

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**IAN HARKER and CORRADINA
BALDACCHINO**, Individually, and as Parents
and Natural Guardians on Behalf of **GH, a
Minor**, and in their own right
2219 Greenhouse Road, No. 4114
Houston, TX 77084

Plaintiffs

v.

JOHN O. CHAN, M.D.
1086 Franklin Street
Johnstown, PA 15905

**CONEMAUGH MEMORIAL MEDICAL
CENTER**
1086 Franklin Street
Johnstown, PA 15905

CONEMAUGH PHYSICIAN GROUP
1086 Franklin Street
Johnstown, PA 15905

CONEMAUGH HEALTH SYSTEM, INC.
1086 Franklin Street
Johnstown, PA 15905

DUKE LIFEPOINT HEALTHCARE
330 Seven Springs Way
Brentwood, TN 37027

Defendants

CIVIL ACTION

NO.: 3:15-cv-277

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

1. Federal jurisdiction in this action is predicated upon diversity of citizenship under statutory authority of 28 U.S.C. § 1332. The amount in controversy exceeds \$75,000.00.

2. Venue is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. § 1391(b) because (1) some or all defendants are residents of this judicial district and/or (2) the acts and omissions that form the subject matter of this action occurred in this judicial district.

3. For purposes of diversity under 28 U.S.C. § 1332, Defendants are all citizens of the Commonwealth of Pennsylvania and Plaintiffs are citizens of the State of Texas.

4. Plaintiffs, Ian Harker and Corradina [“Corry”] Baldacchino, bring this action individually and as the parents and natural guardians on behalf of their minor daughter, GH.¹ Ian Harker and Corry Baldacchino are adult citizens of the State of Texas, currently residing at 2219 Greenhouse Road, No. 4114, Houston, Texas, 77084.

5. Minor-Plaintiff, GH (hereinafter “minor-daughter GH”), is a citizen of the State of Texas and resides therein with her parents at 2219 Greenhouse Road, No. 4114, Houston, Texas, 77084.

6. Defendant, John O. Chan, M.D. [“Dr. Chan”], was at all times material hereto, a physician duly licensed to practice medicine in the Commonwealth of Pennsylvania, practicing within the field of neonatology and/or pediatrics. Dr. Chan maintained a medical practice, office, and place of business at, among other sites, 1086 Franklin Street, Johnstown, Pennsylvania 15905. Plaintiffs are asserting a professional liability claim against this defendant. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.1 regarding this defendant is attached hereto as Exhibit “A.”

7. Defendant, Conemaugh Memorial Medical Center (a.k.a. Conemaugh Valley Memorial Hospital), was at all times material hereto, a professional healthcare facility and

¹ Pursuant to LCvR 5.2D(2), Plaintiffs have identified Minor-Plaintiff by child’s initials only and her identity will be readily identifiable and produced in Discovery.

corporation or other jural entity organized according to and/or existing under and pursuant to the laws of the Commonwealth of Pennsylvania, which operates, owns, maintains, and/or controls a hospital, health care facility, and provider of health care and health care services located at 1086 Franklin Street, Johnstown, Pennsylvania 15905. Plaintiffs are asserting a professional liability claim against this defendant directly and for the conduct of its agents and employees. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.1 regarding this defendant is attached hereto as Exhibit "B."

8. Defendant, Conemaugh Physician Group, was at all times material hereto, a corporation, Professional Corporation, professional association, professional partnership, or other jural entity organized according to and existing under the laws of the Commonwealth of Pennsylvania and presently owns, maintains, operates and controls professional offices at, among other sites, 1086 Franklin Street, Johnstown, Pennsylvania 15905. Plaintiffs are asserting a professional liability claim against this defendant for the conduct of its agents and employees. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.1 regarding this defendant is attached hereto as Exhibit "C."

9. Defendant, Conemaugh Health System, Inc., was at all times material hereto, a professional healthcare facility and corporation or other jural entity organized according to and/or existing under and pursuant to the laws of the Commonwealth of Pennsylvania which operates, owns, maintains, and/or controls a hospital, health care facility, and provider of health care and health care services located at 1086 Franklin Street, Johnstown, Pennsylvania 15905. Plaintiffs are asserting a professional liability claim against this defendant for the conduct of its

agents and employees. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.1 regarding this defendant is attached hereto as Exhibit "D."

