MICHAEL W. CALDER, ESQUIRE
Pa. I.D. #205907

ROSEN LOUIK & PERRY, P.C.
Firm #020

Suite 200, The Frick Building
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

9
FILED Atty Paid 95.00
M 10:00 AM '08 NO CC
DEC 16 2008 2 COMPLAINTS
TO SHFF
William A. Shaw
Prothonotary/Clerk of Courts

COMPLAINT IN A CIVIL ACTION
Medical Professional Liability Action

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 and for any 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 OR KNOW A LAWYER, OR CANNOT AFFORD ONE, THEN YOU SHOULD GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYERS, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE:

Daniel J. Nelson, Court Administrator
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
1-814-765-2641 Ext. 5982

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and	:	CIVIL DIVISION
natural guardians of SHANE K. MUNSON,	:	
and SHANE K. MUNSON, on his own behalf,	:	Medical Professional Liability Action
	:	
Plaintiffs,	:	Case No.:
	:	
v.	:	
	:	
GREGORY J. ROSCOE, M.D., and	:	
CLEARFIELD-JEFFERSON HEAD AND	:	
NECK SURGICAL ASSOCIATES, INC.,	:	
	:	
Defendants.	:	

COMPLAINT IN CIVIL ACTION

1. JOHN MUNSON and SHERRY MUNSON (hereinafter referred to as "Plaintiff-parents") are adult individuals who, at all times relevant to the matters set forth in this Complaint, were the parents and natural guardians of their son, Shane K. Munson. At all times relevant to the matters set forth herein, Plaintiff-parents resided in Elk County, Pennsylvania.

2. SHANE K. MUNSON (hereinafter referred to as "Plaintiff") was born on February 23, 1990, and was therefore at all times relevant to the matters described in greater detail herein a minor. Plaintiff is presently eighteen (18) years old and resides in Elk County, Pennsylvania.

3. GREGORY J. ROSCOE, M.D., (hereinafter referred to as "Defendant") is an adult individual who, at all times relevant to the matters set forth in this Complaint, practiced medicine in Clearfield County, Pennsylvania. At all times relevant to the matters set forth in this Complaint, Defendant was licensed as a physician in the Commonwealth of Pennsylvania and was engaged in the practice of otolaryngology in Clearfield County, Pennsylvania.

4. CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC., (hereinafter referred to as "Defendant-corporation") was, at all times relevant to the matter set forth in this Complaint, a corporation or other business entity chartered and existing under the laws of the Commonwealth of Pennsylvania with a principal place of business in Clearfield County.

5. At all times relevant to the matters set forth herein, Defendant was an agent, servant and/or employee of Defendant-corporation and was acting within the course and scope of his employment when providing care and treatment to Plaintiff.

6. On or about November 2, 2000, Defendant examined Plaintiff for Plaintiff's complaints of significant right ear problems including: popping, crackling, pain, brown discharge, loss of hearing, fullness, pressure, numbness and redness. Defendant treated the aforesaid symptoms with otic drops and oral antibiotics.

7. Plaintiff again presented to Defendant on or about January 30, 2001 with primary complaints of right ear bleeding, bulging and loss of hearing in his right ear.

8. On or about March 22, 2001, Defendant operated on Plaintiff, at the Dubois Regional Medical Center, for Plaintiff's complaints of brown drainage and hearing loss in his right ear. Defendant preoperatively diagnosed Plaintiff with acute otitis media with granuloma of the right ear and otitis media of the left ear.

9. Defendant treated the maladies described in Paragraph 8 by debriding and removing a granuloma, inserting a tympanostomy tube in Plaintiff's right ear, and by performing a myringotomy and placing a tympanostomy tube within Plaintiff's left ear.

10. Defendant did not report any sign of ossicular erosion or cholesteatoma at the time of Plaintiff's March 22, 2001 surgery, though he noted that Plaintiff's middle ear contained granulation tissue.

11. Following his March 2001 operation, Plaintiff continued to complain to Defendant of persistent right ear drainage with accompanying odor, stabbing pain, hearing deficits and fullness in the affected ear.

12. Defendant again debrided Plaintiff's right ear at Dubois Regional Medical Center on or about August 12, 2002. Defendant noted copius otorrhea, removed a large granulomatous lesion that had completely filled Plaintiff's right ear canal, and also removed an old tympanostomy tube from the right tympanic membrane.

13. On or about November 4, 2002, Defendant again operated on Plaintiff at Dubois Regional Medical Center. The Plaintiff's preoperative diagnosis included otitis media with mastoiditis, conductive hearing loss, and otorrhea in the right ear. Defendant treated the aforesaid symptoms with a right complete mastoidectomy, middle ear exploration, lysis of adhesions and a right tympanostomy tube.

14. During the procedure referenced in the preceding paragraph, Defendant encountered a large amount of cholesteatoma in the mastoid, primarily in the attic area.

15. Defendant attempted to remove Plaintiff's cholesteatoma by dissection, drilling and excavating in all apparent pockets. He noted, at the conclusion of the procedure, that no residual cholesteatoma remained in Plaintiff's right middle ear.

16. Following the November 2002 procedure, Defendant followed Plaintiff for several years without surgically re-exploring Plaintiff's ear despite Plaintiff's persistent complaints of right-ear drainage with occasional pain and odor.

17. At no point following Plaintiff's November 2002 right ear surgery did Defendant conduct a proper test upon Plaintiff's right ear to rule out cholesteatoma as the cause of Plaintiff's persistent symptoms until a November 2006 CT scan showed recurrent cholesteatoma in Plaintiff's right ear.

18. Plaintiff subsequently consulted with Dr. David Chi, a pediatric otolaryngologist at Children's Hospital of Pittsburgh. Dr. Chi promptly diagnosed recurrent cholesteatoma in Plaintiff's right ear.

19. On or about February 6, 2007, Dr. Chi performed a tympanoplasty and canal wall up mastoidectomy on Plaintiff's right middle ear. During this surgery, Dr. Chi removed extensive cholesteatoma involving Plaintiff's superior mesotympanum, epitympanum, and mastoid antrum. Dr. Chi also surgically resected the malleus and incus bones from Plaintiff's right ear.

20. As a result of Defendant's unreasonable delay in diagnosing the recurrence of cholesteatoma in Plaintiff's right ear, the cholesteatoma grew, enlarged, and expanded until it had damaged, eroded, and obliterated much of the anatomy of Plaintiff's right ear.

COUNT I
(NEGLIGENCE)

**Shane K. Munson v. Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck
Surgical Associates, Inc.**

21. The injuries sustained by Plaintiff, as discussed aforesaid and as will be described in more detail hereafter, are the direct and proximate result of the negligence and carelessness of the Defendants and their agents, servants and/or employees as described below.

22. Defendant and Defendant-corporation and their agents, servants and/or employees were negligent in some or all of the following particulars:

- a. In failing to properly monitor the condition of Plaintiff's right ear after discovering and removing a cholesteatoma from the middle ear during a November 2002 surgical procedure;
- b. In failing to perform a second-look tympanomastoidectomy to rule out recurrence of cholesteatoma following Plaintiff's November 2002 ear surgery;
- c. In failing to refer Plaintiff to a specialist for ongoing treatment of his right ear cholesteatoma after November 2002;
- d. In failing to provide appropriate surveillance of Plaintiff's right ear following the initial diagnosis of cholesteatoma;
- e. In relying upon X-rays to monitor Plaintiff's right ear condition following the initial diagnosis of cholesteatoma;
- f. In over-estimating the reliability of x-rays as a means of diagnostically identifying cholesteatoma or recurrent cholesteatoma;
- g. In failing to surgically explore Plaintiff's right ear in order to diagnose, or rule out, cholesteatoma or recurrent cholesteatoma following the November 2002 procedure;
- h. In failing to recognize and appreciate the high recurrence rate of cholesteatoma following the initial surgical resection of a middle ear cholesteatoma;
- i. In failing to recognize and appreciate the significance of symptoms such as drainage, pain, and hearing loss in a patient with a known history of cholesteatoma;

- j. In failing to properly treat symptoms such as drainage, pain, and hearing loss in a patient with a known history of cholesteatoma;
- k. In allowing Plaintiff's recurrent cholesteatoma to extensively invade, erode, and destroy structures within Plaintiff's middle ear;
- l. In permitting Plaintiff's recurrent cholesteatoma to remain unrecognized and undiagnosed for an unreasonably long period of time;
- m. In failing to eradicate cholesteatoma from Plaintiff's ear before the disease spread extensively throughout Plaintiff's ear; and
- n. In failing to recognize and appreciate that ear drainage, pain, and hearing loss in a patient with a known history of cholesteatoma on the affected ear, denoted a recurrent cholesteatoma until proven otherwise and mandate prompt surgical exploration of the patient's affected middle ear.

23. As a direct and proximate result of the negligence and carelessness of Defendant and Defendant-corporation and their agents, servants and/or employees, Plaintiff's cholesteatoma spread throughout Plaintiff's right middle ear. The extensive spread of the disease involved the ossicles of Plaintiff's right ear, necessitating their surgical removal. Plaintiff has been forced to submit to several additional surgical procedures as a result of the negligence of the Defendants.

24. Plaintiff may require ongoing medical, medicinal and surgical therapy indefinitely. He suffered damage to his tissues and other bodily structures, including removal of his right middle ear ossicles. Plaintiff suffered partial hearing loss in his right ear. Some or all of these injuries and losses are permanent in nature.

