

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN RUYBAL, as the Administratrix
of The Estate of NICHOLAS CLASSIC,
deceased

Plaintiff,

v.

RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

: CIVIL DIVISION

: No. *60-17-00 5979*

: **COMPLAINT**

: Filed on behalf of Plaintiff

: Counsel of record for this party:

: Alan H. Perer, Esquire

: Pa. ID. #23603

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: **JURY TRIAL DEMANDED**

DEPT OF COMMON PLEAS
CIVIL DIVISION
ALLEGHENY COUNTY PA

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NOTICE TO DEFEND

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

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

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

Lawyer Referral Service
The Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 261-5555

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL, as the : CIVIL ACTION
Administratrix of The Estate of :
NICHOLAS W. CLASSIC, deceased : No.
: :
Plaintiff, :
: :
: :
: :

v.

RUDOLPH A. ANTONCIC, III, M.D.; :
RUDOLPH A. ANTONCIC, III M.D., :
P.C.; THOMAS L. WHITTEN, M.D.; :
THOMAS L. WHITTEN, M.D. d/b/a :
WESTMORELAND PAIN :
MANAGEMENT CENTER; :
WESTMORELAND PAIN :
MANAGEMENT CENTER, LLC d/b/a :
WESTMORELAND PAIN :
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LYNN GUMMO, CRNP; DIANA LYNN :
GUMMO CRNP, LLC; GREG MISCIK :
AND JULIE LEONE d/b/a GREG MISCIK :
& COUNSELING ASSOCIATES; VERA :
SHERMAN, M.D.; AVENUE TO :
WELLNESS, LLC; HARINDER :
GHUMAN, M.D.; CROSSROADS :
COUNSELING & CONSULTING :
ASSOCIATES, P.C.

Defendants.

COMPLAINT

AND NOW COMES the Plaintiff, KAREN A. RUYBAL, as the Administratrix of the Estate of NICHOLAS W. CLASSIC, deceased, by and through his attorneys, Alan H. Perer, Esquire, and SWENSEN & PERER and files this Complaint, which avers the following:

PARTIES

1. Plaintiff Karen A. Ruybal is an adult individual residing at 423 Lexington Street, McKeesport, Allegheny County, PA 15132.
2. Nicholas W. Classic died of the events complained of on 10/18/15, at age 29.
3. On 7/13/16, Plaintiff Karen A. Ruybal was granted letters of administration and was appointed Administratrix of the Estate of Nicholas W. Classic, at Estate No. 021603897, by the Register of Wills of Allegheny County.
4. Plaintiff Karen A. Ruybal is the only person entitled to recovery under the Wrongful Death Statute and the Survival Statute. Mr. Classic had no children, and his father is deceased.
5. This action is brought pursuant to Pennsylvania's Wrongful Death and Survival Acts.
6. No other action was brought by Nicholas W. Classic during his lifetime for the injuries or damages alleged in this Complaint.
7. Defendant Rudolph A. Antoncic, III, M.D., is a physician with a specialty in internal medicine, having offices at 5301 Walnut Street, McKeesport, PA 15132. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 1.
8. Defendant Rudolph A. Antoncic, III, M.D., P.C., is a professional corporation, incorporated under the laws of Pennsylvania, having offices at 5301 Walnut Street, McKeesport, PA 15132 and having a principal place of business at 2255 Greenock Buena Vista Road, McKeesport, PA 15135. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 2.

9. Defendant Thomas L. Whitten, M.D. is a physician with a specialty in pain management, having offices at 4893 Route 30, Suite 8, Greensburg, PA 15601. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 3.
10. Defendant Thomas L. Whitten, M.D. d/b/a Westmoreland County Pain Management Center is a fictitious name entity owned by Thomas L. Whitten, M.D., having offices at 4893 Route 30, Suite 8, Greensburg, PA 15601. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 4.
11. Defendant Westmoreland Pain Management Center, P.C. d/b/a Westmoreland County Pain Management Center is a professional corporation, having offices at 4893 Route 30, Suite 8, Greensburg, PA 15601. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 5.
12. Defendant Westmoreland Pain Management Center, LLC d/b/a Westmoreland County Pain Management Center is a limited liability corporation, having offices at 4893 Route 30, Suite 8, Greensburg, PA 15601. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 6.
13. Defendant Diana Lynn Gummo, CRNP, is a certified registered nurse practitioner, having a last known address of 2428 State Route 981, Mt. Pleasant, PA 15666. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 7.
14. Defendant Diana Lynn Gummo, CRNP, LLC is a limited liability corporation, having a principal place of business of 2428 State Route 981, Mt. Pleasant, PA 15666. Plaintiff is

asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 8.