10. Defendant, Duke Lifepoint Healthcare, was at all times material hereto, a corporation or other jural entity organized and operating under the laws of the Commonwealth of Pennsylvania, with a business address at 330 Seven Springs Way, Brentwood, Tennessee 37027 and an address at which it was regularly conducting business at 1086 Franklin Street, Johnstown, Pennsylvania 15905. Plaintiffs are asserting a professional liability claim against this defendant for the conduct of its agents and employees. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.1 regarding this defendant is attached hereto as Exhibit "E."

11. At all times material hereto, Dr. Chan acted in the capacity of minor-daughter GH's physician and was the actual, apparent, or ostensible agent, servant, or employee of Conemaugh Memorial Medical Center, Conemaugh Physician Group, Conemaugh Health System, Inc., and/or Duke Lifepoint Healthcare and was acting within the scope of his professional duties for Conemaugh Memorial Medical Center, Conemaugh Physician Group, Conemaugh Health System, Inc., and/or Duke Lifepoint Healthcare while providing medical care and treatment to minor-daughter GH.

12. At all times material hereto, Defendants engaged agents, servants, and/or employees, including Ann Becquet, CRNP, Kate Schmucker, PA-C, Marilyn Harrington, CRNP, and any other physicians, physician extenders, nurses and healthcare personnel who provided care to minor-daughter GH at Conemaugh Memorial Medical Center and whose identities are known only to Defendants in the absence of discovery, all of whom were acting within the scope of their professional duties for Conemaugh Memorial Medical Center, Conemaugh Physician

Group, Conemaugh Health System, Inc., and/or Duke Lifepoint Healthcare while providing medical care and treatment to minor-daughter GH at Conemaugh Memorial Medical Center.

13. At all times material hereto, Conemaugh Memorial Medical Center, Conemaugh Physician Group, Conemaugh Health System, Inc., and Duke Lifepoint Healthcare were acting by and through their actual, apparent, or ostensible agents, servants and employees while providing medical care and treatment to minor-daughter GH.

14. At all times material hereto, some or all Defendants may have been agents of each other.

OPERATIVE FACTS

15. In 2012, Corry Baldacchino, age 35 and pregnant for the first time with an Estimated Due Date of March 2, 2012, received her prenatal care in her home state of Texas.

16. On December 24, 2012, while visiting family in Pennsylvania, Corry Baldacchino presented to Conemaugh Memorial Medical Center at 30.2 weeks gestation with preterm, premature rupture of membranes, for which she was admitted.

17. On December 27, 2012, at 30.5 weeks gestation, Corry Baldacchino underwent an uneventful and atraumatic spontaneous vaginal delivery of minor-daughter GH.

18. On December 27, 2012, at birth, minor-daughter GH was a vigorous and normal appearing baby girl who weighed 1,720 grams (3 pounds, 13 ounces).

19. On December 27, 2012, shortly after birth, minor-daughter GH's physical exam revealed a large right-sided cephalohematoma with no evidence of trauma and a beautiful, thick head of hair.

20. On December 27, 2012, a CT scan of minor-daughter GH's head confirmed the presence of a cephalohematoma on the right side of her head with no evidence of subgaleal hemorrhage.

21. On December 27, 2012, despite minor-daughter GH's radiologic findings confirming the cephalohematoma, Dr. Chan diagnosed minor-daughter GH with a probable subgaleal hemorrhage.

22. On December 27, 2012, Dr. Chan treated minor-daughter GH for a subgaleal hemorrhage by having an Ace Bandage wrapped around her head as a pressure dressing.

23. On December 27, 2012, at 1:00 p.m., Dr. Chan and/or Ann Becquet, CRNP ordered minor-daughter GH's head wrapped with an Ace Bandage.

24. On December 27, 2012, at approximately 1:00 p.m., Kate Schmucker, PA-C wrapped minor-daughter GH's head with an Ace Bandage.

25. On December 28, 2012, at 08:30 a.m., Ann Becquet, CRNP changed minor-daughter GH's Ace Bandage head wrap.

26. On December 28, 2012, by 8:00 p.m., minor-daughter GH's head was oozing serous fluid with increased edema noted above the Ace Bandage head wrap.

27. On December 28, 2012, at 8:00 p.m., Kate Schmucker, PA-C loosened minor-daughter GH's Ace Bandage head wrap.

28. On December 29, 2012, by 02:00 a.m., minor-daughter GH's head was draining serous fluid through the right side of her Ace Bandage head wrap.

