

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

**NICOLE WELKER AND JUSTIN
BRINKLEY**, Individually, and as Parents and
Natural Guardians on behalf of **JDWBH, a Minor**
1727 Clark Avenue
Wellsville, Ohio 43968

Plaintiffs,

v.

THOMAS A. CARNEVALE, M.D.
807 Turnpike Avenue, Suite 260
Clearfield, Pennsylvania 16830

CLEAR-MED OB/GYN
807 Turnpike Avenue, Suite 260
Clearfield, Pennsylvania 16830

CLEARFIELD HOSPITAL
809 Turnpike Avenue
Clearfield, Pennsylvania 16830

PENN HIGHLANDS HEALTHCARE
204 Hospital Avenue
DuBois, Pennsylvania 15801

PENN HIGHLANDS CLEARFIELD
809 Turnpike Avenue
Clearfield, Pennsylvania 16830

Defendants.

**CIVIL ACTION
NO. 3:14-cv-149**

JURY TRIAL DEMANDED

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 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, all defendants are citizens of the Commonwealth of Pennsylvania and all plaintiffs are citizens of the State of Ohio.

4. Plaintiffs, Nicole Welker and Justin Brinkley, bring this action individually and as the parents and natural guardians on behalf of their minor son, JDWBII.¹ Nicole Welker and Justin Brinkley are adult citizens of the State of Ohio, currently residing at 1727 Clark Avenue, Wellsville, Ohio 43968.

5. Minor-Plaintiff, JDWBII (hereinafter “minor-son JDWBII”), is a citizen of the State of Ohio and resides therein with his parents at 1727 Clark Avenue, Wellsville, Ohio 43968.

6. Defendant, Thomas A. Carnevale, M.D. (hereinafter “Dr. Carnevale”), an adult citizen of the Commonwealth of Pennsylvania, was at all times material hereto, a physician duly licensed to practice medicine in the Commonwealth of Pennsylvania, practicing within the field of obstetrics and gynecology. Dr. Carnevale maintained a medical practice, office, and place of business at, among other sites, 807 Turnpike Avenue, Suite 260, Clearfield, Pennsylvania 16830. 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. 1042.3 regarding this defendant is attached hereto as Exhibit “A.”

7. Defendant, Clear-Med OB/GYN, was at all times material hereto, a corporation or other jural entity organized according to and existing under the laws of the Commonwealth of Pennsylvania, with a business address at 807 Turnpike Avenue, Suite 260, Clearfield, Pennsylvania 16830. Plaintiffs are asserting a professional liability claim against this defendant

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

for the negligence of its agents, servants and/or employees. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.3 regarding this defendant is attached hereto as Exhibit "B."

8. Defendant, Clearfield Hospital, was at all times material hereto, a professional healthcare facility and corporation or other jural entity, organized and operating under the laws of the Commonwealth of Pennsylvania, with a business address and an address at which it was regularly conducting business at 809 Turnpike Avenue, Clearfield, PA 16830. Plaintiffs are asserting a professional liability claim against this defendant for the negligence of its agents, servants and/or employees. Plaintiffs are also asserting a direct claim for corporate negligence against Clearfield Hospital. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.3 regarding this defendant is attached hereto as Exhibit "C."

9. Defendant, Penn Highlands Healthcare, was at all times material hereto, a professional healthcare facility and corporation or other jural entity, organized and operating under the laws of the Commonwealth of Pennsylvania, with a business address and an address at which it was regularly conducting business at 809 Turnpike Avenue, Clearfield, PA 16830, and which operates, owns, maintains, and/or controls Clearfield Hospital. Plaintiffs are asserting a professional liability claim against this defendant for the negligence of its agents, servants and/or employees. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.3 regarding this defendant is attached hereto as Exhibit "D."

10. Defendant, Penn Highlands Clearfield, was at all times material hereto, a professional healthcare facility and corporation or other jural entity, organized and operating under the laws of the Commonwealth of Pennsylvania, with a business address and an address at

which it was regularly conducting business at 809 Turnpike Avenue, Clearfield, PA 16830, and which operates, owns, maintains, and/or controls Clearfield Hospital. Plaintiffs are asserting a professional liability claim against this defendant for the negligence of its agents, servants and/or employees. A Certificate of Merit pursuant to and in compliance with Pa.R.C.P. No. 1042.3 regarding this defendant is attached hereto as Exhibit "E."