15. Defendants Greg Miscik and Julie Leone d/b/a Greg Miscik & Counseling Associates is a fictitious name entity owned by Greg Miscik and Julie Leone with a principal place of business at 1001 Ligonier Street, Latrobe, PA 15650. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 9.
16. Defendant Vera Sherman, M.D. is a physician with a specialty in internal medicine, having offices at 330 East 8th Avenue, Homestead, PA 15120. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 10.
17. Defendant Avenue to Wellness, LLC is a professional limited liability company, having offices at 330 East 8th Avenue, Homestead, PA 15120 and having a principal place of business at 420 South Dallas Avenue, Pittsburgh, PA 15208. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 11.
18. Defendant Harinder Ghuman, M.D. is a physician with a specialty in adult psychiatry, having offices at 1000 Commerce Drive, Suite 1002, Moon Township, PA 15108 and 615 East McMurray Road, McMurray, PA 15317. Plaintiff is asserting a professional liability action against this Defendant. A certificate of merit is attached as Exhibit 12.
19. Defendant Crossroads Counseling & Consulting Associates, P.C., is a professional corporation, having offices at 1000 Commerce Drive, Suite 1002, Moon Township, PA 15108 and 615 East McMurray Road, McMurray, PA 15317 and having a principal place of business at 3675 Washington Road, McMurray, PA 15217. Plaintiff is asserting a

professional liability action against this Defendant. A certificate of merit is attached as Exhibit 13.

FACTS

20. Nicholas Classic began treating with Dr. Rudolph Antoncic as his primary care physician in early 2012.
21. During his visits with Dr. Antoncic, Classic complained of generalized lower back pain.
22. On 3/9/12, Dr. Antoncic referred Classic for an MRI. The MRI noted transitional vertebra with probable partial sacrolication of L5, a "very mild diffuse disc bulge" at L3-L4 slightly more marked on the left side and mild narrowing of left neural foramina, and degenerative changes at L4-L5 and L5-S1. The rest of the imagining appeared normal.
23. Dr. Antoncic prescribed Classic 15 mg Oxycodone one tablet per six hours as needed.
24. Over the next eight months, Dr. Antoncic continued to prescribe oxycodone to Classic for generalized low back pain.
25. On 10/1/12, Classic reported increased back pain and claimed that the oxycodone does not last the full six hours. Dr. Antoncic prescribed 30 mg MS Contin (Morphine Sulfate) one tablet every eight hours.
26. On 11/20/12, Classic was referred to a pain specialist.
27. Classic sought a consultation with pain specialist Dr. Anthony Kirby of South Hills Rehabilitation Associates, who is not a party to this action.
28. Upon examination on 12/5/12, Dr. Kirby noted the following:

"Based on exam, he does not appear to have pathology to warrant the amount of pain medication he is taking. Pending the results of these diagnostic procedures, I will make recommendations regarding his Opiate dosing. Dr. Antoncic can either consider those recommendations and ongoing prescribing or have the patient follow with me for pain management issues. The patient feels that he is well controlled on his

current pain medications, but has concerns about longer term use of Opiates. He is very anxious about the prospect of decreasing his Opiates. His rationale is somewhat inconsistent. He takes great ownership in his perceived need for chronic Opiates. This in itself is somewhat of a red flag. However, I will reserve final judgment.”