25. As a further direct and proximate result of the conduct of the Defendants and their agents, servants and/or employees, Plaintiff was caused to endure great physical pain, suffering and inconvenience and will suffer the same in the future. Additionally, Plaintiff has been confined to hospitals and may suffer the same in the future.

26. As a further direct and proximate result of the conduct of the Defendants, their agents, servants and/or employees, Plaintiff was forced to expend large sums of money for doctors, hospital and rehabilitative care and other items necessary for proper care and treatment, and may be forced to spend additional sums for like items in the future.

WHEREFORE, Plaintiff Shane K. Munson claims damages against the Defendants in a sum in excess of the arbitration limits of this Court, and demands a trial by jury.

COUNT II
(NEGLIGENCE)

**John and Sherry Munson, parents and natural guardians of Shane K. Munson v.
Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc.**

27. Plaintiff-parents incorporate by reference and makes part of this Count all the paragraphs of the First Count of this Complaint.

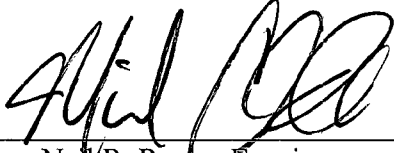
28. By reason of the conduct of Defendants, their agents, servants and/or employees, Plaintiff-parents, Parents of Shane K. Munson, Plaintiff herein, have been forced to expend large sums of money for doctors, hospitals and other items necessary for the proper care and treatment of their son, and they may be forced to expend additional sums for like items in the future.

29. As a further result of the conduct of Defendants, their agents, servants and/or employees, Plaintiffs have suffered the loss of services and/or earnings of their son, Shane K. Munson, the other Plaintiff herein, during his minority.

WHEREFORE, Plaintiffs John and Sherry Munson claim damages against the Defendants in a sum in excess of the arbitration limits of this Court and demand a trial by jury.

JURY TRIAL DEMANDED

ROSEN LOUIK & PERRY, P.C.

By: 

Neil R. Rosen, Esquire
Michael W. Calder, Esquire
Attorneys for Plaintiff

VERIFICATION

I, SHANE K. MUNSON, have read the foregoing COMPLAINT IN CIVIL ACTION.

The averments and/or denials contained therein are true and correct to the best of my personal knowledge or information and belief.

This statement and Verification are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, which statute provides that false statements are subject to criminal penalties.

Date: 12-11-08

Shane K. Munson
Shane K. Munson

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

v.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY

Case No.: 2008-2400-CD

Code:

Issue No.:

**CERTIFICATE OF MERIT AS TO
DEFENDANT GREGORY J. ROSCOE,
M.D.**

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

MICHAEL W. CALDER, ESQUIRE
Pa. I.D. #205907

ROSEN LOUIK & PERRY, P.C.
Firm #020

Suite 200, The Frick Building
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

FILED

DEC 16 2008
11:12 a.m. CL No CC Atty
2 CC SHFF

William A. Shaw
Prothonotary/Clerk of Courts

(612)

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

JOHN AND SHERRY MUNSON, parents and	:	CIVIL DIVISION
natural guardians of SHANE K. MUNSON,	:	
and SHANE K. MUNSON, on his own behalf,	:	Medical Professional Liability Action
	:	
Plaintiffs,	:	Case No.:
	:	
v.	:	Issue No.:
	:	
GREGORY J. ROSCOE, M.D., and	:	
CLEARFIELD-JEFFERSON HEAD AND	:	
NECK SURGICAL ASSOCIATES, INC.,	:	
	:	
Defendants.	:	

CERTIFICATE OF MERIT AS TO DEFENDANT,
GREGORY J. ROSCOE, M.D.

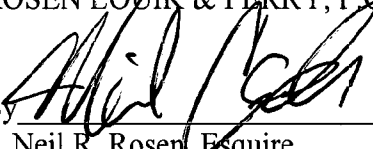
I, MICHAEL W. CALDER, ESQUIRE, certify that:

- X An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this Defendant in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- The claim that this Defendant deviated from acceptable professional standards is based solely on allegations that other licensed professionals for whom this Defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this Defendant.

Respectfully submitted,

ROSEN LOUIK & PERRY, P.C.

By



Neil R. Rosen, Esquire

Michael W. Calder, Esquire

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

v.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY

Case No.: 2008-2400-CD

Code:

Issue No.:

**CERTIFICATE OF MERIT AS TO
DEFENDANT CLEARFIELD-
JEFFERSON HEAD AND NECK
SURGICAL ASSOCIATES, INC.**

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

MICHAEL W. CALDER, ESQUIRE
Pa. I.D. #205907

ROSEN LOUIK & PERRY, P.C.
Firm #020

Suite 200, The Frick Building
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

FILED

M 11:12 A.M. GK No CC A44y
DEC 16 2008 ZCC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

611

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

JOHN AND SHERRY MUNSON, parents and natural guardians of SHANE K. MUNSON, and SHANE K. MUNSON, on his own behalf,	:	CIVIL DIVISION
	:	
Plaintiffs,	:	Medical Professional Liability Action
	:	
v.	:	Case No.:
	:	
	:	Issue No.:
	:	
GREGORY J. ROSCOE, M.D., and CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC.,	:	
	:	
Defendants.	:	

CERTIFICATE OF MERIT AS TO DEFENDANT,
CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC.

I, MICHAEL W. CALDER, ESQUIRE, certify that:


- ☐ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this Defendant in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☒ The claim that this Defendant deviated from acceptable professional standards is based solely on allegations that other licensed professionals for whom this Defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the Complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this Defendant.

Case No.:
Issue No.:

Respectfully submitted,

ROSEN LOUIK & PERRY, P.C.

By


Neil R. Rosen, Esquire

Michael W. Calder, Esquire

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2400-CD

JOHN & SHERRY MUNSON, Parents & natural guardians of SHANE K. MUNSON, and
SHANE K. MUNSON

vs

GREGORY J. ROSCOE, M.D. and CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC.
COMPLAINT & CERTIFICATE OF MERIT

SERVICE # 2 OF 2

SERVE BY: 01/15/2009

HEARING:

PAGE: 105065

DEFENDANT: CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC.

ADDRESS: 871 BEAVER DRIVE
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED William A. Shaw
Prothonotary/Clerk of Courts

ATTEMPTS

SHERIFF'S RETURN

NOW, 12-22-2008 AT 11:16 AM PM SERVED THE WITHIN

COMPLAINT & CERTIFICATE OF MERIT ON CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC., DEFENDANT

BY HANDING TO Rene Rubin / DA

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

ADDRESS SERVED 871 Beaver Drive Dubois, Pa 15801

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT & CERTIFICATE OF MERIT FOR CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC.

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC.

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Newlin
Deputy Signature

Jerome M. Newlin

FILED

01/3:40 PM

DEC 22 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2400-CD

JOHN & SHERRY MUNSON, Parents & natural guardians of SHANE K. MUNSON, and
SHANE K. MUNSON

vs

SERVICE # 1 OF 2

GREGORY J. ROSCOE, M.D. and CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC.
COMPLAINT & CERTIFICATE OF MERIT

SERVE BY: 01/15/2009

HEARING:

PAGE: 105065

DEFENDANT: GREGORY J. ROSCOE, M.D.
ADDRESS: 871 BEAVER DRIVE
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED William A. Shaw
Prothonotary/Clerk of Courts

ATTEMPTS

SHERIFF'S RETURN

NOW, 12-22-2008 AT 11:16 AM PM SERVED THE WITHIN

COMPLAINT & CERTIFICATE OF MERIT ON GREGORY J. ROSCOE, M.D., DEFENDANT

BY HANDING TO Rene RubH, P/A. Physicians Assistant

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

ADDRESS SERVED 871 Beaver Drive Dubois, PA 15801

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT & CERTIFICATE OF MERIT FOR GREGORY J. ROSCOE, M.D.

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO GREGORY J. ROSCOE, M.D.

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Jerome M. Newlin
Deputy Signature
Jerome M. Newlin
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents
and natural guardians of SHANE K.
MUNSON, and SHANE K. MUNSON, on his
own behalf

Plaintiffs,

v.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL DIVISION

No. 2008-2400-CD

PRAECIPE FOR APPEARANCE

Code: 007

Filed on behalf of the Defendants

Counsel of record for these parties:

Terry C. Cavanaugh, Esq.
PA. I.D. #16702

WHITE AND WILLIAMS LLP
Firm #683
1001 Frick Building
Pittsburgh, PA 15219

(412) 566-3520

JURY TRIAL DEMANDED

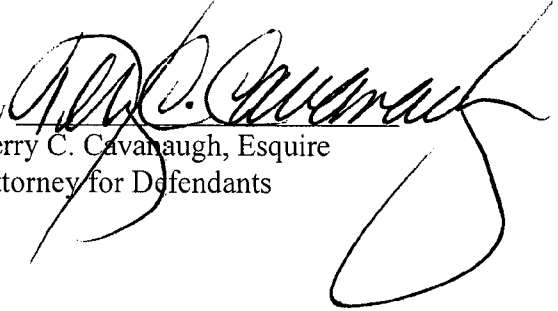
FILED NO CC
JAN 08 2009
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I, Terry C. Cavanaugh, Esquire, hereby certify that true and correct copies of the foregoing PRAECIPE FOR APPEARANCE have been served this 5th day of January, 2009, by U.S. first-class mail, postage prepaid, to all counsel of record.