29. On December 29, 2012, by 08:00 a.m., minor-daughter GH's head was draining large amounts of serous fluid through her Ace Bandage head wrap.

30. On December 29, 2012, minor-daughter GH was unable to open her right eye from severe swelling in her right upper eyelid while the Ace Band head wrap was on.

31. On December 29, 2012, at 10:00 a.m., Dr. Chan or Marilyn Harrington, CRNP ordered minor-daughter GH's head wrap removed.

32. On December 29, 2012, at 11:00 a.m., minor-daughter GH's Ace Bandage head wrap was removed.

33. On December 29, 2012, after minor-daughter GH's Ace Bandage head wrap was removed, abrasions on both sides of her head with areas of dark bruising on her upper forehead were immediately identified.

34. On December 29, 2012, by 1:45 p.m., minor-daughter GH's head was draining large amounts of serous fluid onto her linens.

35. On December 29, 2012, by 1:45 p.m., the severe swelling in minor-daughter GH's right upper eyelid was improving.

36. On December 29, 2012, by 8:00 p.m., areas of minor-daughter GH's head were becoming necrotic with open areas on her scalp and forehead.

37. On December 29, 2012, by 8:00 p.m., minor-daughter GH's head was reddened around the periphery where the Ace Bandage head wrap had been and her head was oozing large amounts of drainage.

38. On December 29, 2012, by 11:30 p.m., multiple areas of minor-daughter GH's head were open and painful.

39. On December 30, 2012, by 08:00 a.m., scattered areas on both sides of minor-daughter GH's scalp were necrotic, bruised, open, and draining large amounts of serous fluid.

40. On December 31, 2012, pressure spots caused by the Ace Bandage head wrap were noted on minor-daughter GH's head with scattered areas of necrosis on both sides of her scalp and forehead and she continued to drain large amounts of serous fluid.

41. On January 7, 2013, Kamran Shayesteh, D.O. ["Dr. Shayesteh"], a plastic surgeon, evaluated minor-daughter GH's scalp wounds and found black eschar that extended continuously from above the left ear and around the back of her head to the above the right ear with damage to the skin and eschar anteriorly over both temporal areas and extending over the anterior fontanel.

42. On January 7, 2013, Dr. Shayesteh concluded that minor-daughter GH's scalp wounds were caused by some type of pressure injury.

43. While admitted to Conemaugh Memorial Medical Center, minor-daughter GH's head was repeatedly cleaned and washed to remove necrotic debris and dead tissue, causing her to cry out from pain.

44. While admitted to Conemaugh Memorial Medical Center, just touching minor-daughter GH's head caused her to cry out in pain.

45. While admitted to Conemaugh Memorial Medical Center, necrosis and excoriation of minor-daughter GH's scalp caused her to lose much of her hair, leaving large bald patches.

46. Minor-daughter GH remained at Conemaugh Memorial Medical Center until January 15, 2013, at 19 days of age, at which time she was transferred via Air Flight to Texas Children's Hospital in Houston for evaluation and treatment of her scalp wounds by a pediatric plastic surgeon capable of performing extensive craniofacial surgery.

47. From January 15, 2013 through February 6, 2013, minor-daughter GH was admitted to Texas Children's Hospital.

48. At Texas Children's Hospital, minor-daughter GH was evaluated and treated by Laura A. Monson, M.D., a pediatric plastic surgeon.

49. At Texas Children's Hospital, minor-daughter GH was diagnosed with severe scalp wounds caused by pressure-induced tissue ischemia/necrosis.

50. Currently, at nearly 3 years of age, minor-daughter GH's head and scalp are horribly scarred and disfigured and her wounds have still not completely healed.

51. Currently, at nearly 3 years of age, Dr. Monson continues to follow minor-daughter GH with plans to perform multiple, extensive, highly risky and painful reconstructive surgeries on her head and scalp beginning within a few years.

52. Regardless of any and all reconstructive plastic surgery repairs in the future, minor-daughter GH's head and scalp will forever be significantly disfigured.

53. As a direct and proximate result of Defendants' negligent treatment of minor-daughter GH while admitted to Conemaugh Memorial Medical Center from December 27, 2012 to January 15, 2013, minor-daughter GH was caused to suffer severe and permanent damage to her head, scalp and skull, resulting in catastrophic injuries.