11. At all times material hereto, Dr. Carnevale was an actual, apparent and/or ostensible agent, servant, and/or employee of Clear-Med OB/GYN and was acting within the scope of his professional duties for Clear-Med OB/GYN while providing medical care and treatment to Nicole Welker and minor-son JDWBII at Clear-Med OB/GYN and Clearfield Hospital.

12. At all times material hereto, Dr. Carnevale was an actual, apparent and/or ostensible agent, servant, and/or employee of Clearfield Hospital, Penn Highlands Healthcare, and Penn Highlands Clearfield and was acting within the scope of his professional duties for Clearfield Hospital, Penn Highlands Healthcare, and Penn Highlands Clearfield while providing medical care and treatment to Nicole Welker and minor-son JDWBII at Clearfield Hospital.

13. At all times material hereto, Defendants engaged agents, servants, and/or employees, including Brenda Duez, RN, Kristin Wisor, RN, Lisa Rorabaugh, RN, Barbara Westover, RN, and any other nurses and healthcare personnel who provided care to Nicole Welker in Labor & Delivery on July 19, 2012 and whose identities are known to Defendants only in the absence of discovery, all of whom were acting within the scope of their professional duties for Clearfield Hospital, Penn Highlands Healthcare, and Penn Highlands Clearfield while providing medical care and treatment to Nicole Welker and minor-son JDWBII at Clearfield

Hospital. Accordingly, Clearfield Hospital, Penn Highlands Healthcare, and Penn Highlands Clearfield are liable for the negligent acts and omissions of these agents, servants, and/or employees in the care of Nicole Welker and minor-son JDWBII.

14. At all times material hereto, Defendants were acting by and through their actual, apparent, or ostensible agents, servants and/or employees and some or all of these defendants may have been agents, servants, and/or employees of other individuals or entities and/or each other.

OPERATIVE FACTS

15. On or about October of 2011, Nicole Welker conceived her first pregnancy with her partner, Justin Brinkley, following which Nicole Welker was given an estimated due date (“EDD”) of July 14, 2012.

16. Nicole Welker received prenatal care at the Adagio Health System in Erie, Pennsylvania before relocating to the Clearfield, Pennsylvania region where she received the remainder of her prenatal care with Dr. Carnevale and Clear-Med OB/GYN starting on or about July 10, 2012.

17. Nicole Welker had an uneventful prenatal course with all prenatal studies and parameters indicative of a healthy fetus.

18. On July 19, 2012, at about 12:30 p.m., Nicole Welker presented to Clearfield Hospital with contractions. She was put on a fetal monitor and evaluated by Dr. Carnevale. She was found to be contracting every 2-3 minutes with a cervix that was 3cm dilated and 80% effaced. Shortly after 1:00 p.m. Dr. Carnevale discharged Nicole Welker to home with instructions to return with stronger contractions or rupture of membranes.

19. On July 19, 2012, at about 4:31 p.m., Nicole Welker presented back to Clearfield Hospital with increasing pain and contractions every 2-3 minutes, was 5-6 cm dilated, and was admitted to Labor & Delivery under the care of Dr. Carnevale.

20. On July 19, 2012, at 6:30 p.m., Nicole Welker was 8 cm dilated and underwent artificial rupture of membranes that revealed thick meconium-stained fluid.

21. On July 19, 2012, Nicole Welker was often in tachysystole.

22. On July 19, 2012, despite being in tachysystole and adequately progressing in labor, Nicole Welker was started on Pitocin augmentation at 6mu/min.

23. On July 19, 2012, at 7:11 p.m., Nicole Welker was fully dilated and started to push in the second stage of labor.

24. On July 19, 2012, while in the second stage of labor, Nicole Welker was in tachysystole.

25. On July 19, 2012, while in the second stage of labor and in tachysystole, Nicole Welker's labor was augmented with Pitocin.