Neil R. Rosen, Esq.
Rosen Louik & Perry, PC
Suite 200, The Frick Building
437 Grant Street
Pittsburgh PA 15219

WHITE AND WILLIAMS LLP

By 
Terry C. Cavanaugh, Esquire
Attorney for Defendants

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

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

**CIVIL ACTION – MEDICAL PROFESSIONAL
LIABILITY**

No. 2008-2400-CD

Code:

**ANSWER AND NEW MATTER TO
PLAINTIFFS' COMPLAINT**

Filed on behalf of Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA I.D. # 16702

C. Justin Conrad, Esquire
PA I.D. # 205697

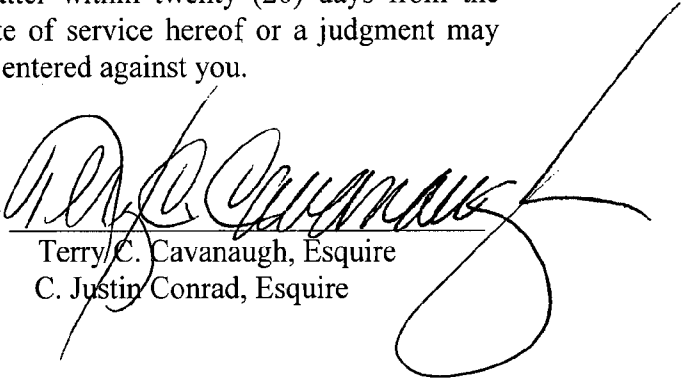
WHITE AND WILLIAMS LLP
Firm # 683
1001 Frick Building
Pittsburgh, PA 15219
(412) 566-3520

NOTICE TO PLEAD

TO: Plaintiffs

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

By


Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire

JURY TRIAL DEMANDED

FILED *no cc*
3/11/2009
MAR 16 2009

5 William A. Shaw
Prothonotary/Clerk of Courts *(GIC)*

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

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

CIVIL ACTION – MEDICAL PROFESSIONAL
LIABILITY

No. 2008-2400-CD

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

ANSWER AND NEW MATTER TO PLAINTIFFS' COMPLAINT

AND NOW come Defendants, Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc., by and through their attorneys, White and Williams LLP, Terry C. Cavanaugh, Esquire and C. Justin Conrad, Esquire, and file the within Answer and New Matter to Plaintiffs' Complaint, asserting and setting forth as follows:

1. At this time and after reasonable investigation, these Defendants are without sufficient information or knowledge upon which to base the truth or falsity of the averments set forth in paragraph 1 of Plaintiffs' Complaint. Accordingly, said averments are denied and strict proof thereof is demanded at the time of trial.

2. At this time and after reasonable investigation, these Defendants are without sufficient information or knowledge upon which to base the truth or falsity of the averments set forth in paragraph 2 of Plaintiffs' Complaint. Accordingly, said averments are denied and strict proof thereof is demanded at the time of trial.

3. The averments set forth in paragraph 3 of Plaintiffs' Complaint are admitted in part; denied in part. It is admitted only that the Defendant, Dr. Roscoe, is a physician licensed to practice medicine in the Commonwealth of Pennsylvania and possesses a specialty in the field of otolaryngology. By way of further response, Dr. Roscoe maintains a professional address of 871 Beaver Drive, DuBois, PA 15801.

4. The averments set forth in paragraph 4 of Plaintiffs' Complaint are admitted in part; denied in part. It is admitted only that Defendant, Clearfield-Jefferson Head and Neck Surgical Associates, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania with a business location of 871 Beaver Drive, DuBois, PA 15801.

5. The averments set forth in paragraph 5 of Plaintiffs' Complaint are admitted in part; denied in part. It is admitted only that the Defendant, Dr. Roscoe, was an employee of Clearfield-Jefferson Head and Neck Surgical Associates, Inc. during the relevant time period. The remaining averments set forth in paragraph 5 of Plaintiffs' Complaint constitute conclusions of law to which no response is necessary. To the extent a response is necessary, said averments are specifically denied and strict proof thereof is demanded at the time of trial.

6. The averments set forth in paragraph 6 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 6 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

7. The averments set forth in paragraph 7 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak

for themselves and to the extent that the averments set forth in paragraph 7 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

8. The averments set forth in paragraph 8 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 8 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

9. The averments set forth in paragraph 9 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 9 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

10. The averments set forth in paragraph 10 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 10 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

11. The averments set forth in paragraph 11 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 11 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

12. The averments set forth in paragraph 12 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 12 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

13. The averments set forth in paragraph 13 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 13 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

14. The averments set forth in paragraph 14 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 14 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

15. The averments set forth in paragraph 15 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 15 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

16. The averments set forth in paragraph 16 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 16 of Plaintiffs'

Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

17. The averments set forth in paragraph 17 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 17 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

18. The averments set forth in paragraph 18 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 18 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

19. The averments set forth in paragraph 19 of Plaintiffs' Complaint are generally denied. By way of further response, these Defendants aver that Plaintiff's medical records speak for themselves and to the extent that the averments set forth in paragraph 19 of Plaintiffs' Complaint differ, do not accurately reflect and/or exceed the scope of Plaintiff's medical records, said averments are specifically denied.

20. The averments set forth in paragraph 20 of Plaintiffs' Complaint constitute conclusions of law to which no response is necessary. To the extent a response is necessary, said averments are specifically denied and strict proof thereof is demanded at the time of trial. By way of further response, it is specifically denied that Defendant, Dr. Roscoe, was in any way negligent, reckless or careless in rendering medical care to Plaintiff. To the contrary, the medical services provided by Dr. Roscoe were at all times appropriately rendered in accordance with the

applicable standards of care in the medical community. Accordingly, strict proof of each and every act and/or failure to act is demanded at the time of trial.

COUNT I
(NEGLIGENCE)

**Shane K. Munson v. Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck
Surgical Associates, Inc.**

Paragraphs 1 through 20 of the foregoing Answer are hereby incorporated as though more fully set forth herein and at length.

21. The averments set forth in paragraph 21 of Plaintiffs' Complaint constitute conclusions of law to which no response is necessary. To the extent a response is necessary, said averments are specifically denied and strict proof thereof is demanded at the time of trial. By way of further response, it is specifically denied that the Defendants were in any way negligent, reckless or careless in rendering medical care to Plaintiff. To the contrary, the medical services provided by these answering Defendants were at all times appropriately rendered in accordance with the applicable standards of care in the medical community. Accordingly, strict proof of each and every act and/or failure to act is demanded at the time of trial.

22. The averments set forth in paragraph 22 of Plaintiffs' Complaint and all attendant subparagraphs thereto constitute conclusions of law to which no response is necessary. To the extent a response is necessary, said averments are specifically denied and strict proof thereof is demanded at the time of trial. By way of further response, it is specifically denied that the Defendants were in any way negligent, reckless or careless in rendering medical care to Plaintiff. To the contrary, the medical services provided by these answering Defendants were at all times appropriately rendered in accordance with the applicable standards of care in the medical community. Accordingly, strict proof of each and every act and/or failure to act is demanded at the time of trial.

23. The averments set forth in paragraph 23 of Plaintiffs' Complaint constitute conclusions of law to which no response is necessary. To the extent a response is necessary, said averments are specifically denied and strict proof thereof is demanded at the time of trial. By way of further response, it is specifically denied that the Defendants were in any way negligent, reckless or careless in rendering medical care to Plaintiff. To the contrary, the medical services provided by these answering Defendants were at all times appropriately rendered in accordance with the applicable standards of care in the medical community. Accordingly, strict proof of each and every act and/or failure to act is demanded at the time of trial.

24. At this time and after reasonable investigation, these Defendants are without sufficient information or knowledge upon which to base the truth or falsity of the averments set forth in paragraph 24 of Plaintiffs' Complaint. Accordingly, said averments are specifically denied and strict proof thereof is demanded at the time of trial.

25. At this time and after reasonable investigation, these Defendants are without sufficient information or knowledge upon which to base the truth or falsity of the averments set forth in paragraph 25 of Plaintiffs' Complaint. Accordingly, said averments are specifically denied and strict proof thereof is demanded at the time of trial.

26. At this time and after reasonable investigation, these Defendants are without sufficient information or knowledge upon which to base the truth or falsity of the averments set forth in paragraph 26 of Plaintiffs' Complaint. Accordingly, said averments are specifically denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants, Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc., deny that they are indebted in any sum whatsoever to Plaintiffs and demand judgment in their favor and costs assessed against the Plaintiffs.

JURY TRIAL DEMANDED.

COUNT II
(NEGLIGENCE)

John and Sherry Munson, parents and natural guardians of Shane K. Munson v. Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc.

27. Paragraphs 1 through 26 of the foregoing Answer are hereby incorporated as though more fully set forth herein and at length.

28. At this time and after reasonable investigation, these Defendants are without sufficient information or knowledge upon which to base the truth or falsity of the averments set forth in paragraph 28 of Plaintiffs' Complaint. Accordingly, said averments are specifically denied and strict proof thereof is demanded at the time of trial.

29. At this time and after reasonable investigation, these Defendants are without sufficient information or knowledge upon which to base the truth or falsity of the averments set forth in paragraph 29 of Plaintiffs' Complaint. Accordingly, said averments are specifically denied and strict proof thereof is demanded at the time of trial.