54. As a direct and proximate result of Defendants' negligent treatment of minor-daughter GH while admitted to Conemaugh Memorial Medical Center from December 27, 2012 to January 15, 2013, minor-daughter GH will require multiple high-risk, complex surgical procedures to treat her catastrophic injuries.

55. As set forth more fully below, the care and treatment provided by Defendants and their agents, servants and/or employees to minor-daughter GH, as set forth herein, was negligent and a substantial factor that increased the risk of harm and/or caused minor-daughter GH to suffer the following injuries and their sequela:

- a. pressure ischemia and necrosis of the forehead and scalp;
- b. ischemia/necrosis of the skin and underlying tissues of the scalp;
- c. ischemia/necrosis of the skull and periosteum;
- d. bruising, swelling, edema and fissures of the forehead and scalp;
- e. extensive eschars of the scalp;
- f. severe scarring of the skin, underlying tissues of the scalp, and skull;
- g. swelling and injury around the right eye;
- h. skull damage preventing and/or delaying closure of the anterior fontanel;
- i. loss of hair;
- j. permanent alopecia;
- k. future need for high-risk, complex surgical procedures;
- l. future risk of infection and skin breakdown;
- m. past medical expenses;
- n. future medical expenses;
- o. past pain and suffering;
- p. future pain and suffering;
- q. loss of life's pleasures;
- r. mental anguish;

- s. embarrassment and humiliation.
- t. permanent physical disabilities;
- u. permanent cosmetic disabilities;
- v. scarring and disfigurement;
- w. other incidental expenses.

56. The injuries of minor-daughter GH, as described herein, were caused solely and wholly by reason of the negligence and carelessness of Defendants, as set forth herein, and were not caused or contributed thereto by any negligence on the part of Plaintiffs.

57. As a direct and proximate cause of the negligent treatment provided by Defendants, their agents, servants and/or employees, as set forth herein, Plaintiffs, Ian Harker and Corry Baldacchino, as parents and natural guardians on behalf of minor-daughter GH, and in their own right, claim the full measure of damages allowable under the law.

COUNT I – NEGLIGENCE
PLAINTIFFS v. DR. CHAN, CONEMAUGH MEMORIAL MEDICAL CENTER,
CONEMAUGH PHYSICIAN GROUP, CONEMAUGH HEALTH SYSTEM, INC.,
AND DUKE LIFEPOINT HEALTHCARE

58. The preceding paragraphs of this Complaint are incorporated as though fully set forth herein.

59. The negligent acts and omissions of Dr. Chan, and through him, Conemaugh Memorial Medical Center, Conemaugh Physician Group, Conemaugh Health System, Inc., and Duke Lifepoint Healthcare, in his medical management, care, and treatment of minor-daughter GH, as set forth in the predicate facts stated above, include, but are not limited to, the following:

- a) Incorrectly diagnosing subgaleal hemorrhage;
- b) Failing to adequately confer with the radiologist regarding minor-daughter

- GH's CT scan of the head;
- c) Ignoring the findings reported by the radiologist reviewing minor-daughter GH's CT scan of the head;
- d) Failing to diagnose the cephalohematoma;
- e) Failing to appropriately manage the cephalohematoma;
- f) Failing to consider the cephalohematoma when wrapping minor-daughter GH's head with an Ace Bandage:
- g) Treating minor-daughter GH with an Ace Bandage head wrap;
- h) Treating presumed subgaleal hemorrhage with an Ace Bandage head wrap;
- i) Treating minor-daughter GH with an Ace Bandage head wrap in the presence of a cephalohematoma;
- j) Allowing the Ace Bandage head wrap to be applied by physician extenders;
- k) Allowing the Ace Bandage head wrap to be wrapped too tightly;
- l) Failing to appropriately and adequately supervise the application of the Ace Bandage head wrap;
- m) Failing to appropriately and adequately oversee and manage the Ace Bandage head wrap;
- n) Failing to timely remove the Ace Bandage head wrap;
- o) Failing to timely recognize signs and symptoms of tissue ischemia and/or necrosis caused by the Ace Bandage head wrap;
- p) Failing to timely remove the Ace Bandage head wrap in the face of signs and symptoms of underlying tissue ischemia and/or necrosis;

- q) Failing to advise the nursing staff and physician extenders of signs and symptoms of tissue ischemia and/or necrosis caused by the Ace Bandage head wrap.