29. On 4/30/13, Classic reported a reduction in pain control over the past few months, which has increased his use of his short-term acting pain medication (oxycodone). Dr. Antoncic increased Classic to 60 mg MS Contin (morphine sulfate) 1 tablet every eight hours.
30. On 5/30/13, Classic reported improvement with the increase of the MS Contin, but reported less pain control when using his short-acting pain medication (oxycodone). Dr. Antoncic increased his medication to 30 mg oxycodone 0.5-1 tablet every six hours as needed.
31. On 10/23/13, Classic reported the MS Contin was not effectively controlling his pain. Dr. Antoncic switched the MS Contin prescription for 40 mg Opana one tablet every 12 hours.
32. Dr. Antoncic also prescribed 0.5 mg Xanax one tablet every four to six hours as needed, and 12.5 mg Ambien CR one tablet at bedtime.
33. On 10/31/13, Classic consulted with Dr. Daniel Wecht, not a party to this action, regarding surgical options. Dr. Wecht noted that “Mr. Classic is on copious amounts of narcotic medication. He is prescribed Opana ER 40 mg 2 times a day and oxycodone IR 30 mg 2 times a day p.r.n. He was on MS Contin for the last 2 years.” Dr. Wecht referred Classic to Dr. Adam Kanter, not a party to this action, for a consult.
34. On 11/20/13, Dr. Antoncic reviewed Dr. Wecht’s consult with Classic. Specifically, Dr. Antoncic noted “Dr. Wecht did remark that he did not feel patient’s MRI of lumbar spine was noteworthy for the type and degree of pain that patient has been reporting in this

office.” Further, Dr. Antoncic noted “Patient has been discussed that I would like to try and get to the source of his pain as his MRI of 3-9-2012 was mostly unremarkable for level of pain complaints that patient is consistently reporting in this office and again today.”

35. Additionally, Dr. Antoncic had switched Classic from Ambien CR to 2 mg Lunesta one tablet nightly. This was eventually increased to 3 mg Lunesta.
36. On 12/2/13, Dr. Kanter provided a consult on Classic. He said he does not do prophylactic surgery or surgery on patients who do not have pathology on imaging. Dr. Kanter also stated “I encouraged him to cutback on his narcotic pain medication.”
37. On 1/6/14, Classic reported he overused his short acting medication and was a week short of supply due to exacerbation in back pain from new job with Century Three Chevrolet. Dr. Antoncic prescribed 4 mg dilaudid, 1-2 tablets every six hours as needed, quantity 120, to bridge the gap between prescriptions.
38. On 1/16/14, Classic returned to Dr. Antoncic asking for a refill of pain medications, reporting constant pain and current medications were not controlling his pain. Classic was out of the 4 mg dilaudid (quantity 120), which was prescribed 10 days earlier.
39. After two years of prescribing copious amounts of narcotics, Dr. Antoncic finally decided to titrate Classic off narcotics. Dr. Antoncic reported the following items in his note:
 - a. “Patient today is discussed that I do not believe that he is benefiting from the pain medications that are being prescribed and that I would like to restablize his use of these and then provide instructions for titrating off of these.”
 - b. “Patient is reporting lack of sleep which has been a complaint of patient’s for some time and that I suspect that with his overuse and subsequent lack of pain medication supply as prescribed, he is experiencing withdrawal.”