WHEREFORE, Defendants, Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc., deny that they are indebted in any sum whatsoever to Plaintiffs and demand judgment in their favor and costs assessed against the Plaintiffs.

JURY TRIAL DEMANDED.

NEW MATTER

30. Paragraphs 1 through 29 of the foregoing Answer are hereby incorporated as though more fully set forth herein and at length.

32. Section 606 of the Healthcare Services Malpractice Act of Pennsylvania, 40 P.S. §1301.606 provides that "in the absence of a special contract in writing, a healthcare provider is

neither a warrantor nor a guarantor of a cure.” This provision is pled as an affirmative defense insofar as there is no special contract in writing in this case.

33. These Defendants raise all affirmative defenses as set forth or available as a result of the provisions of the Healthcare Services Malpractice Act of Pennsylvania, 40 P.S. § 1301 et seq. as well as the Medical Care Availability and Reduction of Error Act, 40 P.S. § 1303 et seq.

34. These Defendants plead the doctrine of intervening and superseding causes as an affirmative defense.

35. These Defendants plead “payment” as an affirmative defense to the extent that any amount less than the amount billed for medical services to the Plaintiff after the alleged incident is accepted as payment in full.

36. These Defendants are not liable for any pre-existing medical conditions which caused the claimed injuries and/or damages.

37. At all times material hereto this action, the care and treatment rendered to the Plaintiff by these answering Defendants was appropriate and in accordance with the applicable standards of care in the medical community.

38. Any claim that Plaintiffs may make regarding entitlement to damages for delay is barred on the grounds that such a claim, or its source of authorization, is violative of the due process requirements of the United States and Pennsylvania Constitutions.

39. Plaintiffs may have entered into a release which has the effect of discharging these Defendants from liability in this matter. If so, these Defendants claim the benefits of said release.

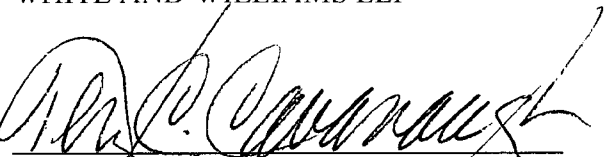
40. To the extent that the evidence developed during discovery demonstrates the application of the two schools of thought doctrine, these Defendants plead that doctrine as providing a complete defense for any alleged negligence and/or malpractice

WHEREFORE, Defendants, Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc., deny that they are indebted in any sum whatsoever to Plaintiffs and demand judgment in their favor and costs assessed against the Plaintiffs.

Respectfully submitted,

WHITE AND WILLIAMS LLP

By:



Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire
Attorneys for Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

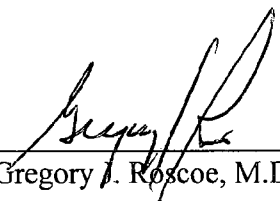
VERIFICATION

I, Gregory J. Roscoe, M.D., have read the foregoing *Answer and New Matter to Plaintiffs' Complaint*. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date:

2-3-09



Gregory J. Roscoe, M.D.

VERIFICATION

I, Gregory Roscoe, acting as the representative of Clearfield-Jefferson Head and Neck Surgical Associates, Inc., have read the foregoing *Answer and New Matter to Plaintiffs' Complaint*. The statements therein are correct to the best of my personal knowledge or information and belief.

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

Date: 2-3-09

Gregory Roscoe
Representative of Clearfield-Jefferson Head and
Neck Surgical Associates, Inc.

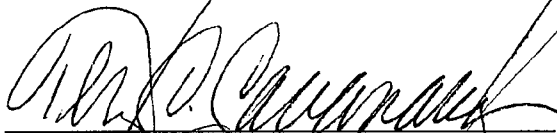
CERTIFICATE OF SERVICE

I, C. Justin Conrad, Esquire, hereby certify that true and correct copies of the foregoing *Answer and New Matter to Plaintiffs' Complaint* have been served this 9th day of March, 2009, by U.S. first-class mail, postage prepaid, to counsel of record listed below:

Neil R. Rosen , Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

WHITE AND WILLIAMS LLP

By:


Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire
Attorneys for Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

FILED

MAR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105065
NO: 08-2400-CD
SERVICES 2
COMPLAINT & CERTIFICATE OF MERIT

PLAINTIFF: JOHN & SHERRY MUNSON, Parents & natural guardians of SHANE K. MUNSON, and
SHANE K. MUNSON

vs.

DEFENDANT: GREGORY J. ROSCOE, M.D. and CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL
ASSOCIATES, INC.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	ROSEN	004833	20.00
SHERIFF HAWKINS	ROSEN	004833	46.65

FILED
9/3:35pm
MAR 25 2009
William A. Shaw
Prothonotary/Clerk of Court

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins

Chester A. Hawkins
Sheriff

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY
PENNSYLVANIA**

JOHN and SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON;
and SHANE K. MUNSON, on his own
behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D.; and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION—MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 2008-2400-CD

**PLAINTIFFS' REPLY TO NEW
MATTER OF DEFENDANTS GREGORY
J. ROSCOE, M.D. and CLEARFIELD-
JEFFERSON HEAD AND NECK
SURGICAL ASSOCIATES**

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

MICHAEL W. CALDER, ESQUIRE
Pa. I.D. #205907

ROSEN LOUIK & PERRY, P.C.
Firm #020

The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

FILED

MAR 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

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: CIVIL DIVISION

•

: Medical Professional Liability Action

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: Case No.: 2008-2400-CD

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denies all of the averments set forth in Paragraph 32 and demands strict proof of same at trial.

33. The averments of Paragraph 33 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 33 and demands strict proof of same at trial.

34. The averments of Paragraph 34 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 34 and demands strict proof of same at trial.

35. The averments of Paragraph 35 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 35 and demands strict proof of same at trial.

36. The averments of Paragraph 36 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 36 and demands strict proof of same at trial.

37. The averments of Paragraph 37 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 37 and demands strict proof of same at trial.

38. The averments of Paragraph 38 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 38 and demands strict proof of same at trial.

39. The averments of Paragraph 39 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 39 and demands strict proof of same at trial.

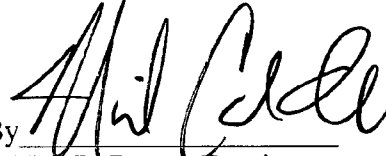
40. The averments of Paragraph 40 set forth conclusions of law to which no response is required. To the extent that a response is required, Plaintiff specifically denies all of the averments set forth in Paragraph 40 and demands strict proof of same at trial.

WHEREFORE, Plaintiffs respectfully request damages as requested in their Complaint.

JURY TRIAL DEMANDED

Respectfully submitted,

ROSEN LOUIK & PERRY, P.C.

By 
Neil R. Rosen, Esquire
Michael W. Calder, Esquire
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply to New Matter of Defendants Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates was served upon the following counsel of record via facsimile, hand delivery and/or U.S. first class mail, postage prepaid this 27th day of March, 2009:

Terry C. Cavanaugh, Esquire
White and Williams LLP
The Frick Building
437 Grant Street, Suite 1001
Pittsburgh, PA 15219-6003

ROSEN LOUIK & PERRY, P.C.

By 

Neil R. Rosen, Esquire
Michael W. Calder, Esquire
Attorneys for Plaintiff

FILED

MAR 30 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL PROFESSIONAL
LIABILITY

No. 2008-2400-CD

Code:

FILED

MAY 11 2009
m/12/25/09
William A. Shaw
Prothonotary/Clerk of Courts

No. 4/6 @

**NOTICE OF DEPOSITION OF SHANE
MUNSON, JOHN MUNSON AND
SHERRY MUNSON**

Filed on behalf of Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA I.D. # 16702

C. Justin Conrad, Esquire
PA I.D. # 205697

WHITE AND WILLIAMS LLP
Firm # 683
1001 Frick Building
Pittsburgh, PA 15219
(412) 566-3520

JURY TRIAL DEMANDED

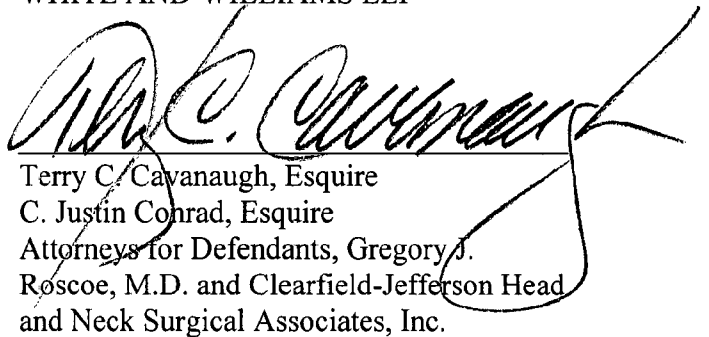
CERTIFICATE OF SERVICE

I, Terry C. Cavanaugh, Esquire, hereby certify that true and correct copies of the foregoing *Notice of Deposition* have been served this 6th day of May, 2009, by U.S. first-class mail, postage prepaid, to counsel of record listed below:

Michael W. Calder, Esquire
Rcsen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

WHITE AND WILLIAMS LLP

By:


Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire
Attorneys for Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Prothonotary/Clerk of Courts
William A. Shaw

MAY 11 2009

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY

No. 2008-2400-CD

Code:

FILED

JAN 11 2010
w/10-2010
William A. Shaw
Prothonotary/Clerk of Courts
No e/c

**REQUEST TO PLAINTIFFS FOR
PRODUCTION OF EXPERTS' REPORTS**

Filed on behalf of Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA I.D. # 16702

WHITE AND WILLIAMS LLP
Firm # 683
1001 Frick Building
Pittsburgh, PA 15219
(412) 566-3520

JURY TRIAL DEMANDED

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

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

CIVIL ACTION – **MEDICAL
PROFESSIONAL LIABILITY**

No. 2008-2400-CD

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

**REQUEST TO PLAINTIFFS
FOR PRODUCTION OF EXPERTS' REPORTS**

TO: John and Sherry Munson
c/o Neil R. Rosen, Esquire
Rosen Louik & Perry, PC
Suite 200, The Frick Building
437 Grant Street
Pittsburgh PA 15219

FROM: Terry C. Cavanaugh, Esquire
White and Williams LLP
Frick Building, Suite 1001
437 Grant Street
Pittsburgh, PA 15219

Pursuant to Pennsylvania Rule of Civil Procedure 1042.28(b), you are requested within one hundred and eighty (180) days of service of this request to furnish me experts' reports summarizing the expert testimony that you will offer to support the claims of professional negligence or product liability that you have made against Defendants.