60. The carelessness and negligence of Dr. Chan, and through him, Conemaugh Memorial Medical Center, Conemaugh Physician Group, Conemaugh Health System, Inc., and Duke Lifepoint Healthcare, in his medical management, care, and treatment of minor-daughter GH, as set forth herein, was a substantial contributing factor that increased the risk of harm and/or caused the injuries and damages suffered by minor-daughter GH.

COUNT II – NEGLIGENCE
PLAINTIFFS v CONEMAUGH MEMORIAL MEDICAL CENTER, CONEMAUGH
PHYSICIAN GROUP, CONEMAUGH HEALTH SYSTEM, INC.,
AND DUKE LIFEPOINT HEALTHCARE

61. The preceding paragraphs of this Complaint are incorporated as though fully set forth herein.

62. The negligent acts and omissions of Conemaugh Memorial Medical Center, Conemaugh Physician Group, Conemaugh Health System, Inc., and Duke Lifepoint Healthcare, through their agents, servants, and employees, including Ann Becquet, CRNP, Kate Schmucker, PA-C, Marilyn Harrington, CRNP, and any other physicians, physician extenders, nurses and healthcare personnel who provided care to minor-daughter GH at Conemaugh Memorial Medical Center and whose identities are known only to Defendants in the absence of discovery, in their medical management, care, and treatment of minor-daughter GH, as set forth in the predicate facts stated above, include, but are not limited to, the following:

- a) Failing to consider the cephalohematoma when wrapping minor-daughter GH's head with an Ace Bandage:

- b) Treating minor-daughter GH with an Ace Bandage head wrap;
- c) Treating presumed subgaleal hemorrhage with an Ace Bandage head wrap;
- d) Treating minor-daughter GH with an Ace Bandage head wrap in the presence of a cephalohematoma:
- e) Applying the Ace Bandage head wrap too tightly;
- f) Failing to appropriately and adequately supervise the application of the Ace Bandage head wrap;
- g) Failing to appropriately and adequately oversee and manage the Ace Bandage head wrap;
- h) Failing to timely remove the Ace Bandage head wrap;
- i) Failing to timely recognize signs and symptoms of tissue ischemia and/or necrosis caused by the Ace Bandage head wrap;
- j) Failing to timely remove the Ace Bandage head wrap in the face of signs and symptoms of underlying tissue ischemia and/or necrosis;
- k) Failing to adequately and timely advise Dr. Chan and/or the physician extenders of the serous fluid draining from minor-daughter GH's head;
- l) Failing to timely recognize signs and symptoms of tissue ischemia and/or necrosis caused by the Ace Bandage head wrap;
- m) Failing to adequately question Dr. Chan and/or institute the chain of command when ordered by Dr. Chan to apply the Ace Bandage head wrap.

63. The carelessness and negligence of Conemaugh Memorial Medical Center, Conemaugh Physician Group, Conemaugh Health System, Inc., and Duke Lifepoint Healthcare,

through their agents, servants, and employees, including Ann Becquet, CRNP, Kate Schmucker, PA-C, Marilyn Harrington, CRNP, and any other physicians, physician extenders, nurses and healthcare personnel who provided care to minor-daughter GH at Conemaugh Memorial Medical Center and whose identities are known only to Defendants in the absence of discovery, in their medical management, care, and treatment of minor-daughter GH, as set forth herein, was a substantial contributing factor that increased the risk of harm and/or caused the injuries and damages suffered by minor-daughter GH.

COUNT III – CORPORATE (DIRECT) NEGLIGENCE
PLAINTIFFS v CONEMAUGH MEMORIAL MEDICAL CENTER

64. The preceding paragraphs of this Complaint are incorporated as though fully set forth herein.

65. This is a claim of corporate negligence for the breaches of Conemaugh Memorial Medical Center's non-delegable duties owed to minor-daughter GH.