26. On July 19, 2012, Nicole Welker's fetal monitor tracing revealed increasingly concerning decelerations and findings indicative of progressive fetal hypoxia, hypoxemia, and acidosis for which intervention, including intrauterine resuscitation and emergent delivery was needed, but was not done.

27. On July 19, 2012, at 8:31 p.m., Nicole Welker underwent spontaneous vaginal delivery by Dr. Carnevale of minor-son JDWBII.

28. On July 19, 2012, at birth, minor-son JDWBII was a morphologically normal appearing male weighing 3,133 grams (6 pounds, 14 ounces), but he was flaccid and severely

depressed for which he required immediate advanced neonatal resuscitation and intubation at 5 minutes of life.

29. On July 19, 2012, minor-son JDWBII had apgar scores of 1, 2, 3, 4, 4, 4, and 5 at 1, 5, 10, 15, 20, 25, and 30 minutes respectively and had severe metabolic acidosis on cord pH, all of which were indicative of acute hypoxia in labor.

30. On July 19, 2012, Plaintiff, Nicole Welker, witnessed Defendants' negligent management of her labor and delivery, the birth and resuscitation of her hypoxemic and acidotic son, and her son's resultant injuries.

31. On or about July 20, 2012, within hours of birth, minor-son JDWBII was transported to Pittsburgh Children's Hospital ("CHP") by Dubois Regional Medical Center transport, where he was treated with therapeutic cooling and diagnosed with severe hypoxic ischemic encephalopathy.

32. While admitted to CHP beginning on July 20, 2013, Minor-son JDWBII's diagnoses included severe hypoxic ischemic encephalopathy of newborn, seizures, respiratory distress requiring intubation, and coagulopathy; and, subsequent to his discharge to home, he was diagnosed with cerebral palsy.

33. As a direct and proximate result of Defendants' negligence in the management of Nicole Welker's labor and delivery, minor-son JDWBII was caused to suffer a severe hypoxic brain injury that resulted in, among other things, cerebral palsy and catastrophic disabilities.

34. Minor-son JDWBII's injuries were a direct and proximate result of the negligent acts or omissions of Defendants, their agents, servants, and/or employees, and were not caused or contributed thereto by any negligence on the part of Plaintiffs.

35. As a direct and proximate result of the negligent treatment provided by Defendants and their agents, servants and/or employees to Nicole Welker and her unborn fetus on July 19, 2012, minor-son JDWBII sustained the following injuries:

- a) Intrauterine asphyxia with hypoxia and hypoxemia;
- b) Metabolic acidosis;
- c) Hypoxic-ischemic injury;
- d) Depression at birth;
- e) Respiratory distress;
- f) Intubation;
- g) Advanced neonatal resuscitation;
- h) Seizures;
- i) Severe hypoxic ischemic encephalopathy;
- j) Permanent brain damage;
- k) Cerebral palsy;
- l) Permanent physical damage including muscle weakness and increased tone;
- m) Developmental delays;
- n) Feeding disorder;
- o) Hospitalizations;
- p) Past pain and suffering;
- q) Future pain and suffering;
- r) Past medical expenses;
- s) Future medical expenses;

- t) Loss of future earnings, maintenance, and other similar losses;
- u) Pecuniary losses;
- v) Loss of services and/or support;
- w) Future mental anguish;
- x) Embarrassment;
- y) Humiliation;
- z) Disfigurement;
- aa) Loss of life's pleasures.

36. As a direct and proximate result of the negligent treatment provided by Defendants, their agents, servants and/or employees as set forth in the paragraphs above, minor-son JDWBII's parents, Nicole Welker and Justin Brinkley, claim the full measure of damages allowable for themselves and on behalf of their minor son, JDWBII, under the laws of the Commonwealth of Pennsylvania.