WHITE AND WILLIAMS LLP

By: 

Terry C. Cavanaugh, Esquire

PA I.D. No. 16702

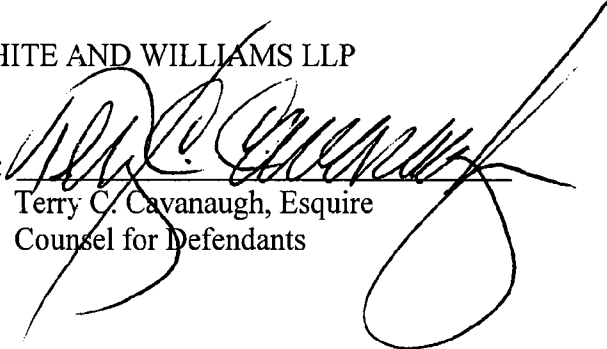
Counsel for Defendants

CERTIFICATE OF SERVICE

I, Terry C. Cavanaugh, Esquire, hereby certify that true and correct copies of the foregoing Request to Plaintiffs for Production of Experts' Reports have been served this 7th day of January, 2010, by U.S. first-class mail, postage prepaid, to all counsel of record.

Neil R. Rosen, Esquire
Rosen Louik & Perry, PC
Suite 200, The Frick Building
437 Grant Street
Pittsburgh PA 15219

WHITE AND WILLIAMS LLP

By: 
Terry C. Cavanaugh, Esquire
Counsel for Defendants

FILED
JAN 11 2010
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL PROFESSIONAL
LIABILITY

No. 2008-2400-CD

Code:

**REVISED NOTICE OF DEPOSITION OF
SHANE MUNSON, JOHN MUNSON AND
SHERRY MUNSON**

Filed on behalf of Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA I.D. # 16702

C. Justin Conrad, Esquire
PA I.D. # 205697

WHITE AND WILLIAMS LLP
Firm # 683
1001 Frick Building
Pittsburgh, PA 15219
(412) 566-3520

JURY TRIAL DEMANDED

FILED No. 2008-2400-CD
m/11:084m
JAN 22 2010

William A. Shaw
Prothonotary/Clerk of Courts

**REVISED NOTICE OF DEPOSITION OF SHANE MUNSON,
JOHN MUNSON AND SHERRY MUNSON**

TO: Michael W. Calder, Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219

TAKE NOTICE that the re-scheduled deposition of Plaintiffs, SHANE MUNSON, JOHN MUNSON & SHERRY MUNSON, will be taken for the purposes of discovery and for use at trial pursuant to Rules 4007, *et seq.*, of the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on **Monday, February 22, 2010, commencing at 10:00 A.M. beginning with Shane Munson followed by John Munson then Sherry Munson**, at the offices of **Richard Milgrub, Esquire, 211 N. 2nd Street, Clearfield, PA 16830**, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts, causes and results of the incident in suit, including the identity and whereabouts of witnesses.

WHITE AND WILLIAMS LLP

By: 

Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire
Attorneys for Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

CERTIFICATE OF SERVICE

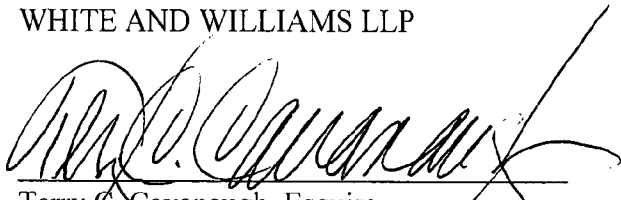
I, Terry C. Cavanaugh, Esquire, hereby certify that true and correct copies of the foregoing *Revised Notice of Deposition of Shane Munson, John Munson and Sherry Munson* have been served this 18th day of January, 2010, by U.S. first-class mail, postage prepaid, to counsel of record listed below:

Michael W. Calder, Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

Courtesy Copy to:
Richard Milgrub, Esquire
211 N. 2nd Street
Clearfield, PA 16830

WHITE AND WILLIAMS LLP

By:


Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire
Attorneys for Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

JAN 22 2010

William A. Shaw
Prothonotary/Clerk of Courts

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL PROFESSIONAL
LIABILITY

No. 2008-2400-CD

Code:

**SECOND REVISED NOTICE OF
DEPOSITION OF SHANE MUNSON,
JOHN MUNSON AND SHERRY MUNSON**

Filed on behalf of Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA I.D. # 16702

C. Justin Conrad, Esquire
PA I.D. # 205697

WHITE AND WILLIAMS LLP
Firm # 683
1001 Frick Building
Pittsburgh, PA 15219
(412) 566-3520

JURY TRIAL DEMANDED

FILED No CC.
m/11:46 am
APR 19 2010

William A. Shaw
Prothonotary/Clerk of Courts

**SECOND REVISED NOTICE OF DEPOSITION OF SHANE MUNSON,
JOHN MUNSON AND SHERRY MUNSON**

TO: Michael W. Calder, Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219

TAKE NOTICE that the re-scheduled deposition of Plaintiffs, SHANE MUNSON, JOHN MUNSON & SHERRY MUNSON, will be taken for the purposes of discovery and for use at trial pursuant to Rules 4007, *et seq.*, of the Pennsylvania Rules of Civil Procedure, as amended, before a Notary Public duly authorized by law to administer oaths, on **Monday, April 19, 2010, commencing at 10:00 A.M. beginning with Shane Munson followed by John Munson and then Sherry Munson**, at the offices of **Richard Milgrub, Esquire, 211 N. 2nd Street, Clearfield, PA 16830**, at which time and place you are invited to appear and take such part as shall be fitting and proper.

The scope and purpose of the deposition is to inquire into the facts, causes and results of the incident in suit, including the identity and whereabouts of witnesses.

WHITE AND WILLIAMS LLP

By: 

Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire
Attorneys for Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

CERTIFICATE OF SERVICE

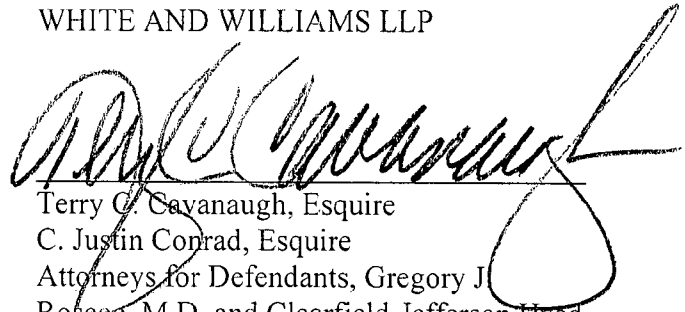
I, Terry C. Cavanaugh, Esquire, hereby certify that true and correct copies of the foregoing *Second Revised Notice of Deposition of Shane Munson, John Munson and Sherry Munson* have been served this 14th day of April, 2010, by U.S. first-class mail, postage prepaid, to counsel of record listed below:

Michael W. Calder, Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

Courtesy Copy to:
Richard Milgrub, Esquire
211 N. 2nd Street
Clearfield, PA 16830

WHITE AND WILLIAMS LLP

By:


Terry C. Cavanaugh, Esquire
C. Justin Conrad, Esquire
Attorneys for Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY

No. 2008-2400-CD

Code:

FILED

JUL 19 2010

W. A. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

**MOTION TO COMPEL EXPERTS' NO CHG CERN
REPORTS DIRECTED TO PLAINTIFFS**

Filed on behalf of Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA I.D. # 16702

C. Justin Conrad, Esquire
PA I.D. # 205697

WHITE AND WILLIAMS LLP
Firm # 683
1001 Frick Building
Pittsburgh, PA 15219
(412) 566-3520

JURY TRIAL DEMANDED

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

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL PROFESSIONAL
LIABILITY

No. 2008-2400-CD

Code:

MOTION TO COMPEL EXPERTS' REPORTS DIRECTED TO PLAINTIFFS

AND NOW come Defendants Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc., by and through their counsel, Terry C. Cavanaugh, Esquire and White and Williams LLP, and respectfully request that this Honorable Court enter an Order compelling the plaintiffs to produce their experts' reports pertinent to the above matter:

1. This is a professional negligence claim filed on December 16, 2008.
2. On January 7, 2010 a Request was directed to the plaintiffs to produce their experts' reports under Pa. R.C.P. 1042.28(b). A copy of the Request is attached hereto and marked as Exhibit "A".
3. The plaintiffs' experts' reports were due on or about July 6, 2010.
4. No reports have been produced.
5. Expert opinion is a prerequisite to a professional negligence claim and the

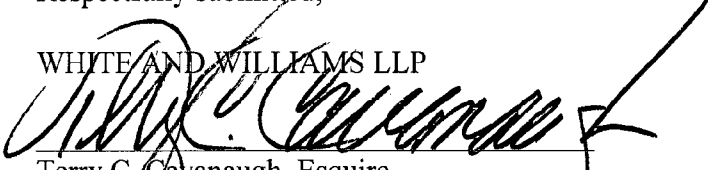
defendants are prejudiced by the plaintiffs' failure to do so.