74. The corporate (direct) negligence of Conemaugh Memorial Medical Center arising out of the care and treatment rendered to minor-daughter GH and which Conemaugh Memorial Medical Center had actual and/or constructive knowledge of and should have known, recognized, and ameliorated, as fully set forth in the operative facts above, consisted of one or more of the following:

- a) Failure to formulate, adopt, and enforce adequate rules and policies for the treatment of newborn infants, including minor-daughter GH, with a cephalohematoma:

b) Failure to formulate, adopt, and enforce adequate rules and policies for the treatment of newborn infants, including minor-daughter GH, with a potential subgaleal hemorrhage;

c) Failure to formulate, adopt, and enforce adequate rules and policies to ensure newborn infants, including minor-daughter GH, are not treated with Ace Bandage head wraps;

d) Failure to formulate, adopt, and enforce adequate rules and policies to ensure that physician extenders, without appropriate and adequate supervision, are applying Ace Bandage head wraps to newborn infants, including minor-daughter GH;

e) Failure to formulate, adopt, and enforce adequate rules and policies to ensure that only physicians and/or physician extenders with specialized training in the use of head wraps on newborn infants, apply Ace Bandage head wraps to newborn infants, including minor-daughter GH;

f) Failure to formulate, adopt, and enforce adequate rules and policies to ensure adequate observation and management of newborn infants, including minor-daughter GH, whose head has been wrapped with an Ace Bandage;

g) Failure to formulate, adopt, and enforce adequate rules and policies that precludes the application of an Ace Bandage head wrap in the in the presence of a cephalohematoma;

h) Failure to select and retain physicians staffing the NICU competent in the diagnosis and/or treatment of cephalohematoma and subgaleal hemorrhage;

i) Failure to oversee all persons who practice medicine within the four walls of the hospital to ensure that minor-daughter GH was appropriately evaluated and treated in the NICU in a manner sufficient to avoid the injuries sustained by her.

66. The carelessness and negligence of Conemaugh Memorial Medical Center, directly, as set forth herein, was a substantial contributing factor that increased the risk of harm and/or caused the injuries and damages suffered by Giada Harker.

WHEREFORE, Plaintiffs, Ian Harker and Corradina Baldacchino, as parents and natural guardians on behalf of their daughter, minor-daughter GH, and in their own right, demand judgment against all defendants, jointly, severally, or in the alternative, in a sum in excess of the local arbitration limits, exclusive of interest, costs, and damages for prejudgment delay.

Respectfully submitted,

KLINE & SPECTER
A PROFESSIONAL CORPORATION



Dated: 10/29/15

THOMAS R. KLINE, ESQUIRE
DOMINIC C. GUERRINI, ESQUIRE
MARK S. POLIN, ESQUIRE
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Attorneys for Plaintiffs

EXHIBIT "A"

CERTIFICATE OF MERIT AS TO JOHN O. CHAN, M.D.

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 that:

- An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/29/15



MARK S. POLIN, ESQUIRE

EXHIBIT “B”

CERTIFICATE OF MERIT AS TO CONEMAUGH MEMORIAL MEDICAL CENTER

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/29/15



MARK S. POLIN, ESQUIRE

EXHIBIT “C”

CERTIFICATE OF MERIT AS TO CONEMAUGH PHYSICIAN GROUP

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/28/15



MARK S. POLIN, ESQUIRE

EXHIBIT “D”

CERTIFICATE OF MERIT AS TO CONEMAUGH HEALTH SYSTEM, INC.

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/29/15



MARK S. POLIN, ESQUIRE

EXHIBIT “E”

CERTIFICATE OF MERIT AS TO DUKE LIFEPOINT HEALTHCARE

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/28/15



MARK S. POLIN, ESQUIRE

JS 44 (Rev. 12/97)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS Ian Harker and Corradina Baldacchino, Ind and as Parent and Natural Guardian of GH, a minor 2219 Greenhouse Rd., No. 4114, Houston, TX 77084</p> <p>(b) County of Residence of First Listed Plaintiff <u>Harris County, Texas</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) Thomas R. Kline, Esquire Kline & Spector, P.C. 1525 Locust St. Phila., PA 19102: (215) 772-1000</p>	<p>DEFENDANTS John O. Chan, M.D. c/o Conemaugh Memorial Medical Center 1086 Franklin Street, Johnstown, PA, 15905 County of Residence of First Listed Defendant <u>Cambria County, PA</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizens of This State</td> <td><input type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizens of Another State</td> <td><input checked="" type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizens of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizens of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p>PERSONAL INJURY</p> <input checked="" type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<p>PRISONER PETITIONS</p> <input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/D/WV (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
28 USC 1332
 Brief description of cause:
Medical Malpractice - Birth Injury

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 10/29/15 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44AREVISED June, 2009
 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
 THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ resides in _____ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in _____ County and that the _____ Defendant _____ resides in _____ County.