COUNT I - NEGLIGENCE
PLAINTIFFS V. THOMAS A. CARNEVALE, M.D., CLEAR-MED OB/GYN,
CLEARFIELD HOSPITAL, PENN HIGHLANDS HEALTHCARE,
AND PENN HIGHLANDS CLEARFIELD

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

38. The negligence of Dr. Carnevale and through him, Clear-Med OB/GYN, Clearfield Hospital, Penn Highlands Healthcare, and Penn Highlands Clearfield in his medical management, care, and treatment of Nicole Welker and her fetus, as set forth in the predicate facts stated above, includes one or more of the following:

- a) Failure to appropriately supervise Nicole Welker's labor;

- b) Failure to adequately evaluate and monitor Nicole Welker's fetus under the circumstances of her labor;
- c) Failure to recognize that the thick meconium found on artificial rupture of Nicole Welker's membranes was indicative of underlying fetal hypoxia and/or fetal stress;
- d) Failure to appropriately oversee the nurses and other medical staff on Labor & Delivery caring for Nicole Welker;
- e) Failure to appropriately monitor Nicole Welker for fetal well-being in labor;
- f) Failure to properly interpret Nicole Welker's fetal heart rate tracing;
- g) Failure to timely recognize and treat a nonreassuring fetal heart rate tracing;
- h) Failure to recognize and/or appropriately respond to Nicole Welker's need for intrauterine fetal resuscitation;
- i) Failure to provide needed intrauterine resuscitation;
- j) Failure to recognize and/or appropriately respond to Nicole Welker's tachysystole;
- k) Augmenting Nicole Welker's labor with Pitocin;
- l) Augmenting Nicole Welker's labor with inappropriate Pitocin dosing;
- m) Augmenting Nicole Welker's labor with Pitocin when in tachysystole;
- n) Augmenting Nicole Welker's labor with Pitocin absent an indication for augmentation of labor;
- o) Augmenting Nicole Welker's labor with Pitocin when contraindicated;
- p) Causing Nicole Welker's fetus to sustain increasing hypoxia by augmenting her labor with Pitocin;

- q) Failure to stop Pitocin and/or utilize tocolytics to reduce the frequency of Nicole Welker's contractions in the second stage of labor;
- r) Failure to stop Nicole Welker from pushing in the face of tachysystole and a nonreassuring fetal heart tracing indicative of increasing hypoxia, hypoxemia, and/or acidosis;
- s) Failure to timely deliver Nicole Welker;
- t) Failure to perform emergent operative delivery;
- u) Failure to timely deliver Nicole Welker via operative vaginal delivery in response to her fetal heart rate tracing;
- v) Failure to timely deliver Nicole Welker via cesarean section in response to her fetal heart rate tracing;
- w) Failure to take the necessary steps to prevent Nicole Welker's fetus from sustaining severe hypoxic brain damage.

39. The negligence of Dr. Carnevale and through him, Clear-Med OB/GYN, Clearfield Hospital, Penn Highlands Healthcare, and Penn Highlands Clearfield as set forth above, was a substantial factor causing the injuries and damages suffered by minor-son JDWBII.

COUNT II - NEGLIGENCE
PLAINTIFFS v. CLEARFIELD HOSPITAL, PENN HIGHLAND HEALTHCARE,
AND PENN HIGHLANDS CLEARFIELD

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

41. The negligent acts and omissions of Clearfield Hospital, acting through its authorized agents, servants and/or employees, including Brenda Duez, RN, Kristin Wisor, RN, Lisa Rorabaugh, RN, Barbara Westover, RN, and any other nurses and healthcare personnel who

provided care to Nicole Welker in Labor & Delivery on July 19, 2012 and whose identities are known to Defendants only in the absence of discovery, includes one or more of the following:

- a) Failure to appropriately observe Nicole Welker's labor;
- b) Failure to adequately evaluate and monitor Nicole Welker's fetus under the circumstances of her labor;
- c) Failure to recognize that the thick meconium found on artificial rupture of Nicole Welker's membranes was indicative of underlying fetal hypoxia and/or fetal stress;
- d) Failure to appropriately monitor Nicole Welker for fetal well-being in labor;
- e) Failure to properly interpret Nicole Welker's fetal heart rate tracing;
- f) Failure to timely recognize and treat a nonreassuring fetal heart rate tracing;
- g) Failure to recognize and/or appropriately respond to Nicole Welker's need for intrauterine fetal resuscitation;
- h) Failure to provide needed intrauterine resuscitation;
- i) Failure to recognize and/or appropriately respond to Nicole Welker's tachysystole;
- j) Augmenting Nicole Welker's labor with Pitocin;
- k) Augmenting Nicole Welker's labor with inappropriate Pitocin dosing;
- l) Augmenting Nicole Welker's labor with Pitocin when in tachysystole;
- m) Augmenting Nicole Welker's labor with Pitocin absent an indication for augmentation of labor;
- n) Augmenting Nicole Welker's labor with Pitocin when contraindicated;