WHEREFORE, it is respectfully requested that this Honorable Court enter an Order compelling the Plaintiffs to produce their experts' reports within ten (10) days of the date of the Order or suffer sanctions.

Respectfully submitted,

WHITE AND WILLIAMS LLP

By:


Terry C. Cavanaugh, Esquire

PA I.D. No. 16702

Counsel for Defendants Gregory J. Roscoe, M.D. and
Clearfield-Jefferson Head and Neck Surgical
Associates, Inc.,

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY

No. 2008-2400-CD

Code:

**REQUEST TO PLAINTIFFS FOR
PRODUCTION OF EXPERTS' REPORTS**

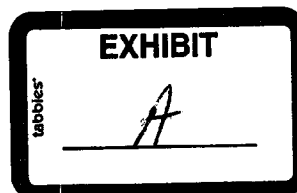
Filed on behalf of Defendants, Gregory J.
Roscoe, M.D. and Clearfield-Jefferson Head
and Neck Surgical Associates, Inc.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA I.D. # 16702

WHITE AND WILLIAMS LLP
Firm # 683
1001 Frick Building
Pittsburgh, PA 15219
(412) 566-3520

JURY TRIAL DEMANDED



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

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

**CIVIL ACTION – MEDICAL
PROFESSIONAL LIABILITY**

No. 2008-2400-CD

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

**REQUEST TO PLAINTIFFS
FOR PRODUCTION OF EXPERTS' REPORTS**

TO: John and Sherry Munson
c/o Neil R. Rosen, Esquire
Rosen Louik & Perry, PC
Suite 200, The Frick Building
437 Grant Street
Pittsburgh PA 15219

FROM: Terry C. Cavanaugh, Esquire
White and Williams LLP
Frick Building, Suite 1001
437 Grant Street
Pittsburgh, PA 15219

Pursuant to Pennsylvania Rule of Civil Procedure 1042.28(b), you are requested within one hundred and eighty (180) days of service of this request to furnish me experts' reports summarizing the expert testimony that you will offer to support the claims of professional negligence or product liability that you have made against Defendants.

CERTIFICATE OF SERVICE

I, Terry C. Cavanaugh, Esquire, hereby certify that true and correct copies of the foregoing MOTION TO COMPEL EXPERTS' REPORTS DIRECTED TO PLAINTIFFS have been served this 14th day of July, 2010, by U.S. first-class mail, postage prepaid, to all counsel of record.

Neil R. Rosen, Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

WHITE AND WILLIAMS LLP

By: 

Terry C. Cavanaugh, Esquire
Counsel for Defendants

FILED

JUL 19 2010

**William A. Shaw
Prothonotary/Clerk of Courts**

(9)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION – MEDICAL PROFESSIONAL
LIABILITY

No. 2008-2400-CD

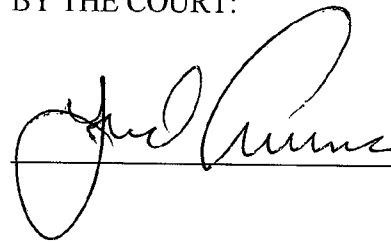
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ORDER OF COURT

AND NOW, to-wit, this 20 day of July, 2010, it is hereby ORDERED,

ADJUDGED AND DECREED that the plaintiffs are directed to produce their experts' reports
30 FJA
within ~~10~~ days of the date of this Order or suffer sanctions.

BY THE COURT:

 J.

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FILED
01/4/2008/1
JUL 20 2010
William A. Shaw
Prothonotary/Clerk of Courts
ice Amy Cavanaugh (60)

FILED

JUL 20 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/20/10

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

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

JOHN and SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON;
and SHANE K. MUNSON, on his own
behalf,

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D.; and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL ACTION—MEDICAL
PROFESSIONAL LIABILITY ACTION

Case No.: 2008-2400-CD

**PLAINTIFFS' MOTION TO COMPEL
EXPERT REPORTS DIRECTED TO
DEFENDANTS GREGORY ROSCOE,
M.D. AND CLEARFIELD-JEFFERSON
HEAD AND NECK SURGICAL
ASSOCIATES, INC.**

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

MICHAEL W. CALDER, ESQUIRE
Pa. I.D. #205907

ROSEN LOUIK & PERRY, P.C.
Firm #020

The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED

5 FILED No
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OCT 29 2011
William A. Shatt
Prothonotary/Clerk of Courts

JOHN AND SHERRY MUNSON, parents
and natural guardians of SHANE K.
MUNSON, and SHANE K. MUNSON, on
his own behalf,

Plaintiffs,

v.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

: **CIVIL DIVISION**
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: **Medical Professional Liability Action**
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: **Case No.: 2008-2400-CD**
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AND NOW come Plaintiffs, by and through the undersigned counsel, and files this Motion seeking an Order from this Honorable Court compelling Defendants, Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc. to respond to Plaintiffs' Request for Production of Expert Reports. In support of this Motion, Plaintiffs aver:

1. This is a professional negligence claim filed on or about December 15, 2008. On August 19, 2010 a Request was directed to counsel for Defendants, Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates, Inc. to produce their reports pursuant to Pa. R.C.P. 1042.29(2). As can be seen from “**Exhibit A**” attached hereto, counsel for both Defendants in this case agreed that

Plaintiffs' informal request for production of expert reports via e-mail would have the same binding effect as though a formal Request had been created.

2. Accordingly, the Defendants' expert reports were due on or about October 19, 2010.

3. To date, no reports have been produced.

4. Production of the Defendants' expert reports is necessary so that Plaintiffs can continue their evaluation of this case and, moreover, to allow Plaintiffs to prepare for a jury trial of this matter.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter an Order compelling the Defendants to produce their expert reports within ten (10) days of the date of the Order or suffer such sanctions as this Honorable Court deems appropriate.

JURY TRIAL DEMANDED

Respectfully submitted,

ROSEN LOUIK & PERRY, P.C.

By 

Neil R. Rosen, Esquire
Michael W. Calder, Esquire
Attorneys for Plaintiff

Michael W Calder

From: Cavanaugh, Terry [Cavanaugh@whiteandwilliams.com]
Sent: Thursday, August 19, 2010 6:09 PM
To: Michael W Calder
Subject: RE: Munson

I needed your report to get mine; I'll have two. They should be in my hands in less than sixty days.

We can agree, if you like, that this exchange is in lieu of a formal request and equally binding.

Regards,

Terry

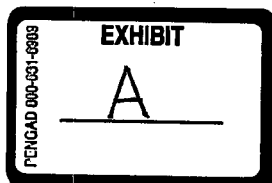
From: Michael W Calder [mailto:mcaldер@caringlawyers.com]
Sent: Thursday, August 19, 2010 2:26 PM
To: Cavanaugh, Terry
Cc: Samantha McNett
Subject: Munson

Terry:

Thank you for returning my call - this is not an urgent matter. I am interested to read your expert report in the Shane Munson case. Would you be willing to provide me with the report via this informal request, or would you prefer that I file/serve a Motion to Compel the report so that it would be produced in 60 days under the Pa.R.C.P.? Let me know what works for you.

Best,
MC

Michael W. Calder, Esq.
Rosen Louik & Perry, P.C.
Suite 200, The Frick Building
437 Grant Street
Pittsburgh, PA 15219
Telephone: (412.281.4200)
Fax: (412.281.2997)
mcaldер@caringlawyers.com
www.caringlawyers.com




CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Motion to Compel Expert Reports Directed to Defendants Gregory J. Roscoe, M.D. and Clearfield-Jefferson Head and Neck Surgical Associates was served upon the following counsel of record via facsimile, hand delivery and/or U.S. first class mail, postage prepaid this 27th day of October, 2010:

Terry C. Cavanaugh, Esquire
White and Williams LLP
The Frick Building
437 Grant Street, Suite 1001
Pittsburgh, PA 15219-6003

ROSEN LOUIK & PERRY, P.C.

By


Neil R. Rosen, Esquire
Michael W. Calder, Esquire
Attorneys for Plaintiff

FILED

OCT 29 2010

William A. Shaw
Prothonotary/Clerk of Courts

CA

: **CIVIL DIVISION**
:
:
: **Medical Professional Liability Action**
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: **Case No.: 2008-2400-CD**

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ORDER

5TH

ADJUDGED and DECREED that Plaintiffs' Motion to Compel Defendants' Expert

Reports is hereby GRANTED and that the Defendants shall produce their expert reports

Thirty (30) days of the

BY THE COURT:

100
Atty
Rosen

ms (64)

64

Paul Curran

FILED

NOV 05 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/5/10

☒ 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

JOHN and SHERRY MUNSON, parents
and natural guardians of SHANE K.
MUNSON; and SHANE K. MUNSON, on
his own behalf,

c/o Michael W. Calder, Esquire
Rosen, Louik & Perry, P.C.
437 Grant Street, Suite 200
Pittsburgh, PA 15219

Plaintiffs,

vs.