PART B (You are to check ONE of the following)

1. This case is related to Number _____ . Short Caption _____
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit
EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

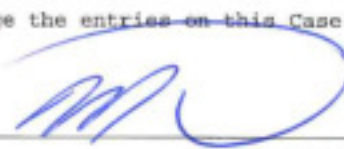
PART C

I. CIVIL CATEGORY (Place x in only applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeascorpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include NEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.BA. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: 10/29/15



 ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

JS 44 Reverse (Rev. 12/07)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

EXHIBIT "A"

CERTIFICATE OF MERIT AS TO JOHN O. CHAN, M.D.

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 that:

- An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/29/15



MARK S. POLIN, ESQUIRE

EXHIBIT “B”

CERTIFICATE OF MERIT AS TO CONEMAUGH MEMORIAL MEDICAL CENTER

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/29/15



MARK S. POLIN, ESQUIRE

EXHIBIT “C”

CERTIFICATE OF MERIT AS TO CONEMAUGH PHYSICIAN GROUP

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/28/15



MARK S. POLIN, ESQUIRE

EXHIBIT “D”

CERTIFICATE OF MERIT AS TO CONEMAUGH HEALTH SYSTEM, INC.

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/29/15



MARK S. POLIN, ESQUIRE

EXHIBIT "E"

CERTIFICATE OF MERIT AS TO DUKE LIFEPOINT HEALTHCARE

I, MARK S. POLIN, ESQUIRE, certify pursuant to Pa.R.C.P. 1042.3 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 (corporate negligence) in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- 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 other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm;

OR

- the claim that this defendant deviated from an acceptable professional standard is based 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 harms;

OR

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

Date: 10/28/15



MARK S. POLIN, ESQUIRE

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

Ian Harker, Corradina Baldacchino, & GH, a minor

Plaintiff

v.

John O. Chan, M.D., et al.

Defendant

Civil Action No. 3:15-cv-277

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Duke Lifepoint Healthcare

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (*give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States*) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 10/29/15



Signature of the attorney or unrepresented party

Mark S. Polin, Esquire

Printed name

1525 Locust Street
Philadelphia, PA 19102

Address

mark.polin@klinespecter.com

E-mail address

215-772-1411

Telephone number

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

Ian Harker, Corradina Baldacchino, & GH, a minor

Plaintiff

v.

John O. Chan, M.D., et al.

Defendant

Civil Action No. 3:15-cv-277

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Conemaugh Health System, Inc.

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (*give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States*) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

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Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date:

10/29/15


Signature of the attorney or unrepresented party

Mark S. Polin, Esquire

Printed name

1525 Locust Street
Philadelphia, PA 19102

Address

mark.polin@klinespecter.com

E-mail address

215-772-1411

Telephone number

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

Ian Harker, Corradina Baldacchino, & GH, a minor
Plaintiff
v.
John O. Chan, M.D., et al.
Defendant

Civil Action No. 3:15-cv-277

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Conemaugh Physician Group

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (*give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States*) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date:

10/29/15


Signature of the attorney or unrepresented party

Mark S. Polin, Esquire

Printed name

1525 Locust Street
Philadelphia, PA 19102

Address

mark.polin@klinespecter.com

E-mail address

215-772-1411

Telephone number

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

Ian Harker, Corradina Baldacchino, & GH, a minor

Plaintiff

v.

John O. Chan, M.D., et al.

Defendant

Civil Action No. 3:15-cv-277

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Conemaugh Memorial Medical Center

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (*give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States*) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

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I certify that this request is being sent to you on the date below.

Date:

10/29/15


Signature of the attorney or unrepresented party

Mark S. Polin, Esquire

Printed name

1525 Locust Street
Philadelphia, PA 19102

Address

mark.polin@klinespecter.com

E-mail address

215-772-1411

Telephone number

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

Ian Harker, Corradina Baldacchino, & GH, a minor
Plaintiff
v.
John O. Chan, M.D.
Defendant

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)
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)

Civil Action No. 3:15-cv-277

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: John O. Chan, M.D.

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

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Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 10/23/15



Signature of the attorney or unrepresented party

Mark S. Polin, Esquire

Printed name

1525 Locust Street
Philadelphia, PA 19102

Address

mark.polin@klinespecter.com

E-mail address

215-772-1411

Telephone number