- o) Causing Nicole Welker's fetus to sustain increasing hypoxia by augmenting her labor with Pitocin;
- p) Failure to stop Pitocin and/or utilize tocolytics to reduce the frequency of Nicole Welker's contractions in the second stage of labor;
- q) Failure to stop Nicole Welker from pushing in the face of tachysystole and a non-reassuring fetal heart tracing indicative of increasing hypoxia, hypoxemia, and/or acidosis;
- r) Failure to institute the chain of command when Dr. Carnevale failed to recognize or timely respond to Nicole Welker's nonreassuring fetal heart rate tracing;
- s) Failure to appropriately communicate a concern with Nicole Welker's fetal heart rate tracing to Dr. Carnevale;
- t) Failure to take the necessary steps to prevent Nicole Welker's fetus from sustaining severe hypoxic brain damage.

42. The negligence of Clearfield Hospital, acting through its authorized agents, servants and/or employees as set forth above, was a substantial factor causing the injuries and damages suffered by minor-son JDWBII.

COUNT III – CORPORATE NEGLIGENCE
PLAINTIFFS v. CLEARFIELD HOSPITAL

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

44. This is a claim of corporate negligence for the breaches of Clearfield Hospital's non-delegable duties owed to Plaintiffs.

45. The corporate (direct) negligence of Clearfield Hospital arising out of the evaluation, care, and treatment rendered to Nicole Welker and minor-son JDWBII on July 19,

2012 and which Clearfield Hospital had actual and/or constructive knowledge of and which Clearfield Hospital should have known, recognized, and ameliorated, as fully set forth in the operative facts above, consisted of one or more of the following:

- a) Failing to select and retain physicians competent in the diagnosis, recognition and/or management of uterine tachysystole as occurred with Nicole Welker;
- b) Failing to select and retain physicians competent in the performance of urgent or emergent operative vaginal delivery and/or cesarean section as was needed by Nicole Welker;
- c) Failing to oversee physicians and staff who practice obstetrics in the Department of Labor and Delivery in a manner sufficient to avoid the injuries sustained by minor-son JDWBII;
- d) Failing to formulate, adopt and enforce adequate rules and policies to ensure that appropriate intrauterine resuscitation was performed on Nicole Welker so as to avoid the injuries sustained by minor-son JDWBII;
- e) Failing to formulate, adopt and enforce adequate rules and policies to ensure that Pitocin augmentation is not utilized in the face of tachysystole;
- f) Failing to formulate, adopt and enforce adequate rules and policies to ensure that tachysystole is appropriately recognized and managed;
- g) Failing to formulate, adopt and enforce adequate rules and policies to ensure that Pitocin augmentation is only used when indicated and not used when contraindicated;

- h) Failing to formulate, adopt and enforce adequate rules and policies to ensure proper dosing of Pitocin in the augmentation of labor;
- i) Failing to formulate, adopt and enforce adequate rules and policies to ensure that emergent operative vaginal delivery can be performed in a timely manner;
- j) Failing to formulate, adopt and enforce adequate rules and policies to ensure that emergent cesarean section can be performed in a timely manner.

46. Defendant Clearfield Hospital had failures, defects, incompetencies and/or procedural defects as set forth herein that increased the risk of harm and/or was a substantial contributing factor causing the injuries and damages suffered by Plaintiffs.

**COUNT IV - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
PLAINTIFF, NICOLE WELKER, INDIVIDUALLY, v. ALL DEFENDANTS**

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

48. At all material times Plaintiff, Nicole Welker, was present to contemporaneously witness the negligent and careless treatment rendered by Defendants and the resulting catastrophic injuries to her infant son, JDWBII.

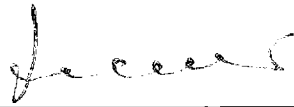
49. As a result of the negligent acts and omissions of Defendants as set forth in this Complaint, Plaintiff, Nicole Welker, suffered and will continue to suffer physical manifestations of severe emotional distress, including anxiety, depression, nausea, insomnia and other symptoms for which, under the law, she is entitled to recover damages in her own right.