GREGORY J. ROSCOE, M.D.; and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

c/o Terry C. Cavanaugh, Esquire
White and Williams, LLP
The Frick Building, Suite 1001
437 Grant Street
Pittsburgh, PA 15219

Defendants.

CIVIL ACTION

Case No.: 2008-2400-CD

Type of Case: MEDICAL
PROFESSIONAL LIABILITY ACTION

CERTIFICATE OF READINESS

Filed on behalf of PLAINTIFFS

Counsel for PLAINTIFFS:

NEIL R. ROSEN, ESQUIRE
Pa. I.D. #23619

MICHAEL W. CALDER, ESQUIRE
Pa. I.D. #205907

ROSEN LOUIK & PERRY, P.C.
Firm #020

The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
412-281-4200

JURY TRIAL DEMANDED



Michael W. Calder, Esquire

FILED NO
M110:51301 CC
DEC 22 2010

William A. Shaw
Promotory/Clerk of Courts

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

Civil Trial Listing/Certificate of Readiness

JOHN AND SHERRY MUNSON, parents and : Case No.: 2008-2400-CD
natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,

Plaintiffs,

v.

GREGORY J. ROSCOE, M.D.; and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

To the Prothonotary:

Arbitration Limit: _____

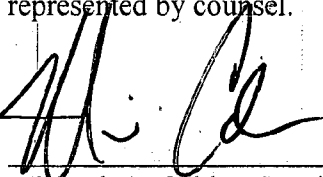
Type of Trial Requested: X Jury _____ Non-Jury _____ Arbitration

Estimated Trial Time: Three (3) days

Jury Demand Filed By: Plaintiff

Date Jury Demand Filed: December 15, 2008

Please place the above-captioned case on the trial list. I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel.



Michael W. Calder, Esquire

12.20.2010

Date

For the Plaintiff: Michael W. Calder, Esq. 412-281-4200 Telephone Number

For the Defendant: Terry C. Cavanaugh, Esq. 412-566-3524 Telephone Number

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the CERTIFICATE OF READINESS, was served upon all counsel of record, by U. S. first-class mail, postage pre-paid, or hand delivery, this 20th day of December, 2010, as follows:

Terry C. Cavanaugh, Esquire
White and Williams, LLP
The Frick Building, Suite 1001
437 Grant Street
Pittsburgh, PA 15219

ROSEN LOUIK & PERRY, P.C.

By: 

Neil R. Rosen, Esquire
Michael W. Calder, Esquire
Attorneys for Plaintiffs

FILED

DEC 22 2010

William A. Shaw
Prothonotary/Clerk of Courts

CA

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

JOHN and SHERRY MUNSON, parents :
and natural guardians of SHANE K. :
MUNSON; and SHANE K. MUNSON, on : NO. 2008-2400-CD
his own behalf :
Plaintiffs :
vs. :
GREGORY J. ROSCOE, M.D.; and :
CLEARFIELD-JEFFERSON HEAD AND :
NECK SURGICAL ASSOCIATES, INC :
Defendants :

ORDER

AND NOW, this 28th day of December, 2010, it is the Order of
the Court that a pre-trial conference in the above-captioned matter shall be and is
hereby scheduled for **Wednesday, February 9, 2011, at 3:00 P.M.** in Judges
Chambers, Clearfield County Courthouse, Clearfield, PA.

Additionally, Civil Jury Selection in this matter shall be and is hereby
scheduled for April 5, 2011 at 9:00 a.m. in Courtroom No. 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

FILED
DEC 28 2010

William A. Shaw
Prothonotary/Clerk of Courts

ICC & Pre-Trial Memo

to Attys: Calder

Cavanaugh

Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

FILED

DEC 28 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/28/10

☒ 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:

CA

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

JOHN and SHERRY MUNSON, parents and natural
guardian of SHANE K. MUNSON; and SHANE K. MUNSON,
on his own behalf,
Plaintiffs

vs

GREGORY J. ROSCOE, M.D. and CLEARFIELD-
JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES,
INC.,
Defendants

NO. 08-2400-CD

FILED

FEB 22 2011

William A. Shaw
Prothonotary/Clerk of Courts

CCNY TO M. CALNEL
T. CAVARAG

ORDER

NOW, this 18th day of February, 2011, following status conference with counsel
for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on **April 5, 2011** commencing at 9:00 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Jury Trial is hereby scheduled for **June 13, 14, 15 and 16, 2011**, commencing at 9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse.
3. All depositions which are to be used for trial presentation purposes shall be completed by absolutely no later than sixty (60) days prior to the commencement of trial or the same will not be available for use at trial. A copy of the transcript of any such deposition(s) shall be provided to opposing counsel within no more than ten (10) days following completion of the deposition(s).
4. The written report of any expert who will testify at trial for the Plaintiff which has not previously been provided to opposing counsel shall be delivered within no more than sixty (60) days from this date. Failure to comply will result in the witness not being available for use at trial.
5. Any party making objections relative the testimony to be provided by any witness in the form of a deposition at the time of trial shall submit said objections to the

FILED
FEB 22 2011
William A. Shaw
Prothonotary/Clerk of Court

CA

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

JOHN and SHERRY MUNSON, parents and
natural guardians of SHANE K. MUNSON; and
SHANE K. MUNSON, on his own behalf

Plaintiffs

vs.

GREGORY J. ROSCOE, M.D.; and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.

Defendants

NO. 2008-2400-CD

FILED

JUN 10 2011

William A. Shaw
Prothonotary/Clerk of Courts

CERT TO

ATTY. N. ROSCOE
M. CALDER

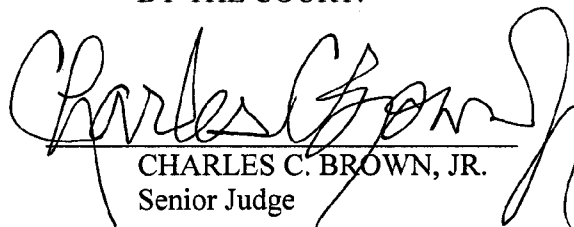
T. CAVANAGH

ORDER

AND NOW, this 10th day of June, 2011, it is the ORDER of the Court that
the Civil Jury Trial in the above captioned case, previously scheduled for June 13
through June 16, 2011 shall be and is hereby **re-scheduled to Monday, October 3,**
2011 through Wednesday, October 5, 2011, beginning at 9:00 o'clock A.M. in
Courtroom #1. Three days have been reserved for this proceeding.

Additionally, civil jury selection is hereby scheduled for **Wednesday, July**
27, 2011, at 9:00 AM in Courtroom #1 of the Clearfield County Courthouse. All
individuals and attorneys involved in the above captioned matter must be present for
jury selection.

BY THE COURT:


CHARLES C. BROWN, JR.
Senior Judge

FILED
JUN 10 2011
William A. Shaw
Prothonotary/Clerk of Courts

Frank Building, SE, 200

437 Grand ~~St~~ St.

Pitts 15219.~6003

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents
and natural guardians of SHANE K.
MUNSON, and SHANE K. MUNSON, on his
own behalf

CIVIL DIVISION

No. 2008-2400-CD

Plaintiffs,

v.

MOTION TO RESCHEDULE

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Code: 007

Filed on behalf of the Defendants

Defendants.

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA. I.D. #16702

C. Justin Conrad, Esquire
PA. I.D. #205697

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.**

Firm #309
U.S. Steel Tower
600 Grant Street, Suite 2900
Pittsburgh, PA 15219

(412) 803-1140

JURY TRIAL DEMANDED

FILED

JUL 25 2011

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents : No. 2008-2400-CD
and natural guardians of SHANE K. :
MUNSON, and SHANE K. MUNSON, on :
his own behalf :

Plaintiffs, :

v. :

GREGORY J. ROSCOE, M.D., and :
CLEARFIELD-JEFFERSON HEAD AND :
NECK SURGICAL ASSOCIATES, INC., :

Defendants. :

MOTION TO RESCHEDULE

AND NOW come the defendants, GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES, INC., by and
through their counsel, MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN, and
respectfully request that the above-captioned matter be rescheduled.

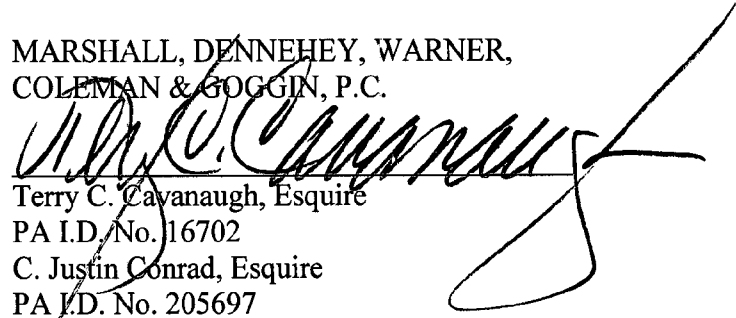
1. Due to the illness of plaintiffs' counsel, the case as originally set for trial
was postponed.
2. The current date for selection of the jury creates a hardship for Dr. Roscoe
and for Attorney Cavanaugh, both of whom appear to have irreconcilable conflicts.
3. The trial, as scheduled in October, is set for the very same time of Mr.
Cavanaugh's daughter's wedding.