- c. "Patient in the past few weeks has demonstrated overuse, urgency in wanting to obtain further quantity when overtaken and has called this office several times insistent on knowing when his medications would be prescribed. Patient also as reported by pharmacist was calling several times to know when his medications would be filled. Patient was discussed that he is at the very least demonstrating aberrant behavior for which he is apologetic today however I have discussed that he will be receiving as above his last narcotic prescriptions from me and is given specific instructions for titration off these."
 - d. "Patient has also been provided information and discussion regarding methadone maintenance treatment and suboxone treatment should he feel that he is addicted to his narcotic pain medication."
40. On 1/30/14, Classic returned to Dr. Kirby and began to titrate off his narcotic medication.
41. On 2/6/14, Classic suffered a near fatal overdose requiring naloxone to revive him.
42. On 3/11/14, Classic sought treatment with Dr. Thomas Whitten and the Westmoreland Pain Management Center.
43. During his initial urine drug screening, Classic tested positive for THC (marijuana), opiates, oxycodone, benzodiazepines and TCA.
44. It was also noted that Classic was currently taking Xanax.
45. Despite this positive drug screening, Classic was immediately prescribed 15 mg oxycodone, 12 mg hydromophone (Exalgo), 15 mg cyclobenzaprine (Amrix), and 2 mg Lunesta.
46. On 3/17/14, Dr. Whitten made the following note:
- "PTS GIRLFRIEND CALLED AND STATED THAT THE PT WAS SEEN HERER ON 3/11/14 AND WAS GIVEN A SCRIPT FOR OXYCODONE QTY(60) AND HE HAS ONLY 16 LEFT. SHE ALSO STATED THAT THE PT SEES DR. ANTONCIC AND WAS GIVEN A SCRIPT FOR XANAX ON 3/4/14 AND 3/15/14 FOR 90 EACH AND HE ONLY HAS 24 LEFT. SHE IS VERY CONCERNED AS PT OVERDOSED ON FEB 6 AND WAS GIVEN NARCAN VIA THE MEDICS AFTER 15 MINS OF OTHER EFFORTS FAILED TO REVIVE HIM. PT WAS SENT FROM WORK ON SAT TO THE ER FOR PASSING OUT ON THE JOB. I ALERTED DR. ANTONCIC'S

OFFICE AND THAT WERE NOT AWARE THAT THE PT WAS BEING SEEN HERER FOR PAIN MEDICATIONS. I WILL CALL PT IN TOMORROW FOR A PILL COUNT.”

47. On 3/18/14, Classic was called in to Westmoreland Pain Management Center for a pill count. He was short 30 oxycodone and short 73 Xanax. His urine drug screen was positive for opiates, oxycodone and benzodiazepines.
48. On 3/25/14, Dr. Whitten referred Classic to Diana Gummo, CRNP for management of medications for depression, anxiety, sleep and ADHD. Gummo prescribed Xanax, Lunesta, Trazodone and Zoloft. She instructed Classic not to take Lunesta and Trazodone together, and warned of danger in taking Xanax with sleep aids. However, she still prescribed these medications
49. During his entire treatment with Gummo, Classic continued to report increasing anxiety and panic and continued to request additional medication.
50. On 4/8/14, Gummo increased Classic’s dose of Zoloft and Xanax.
51. On 4/28/14, Classic returned to Dr. Antoncic and asked for a refill in flexeril/cyclobenzaprine. Dr. Antoncic discussed this should be prescribed through Dr. Whitten.
52. On the same day, Dr. Whitten made the following note:

“DR. RUDY ANTONCIC CALLED AND WANTED TO INFORM DOCTOR THAT NICHOLAS CALLED HIM FRIDAY AND SOUGHT A PRESCRIPTION FOR FLEXERIL. DOCTOR ANTONCIC WANTED DOCTOR WHITTEN AWARE THAT NICHOLAS WAS IN HIS OFFICE TODAY TO BE SEEN AND THE DOCTOR TOLD HIM HE WOULD NOT SEE HIM WITHOUT A WITNESSED OFFICE VISIT. THE DOCTOR STATED THAT HE WAS TOLD BY NICHOLAS’ FAMILY THAT NICHOLAS HAD OVERDOSED IN FEB OR MARCH AND THAT THEY WERE ANGRY AND WOULD SUE THE DOCTOR ANTONCIC IF IT HAPPENED AGAIN. DR. [ANTONCIC] WANTED TO MAKE DR. WHITTEN AWARE OF THIS AND I INFORM HIM THAT NICHOLAS IS UNDER CONTRACT NOT TO GET HIM

MEDICATION FROM ANY DOCTOR EXCEPT DR. WHITTEN. HE SAID HE KNOWS THAT AND WAS NOT GOING TO WRITE HIM A SCRIPT FOR FLEXERIL.”