WHEREFORE, Plaintiffs, Nicole Welker and Justin Brinkley, as Parents and Natural Guardians of minor-son JDWBII, and in their own right, respectfully demand judgment against

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

By: 

SHANIN SPECTER, ESQUIRE
Identification No: PA 40928
Shanin.Specter@KlineSpecter.com
Attorney for Plaintiffs
1525 Locust Street, 19th Floor
Philadelphia, PA 19102
(215) 772-1000
(215) 735-1005 (fax)

Dated: 7/15/14

EXHIBIT “A”

CERTIFICATE OF MERIT AS TO THOMAS A. CARNEVALE, 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: 7/17



MARK S. POLIN, ESQUIRE

EXHIBIT “B”

CERTIFICATE OF MERIT AS TO CLEAR-MED OB/GYN

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: 7/16/14



MARK S. POLIN, ESQUIRE

EXHIBIT “C”

CERTIFICATE OF MERIT AS TO CLEARFIELD HOSPITAL

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: 7/16/14



MARK S. POLIN, ESQUIRE

EXHIBIT “D”

CERTIFICATE OF MERIT AS TO PENN HIGHLANDS 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: 7/16/14


MARK S. POLIN, ESQUIRE

EXHIBIT “E”

CERTIFICATE OF MERIT AS TO PENN HIGHLANDS CLEARFIELD

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: 7/16/14



MARK S. POLIN, ESQUIRE

JS 44 (Rev. 12/12)

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 NEXT PAGE OF THIS FORM.)*

<p>I. (a) PLAINTIFFS NICOLE WELKER AND JUSTIN BRINKLEY, Individually, and as Parents and Natural Guardians on behalf of JDWBII, a Minor 1727 Clark Avenue, Wellsville, Ohio 43968</p> <p>(b) County of Residence of First Listed Plaintiff <u>Columbiana Co., OH</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Shanin Specter, Esquire Kline & Specter, P.C. 1525 Locust St., Phila., PA 19102; (215) 772-1000</p>	<p>DEFENDANTS THOMAS A. CARNEVALE, M.D.; CLEAR-MED OB/GYN; CLEARFIELD HOSPITAL; PENN HIGHLANDS HEALTHCARE; & PENN HIGHLANDS CLEARFIELD</p> <p>County of Residence of First Listed Defendant <u>Clearfield County</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></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 <i>(U.S. Government Not a Party)</i></p> <p><input checked="" type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen 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 checked="" type="checkbox"/> 4	Citizen 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
	PTF	DEF		PTF	DEF																				
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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)*

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans <i>(Excludes Veterans)</i></p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input checked="" type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>		

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

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 RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

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

DATE _____ SIGNATURE OF ATTORNEY OF RECORD *Shanin Specter*

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFF _____ 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 any 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 Clearfield County and that the Defendant resides in Clearfield 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. Habeas corpus
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 HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA 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: _____

[Handwritten Signature]

7/15/14

ATTORNEY AT LAW

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

EXHIBIT “A”

CERTIFICATE OF MERIT AS TO THOMAS A. CARNEVALE, 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: 7/17



MARK S. POLIN, ESQUIRE

EXHIBIT “B”

CERTIFICATE OF MERIT AS TO CLEAR-MED OB/GYN

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: 7/16/14



MARK S. POLIN, ESQUIRE

EXHIBIT “C”

CERTIFICATE OF MERIT AS TO CLEARFIELD HOSPITAL

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: 7/16/14



MARK S. POLIN, ESQUIRE

EXHIBIT “D”

CERTIFICATE OF MERIT AS TO PENN HIGHLANDS 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: 7/16/14

MARK S. POLIN
MARK S. POLIN, ESQUIRE

EXHIBIT “E”

CERTIFICATE OF MERIT AS TO PENN HIGHLANDS CLEARFIELD

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: 7/16/14



MARK S. POLIN, ESQUIRE

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

NICOLE WELKER AND JUSTIN, et. al.)	Civil Action No. 3 : 14 -cv- 149
<i>Plaintiff</i>)	
v.)	
THOMAS A. CARNEVALE, M.D. , et. al.)	
<i>Defendant</i>)	

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

To: THOMAS A. CARNEVALE, 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.