WHEREFORE, it is respectfully requested that the date for jury selection and the
date for trial be scheduled at another time, at the convenience of the Court.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

By:


Terry C. Cavanaugh, Esquire

PA I.D. No. 16702

C. Justin Conrad, Esquire

PA I.D. No. 205697

Counsel for Defendants Gregory J. Roscoe, M.D. and
Clearfield-Jefferson Head & Neck Surgical
Associates, Inc.

CERTIFICATE OF SERVICE

I, Terry C. Cavanaugh, Esquire, hereby certify that true and correct copies of the foregoing MOTION TO RESCHEDULE have been served this 22nd day of July, 2011, via hand-delivery, to counsel of record.

Michael W. Calder, Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

By: 

Terry C. Cavanaugh, Esquire
Counsel for Defendants Gregory J. Roscoe,
M.D. and Clearfield-Jefferson Head &
Neck Surgical Associates, Inc.

FILED

JUL 25 2011

William A. Shaw
Prothonotary/Clerk of Courts

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

JOHN and SHERRY MUNSON, parents and natural
guardian of SHANE K. MUNSON; and SHANE K. MUNSON,
on his own behalf,
Plaintiffs

vs

GREGORY J. ROSCOE, M.D. and CLEARFIELD-
JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES,
INC.,
Defendants

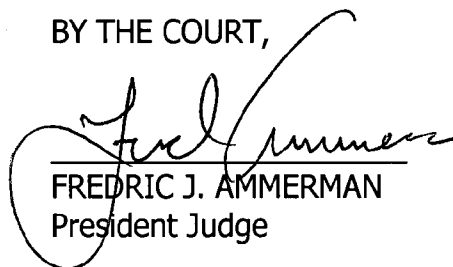
NO. 08-2400-CD

ORDER

NOW, this 25th day of July, 2011, upon review and consideration of the Motion to Reschedule July 27, 2011, jury selection filed by Terry C. Cavanaugh, Esquire, it is the ORDER of this Court that said Motion is GRANTED.

It is the further ORDER of this Court that the above-captioned case be placed on the October 27, 2011 civil jury selection list and a pre-trial conference is hereby scheduled for **August 19, 2011 at 11:30 a.m. in Chambers.**

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

019:50301
JUL 28 2011

William A. Shaw
Prothonotary/Clerk of Courts

100
Atty's:
Calder/Rosen
Cavanaugh

66

FILED

JUL 28 2011

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/28/11

☐ 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:

CA

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

JOHN and SHERRY MUNSON, parents and natural
guardian of SHANE K. MUNSON; and SHANE K. MUNSON,
on his own behalf,
Plaintiffs

vs

GREGORY J. ROSCOE, M.D. and CLEARFIELD-
JEFFERSON HEAD AND NECK SURGICAL ASSOCIATES,
INC.,
Defendants

NO. 08-2400-CD

FILED

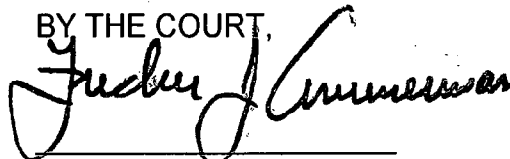
⚡ **AUG 19 2011**
0/3:25 LC
William A. Shaw
Prothonotary/Clerk of Court
Sent to
ATTY J. CAMPANELLO
W. CALDER

ORDER

NOW, this 19th day of August, 2011, following pre-trial conference with counsel
for the parties as set forth above, it is the ORDER of this Court as follows:

1. Jury Selection will be held on **October 27, 2011** commencing at 9:00 a.m. in
Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania;
and
2. Jury Trial is hereby scheduled for **February 21, 22 and 23, 2012**, commencing at
9:00 a.m. each day in Courtroom No. 1 of the Clearfield County Courthouse with
Senior Judge Charles C. Brown, Jr., Specially Presiding.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
AUG 19 2011
Prothonotary/Clerk of Court
William A. Shew

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN and SHERRY MUNSON, parents of
and natural guardians of SHANE K. MUNSON,
and SHANE K. MUNSON, on his own behalf,
Plaintiffs,

v.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,
Defendants.

No. 2008-2400-CD

FILED

03:08 PM
FEB 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

VERDICT SLIP

1. Do you find that the conduct of Defendant Roscoe fell below the applicable standard of medical care? In other words, was the Defendant Roscoe negligent?

Yes _____ No ✓

If you answer "Yes" to Question 1, you must answer Question 2. If you answer "No" to Question 1, the Plaintiffs cannot recover and you should not answer any further questions and should return to the courtroom.

2. Was Defendant Roscoe's negligence a factual cause of any harm to the Plaintiffs?

Yes _____ No _____

If you answer "Yes" to Question 2, you must answer Question 3. If you answer "No" to Question 2, the Plaintiffs cannot recover and you should not answer any further questions and should return to the courtroom.

3. State the amount of damages sustained by the Plaintiffs as a result of the negligence of Defendant Roscoe.

(a) Shane Munson

Past noneconomic* loss in a lump sum \$ _____

Future noneconomic* loss in a lump sum \$ _____

(*such as physical pain, mental anguish, discomfort,
inconvenience, and distress)

Total Award for Shane Munson


\$ _____

(b) John and Sherry Munson

Past medical and related expenses in a lump sum

\$ _____

Signed:


Jury Foreperson

Date:

2-23-12

FILED

FEB 23 2012

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents
and natural guardians of SHANE K.
MUNSON, and SHANE K. MUNSON, on his
own behalf

Plaintiffs,

v.

GREGORY J. ROSCOE, M.D., and
CLEARFIELD-JEFFERSON HEAD AND
NECK SURGICAL ASSOCIATES, INC.,

Defendants.

CIVIL DIVISION

No. 2008-2400-CD

**PRAECIPE TO ENTER JUDGMENT ON to
THE VERDICT**

Code: 007

Filed on behalf of the Defendants

Counsel of record for these parties:

Terry C. Cavanaugh, Esquire
PA. I.D. #16702

Steven J. Forry, Esquire
PA. I.D. #73961

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.**

Firm #309
U.S. Steel Tower
600 Grant Street, Suite 2900
Pittsburgh, PA 15219

(412) 803-1140

FILED

MAR 19 2012

William A. Shaw
Prothonotary/Clerk of Courts
CENT W/NOTICE

ATTY'Y FOLLY
+ CALDEN

JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents : No. 2008-2400-CD
and natural guardians of SHANE K. :
MUNSON, and SHANE K. MUNSON, on :
his own behalf :

Plaintiffs, :

v. :

GREGORY J. ROSCOE, M.D., and :
CLEARFIELD-JEFFERSON HEAD AND :
NECK SURGICAL ASSOCIATES, INC., :

Defendants. :

PRAECIPE TO ENTER JUDGMENT ON THE VERDICT

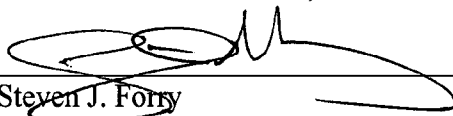
TO: PROTHONOTARY

Kindly enter judgment in favor of DEFENDANTS, GREGORY J. ROSCOE, M.D. and CLEARFIELD-JEFFERSON HEAD & NECK SURGICAL ASSOCIATES, Inc., and against the Plaintiffs pursuant to the verdict of the jury dated February 23, 2012.

Respectfully submitted,

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

By:


Steven J. Forry

*Counsel for Defendants Gregory J. Roscoe, M.D. and
Clearfield-Jefferson Head & Neck Surgical
Associates, Inc.*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN AND SHERRY MUNSON, parents : No. 2008-2400-CD
and natural guardians of SHANE K. :
MUNSON, and SHANE K. MUNSON, on :
his own behalf :

Plaintiffs, :

v. :

GREGORY J. ROSCOE, M.D., and :
CLEARFIELD-JEFFERSON HEAD AND :
NECK SURGICAL ASSOCIATES, INC., :

Defendants. :

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: ☒ Plaintiff ☐ Defendant ☐ Garnishee ☐ Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered against you on February 23, 2012.

☐ Decree Nisi in Equity.

☐ Final Decree in Equity.

(X) Judgment of ☐ Confession ☒ Verdict
☐ Default ☐ Non-Suit
☐ Non-Pros ☐ Arbitration Award

☐ Judgment is in the amount of \$_____ PLUS COSTS.

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

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

PROTHONOTARY

By: 

~~Deputy~~

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

Steven J. Forry, Esquire
Terry C. Cavanaugh, Esquire
Marshall, Dennehey, Warner
Coleman & Goggin
U.S. Steel Tower
600 Grant Street, 29th Floor
Pittsburgh, PA 15219

Phone: (412) 803-3464


CERTIFICATE OF SERVICE

I, Steven J. Forry, Esquire, hereby certify that true and correct copies of the foregoing
Praeipse to Enter Judgment on the Verdict have been served this 13th day of March, 2012, via
First Class Mail, to counsel of record.

Michael W. Calder, Esquire
Rosen Louik & Perry, P.C.
The Frick Building, Suite 200
437 Grant Street
Pittsburgh, PA 15219
Counsel for Plaintiffs

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN, P.C.

By: _____


Steven J. Forry
*Counsel for Defendants,
Gregory J. Roscoe, M.D. and
Clearfield-Jefferson Head & Neck Surgical
Associates, Inc*

FILED
MAR 19 2012
William A. Shaw
Prothonotary/Clerk of Courts