53. Classic was discharged from Dr. Whitten’s care on 4/29/2014 because “[Classic] sought medication from another physician. [Classic] also had been counseled for a[n] incorrect pill count.”
54. On 6/11/14, Classic reported to Gummo that his girlfriend had flushed his pills and he is out of medications. He also reported his family and girlfriend were against taking medications. Gummo also prescribed Temazepam for Classic.
55. On 7/6/14, Classic was involved in a single car accident, and he was hospitalized at UPMC Presbyterian Shadyside with broken ribs and a broken ankle. It was noted that he was recently addicted to Opana ER and oxycodone. Classic was prescribed short-term narcotics for his injuries.
56. On 7/31/14, Classic visited with Dr. Mamoon Rasheed, not a party to this action, for lower back pain. He was not prescribed any narcotics, pending the result of his drug screen.
57. On 8/21/14, Classic called Gummo and reported increased anxiety, and asked for an increase in his dose of alprazolam. Gummo told him she could not increase the dose, but continued to prescribe the medication.
58. On 8/21/14, Classic’s drug screen with Dr. Rasheed’s office came back positive for oxycodone, Xanax, Temazepam and Amphetamine. Dr. Rasheed noted Classic never mentioned being on any of these medications, and Dr. Rasheed refused to prescribe any medications pending results of other labs.

59. On 9/12/14, Dr. Rasheed's office noted "Due to the amount of scheduled medications he is already taking, I do not feel comfortable prescribing him narcotic pain medications."

60. On 9/22/14, Classic called Dr. Rasheed's office requesting scheduled pain medications. The office note stated "I personally do not feel comfortable prescribing him any narcotic medication. He is also on several scheduled psych medications."

61. On 9/23/14, Dr. Rasheed's office made the following note:

"Med-Pain (Elizabeth Long) called today about Nicholas Classic stating that he showed up at their pain clinic on Monday demanding pain pills. He said that if they didn't give him pain pills he was going to kill himself, they said he was screaming and [cursing] at them. Elizabeth told me that he was discharged from several pain clinics due to double dipping."

Dr. Rasheed's office then called Classic to notify him that the office would not prescribe him pain medications.

62. On 10/9/14, Classic began treating with Dr. Vera Sherman.

63. Dr. Sherman did not document any medical history, interview, or initial drug screen, but immediately began to prescribe him Hydrocodon-Acetaminophen and Oxycontin.

64. On 10/22/14, Classic called Dr. Rasheed's office regarding upcoming appointments. He was slurring his words and not making sense. The office note stated "I feel that he is definitely drug seeking and poses a threat to our office."

65. Throughout the next year, Dr. Sherman continued to prescribe Classic narcotic pain medication.

66. Dr. Sherman eventually prescribed Classic both Oxycontin (40 mg every 12 hours) and Oxycodone (10 mg three times a day). Dr. Sherman also prescribed him 350 mg carisoprodol, a muscle relaxant, and 10 mg zolpidem tartrate.

67. On 3/2/15, Classic returned to Gummo stating that he had weaned himself off all medications. However, Gummo began prescribing Klonopin (clonazepam) to Classic.
68. On 8/4/15, Gummo noted that Classic's girlfriend called to report that Classic does not take his medications as prescribed.
69. On 8/29/15, Gummo again noted that Classic's girlfriend called to report that Classic does not take his medications as prescribed. Gummo stated she is not comfortable with being his provider any more and will no longer be able to prescribe him medication.
70. On 10/15/15, Classic visited Dr. Harinder Ghuman at Crossroads Counseling and Consulting.
71. During this visit, Dr. Ghuman did not document any review of medical records, confirm any medications are well-tolerated and not abused, or obtain a urine drug test. However, Dr. Ghuman prescribed 2 mg alprazolam twice a day, 30 mg mirtazapine once at bedtime and 30 mg temazepam once at bedtime.
72. In the early morning hours of 10/18/15, Classic was found by his girlfriend unresponsive. He was rushed to Forbes Hospital emergency room. He was pronounced dead at 3:48 a.m.
73. An autopsy determined Mr. Classic's cause of death was combined drug toxicity. The autopsy was positive for oxycodone, temazepam, alprazolam, meprobamate (metabolite of carisoprodol) and zolpidem.