What happens next?

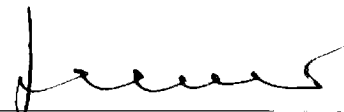
If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 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: 7/15/14



Signature of the attorney or unrepresented party

SHANIN SPECTER, ESQUIRE

Printed name

Kline & Specter, P.C.
1525 Locust Street
Philadelphia, PA 19102

Address

Shanin.Specter@KlineSpecter.com

E-mail address

(215) 772-1000

Telephone number

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

NICOLE WELKER AND JUSTIN, et. al.
Plaintiff
v.
THOMAS A. CARNEVALE, M.D., et. al.
Defendant

)
)
)
)
)

Civil Action No. 3:14-cv-149

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

To: CLEAR-MED OB/GYN

(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:

7/15/14

[Handwritten signature]

Signature of the attorney or unrepresented party

SHANIN SPECTER, ESQUIRE

Printed name

Kline & Specter, P.C.
1525 Locust Street
Philadelphia, PA 19102

Address

Shanin.Specter@KlineSpecter.com

E-mail address

(215) 772-1000

Telephone number

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

NICOLE WELKER AND JUSTIN, et. al.
Plaintiff
v.
THOMAS A. CARNEVALE, M.D., et. al.
Defendant

Civil Action No. 3:14-cv-149

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

To: CLEARFIELD HOSPITAL

(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: 7/15/14

[Handwritten signature]

Signature of the attorney or unrepresented party

SHANIN SPECTER, ESQUIRE

Printed name

Kline & Specter, P.C.
1525 Locust Street
Philadelphia, PA 19102

Address

Shanin.Specter@KlineSpecter.com

E-mail address

(215) 772-1000

Telephone number

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the
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NICOLE WELKER AND JUSTIN, et. al.)	Civil Action No. 3:14-cv-149
<i>Plaintiff</i>)	
v.)	
THOMAS A. CARNEVALE, M.D., et. al.)	
<i>Defendant</i>)	

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

To: PENN HIGHLANDS 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?

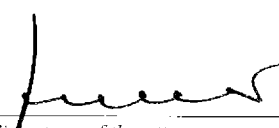
If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 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: 7/15/14



Signature of the attorney or unrepresented party

SHANIN SPECTER, ESQUIRE

Printed name

Kline & Specter, P.C.
 1525 Locust Street
 Philadelphia, PA 19102

Address

Shanin.Specter@KlineSpecter.com

E-mail address

(215) 772-1000

Telephone number

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

NICOLE WELKER AND JUSTIN, et. al.)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 3:14-cv-149
THOMAS A. CARNEVALE, M.D., et. al.)	
<i>Defendant</i>)	

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

To: PENN HIGHLANDS 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?

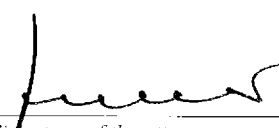
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If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

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: 7/15/14



Signature of the attorney or unrepresented party

SHANIN SPECTER, ESQUIRE

Printed name

Kline & Specter, P.C.
1525 Locust Street
Philadelphia, PA 19102

Address

Shanin.Specter@KlineSpecter.com

E-mail address

(215) 772-1000

Telephone number

AO 398 (Rev. 01/09) Notice of a Lawsuit and Request to Waive Service of a Summons

UNITED STATES DISTRICT COURT

for the
Western District of Pennsylvania

NICOLE WELKER AND JUSTIN, et. al.

Plaintiff

v.

THOMAS A. CARNEVALE, M.D., et. al.

Defendant

Civil Action No. 3:14-cv-149

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

To: PENN HIGHLANDS CLEARFIELD

(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?

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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:

7/15/14

[Handwritten signature]

Signature of the attorney or unrepresented party

SHANIN SPECTER, ESQUIRE

Printed name

Kline & Specter, P.C.
1525 Locust Street
Philadelphia, PA 19102

Address

Shanin.Specter@KlineSpecter.com

E-mail address

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Telephone number