COUNT I

KAREN A. RUYBAL, as the Administratrix of NICHOLAS CLASSIC, deceased v. RUDOLPH A. ANTONCIC, III, M.D. and RUDOLPH A. ANTONCIC, III, M.D., P.C.

NEGLIGENCE

74. Plaintiff, Karen A. Ruybal, hereby incorporates all preceding paragraphs as though set forth at length herein.

75. At all times relevant hereto, Defendant Rudolph A. Antoncic, III, M.D. was an agent, servant, employee and/or ostensible agent of Defendant Rudolph A. Antoncic, III, M.D., P.C.

76. The narcotic, sedative and benzodiazepine addiction and subsequent death of Nicholas Classic were caused by the direct result of the carelessness, negligence and breach of the standard of care by the Defendant Rudolph A. Antoncic, M.D. while acting as an agent, servant, employee and/or ostensible agent of Defendant Rudolph A. Antoncic, III, M.D., P.C. in the following particulars:

- a. In increasing the dosage of Nicholas Classic's narcotic pain medication despite limited evidence of any sustained improvement in pain or function;
- b. In continuing to prescribe narcotic pain medication to Nicholas Classic despite limited evidence of any sustained improvement in pain or function;
- c. In continuing to prescribe narcotic pain medication to Nicholas Classic despite the pathology, objective signs and symptoms of various diagnostic tests not justifying the amount of narcotic pain medication prescribed;
- d. In failing to cease prescribing narcotic pain medication to Nicholas Classic when he stopped showing signs of functional improvement;
- e. In failing to refer Nicholas Classic to a detoxification and treatment facility to

help taper and discontinue opioids and sedatives when he stopped showing signs of functional improvement and evidence of substance abuse became apparent;

- f. In prescribing both sedatives and opioids for Nicholas Classic's use, despite the danger of combining these two types of medications;
- g. In failing to recognize Nicholas Classic's substance use disorder/addiction to narcotic pain medication;
- h. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue narcotic pain medication when he showed signs of substance use disorder/addiction;
- i. In failing to recognize Nicholas Classic's substance use disorder/addiction to sedative medication and benzodiazepines;
- j. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue sedative medication when he showed signs of substance use disorder/addiction;
- k. In continuing to prescribe Nicholas Classic copious amounts of narcotic medications, which contributed to his substance use disorder/addiction to narcotic pain medication;
- l. In continuing to prescribe Nicholas Classic copious amounts of sedative medications and benzodiazepines, which contributed to his substance use disorder/addiction to sedative pain medication and benzodiazepines;
- m. In failing to stop the dose escalation of Nicholas Classic's narcotic pain medication due to the progression of his substance use disorder and addiction;
- n. In failing to appropriately confront and set boundaries around prescribing

controlled substances to Nicholas Classic;

- o. In failing to appropriately monitor Nicholas Classic's use of narcotic pain medication through pill counts and drug screens;
- p. In failing to appropriately monitor Nicholas Classic's use of sedative medication through pill counts and drug screens; and
- q. In failing to refer Nicholas Classic to a chemical dependency program or addiction specialist.

77. As a result of the negligent breach of the standard of care by Dr. Antoncic on and about the business of Defendant Rudolph A. Antoncic, III, M.D., P.C., the Plaintiff developed a substance use disorder/addiction, which progressed in severity until he suffered a fatal overdose as set forth above.

78. The Plaintiff claims damages under the Wrongful Death Act as follows:

- a. Funeral expenses and expenses of administration;
- b. Loss of decedent's contribution and services;
- c. Loss of companionship;
- d. Medical expenses; and
- e. All other damages authorized by the Act.

79. The Plaintiff further claims damages under the Survival Act as follows:

- a. Damages for decedent's conscious pain and suffering;
- b. Loss of decedent's earning power; and
- c. All other damages authorized by the Act.

WHEREFORE, Plaintiff claims damages against the Defendants in the amount in excess of \$35,000.00.

JURY TRIAL DEMANDED

COUNT II

KAREN A. RUYBAL, as the Administratrix of NICHOLAS CLASSIC, deceased v. THOMAS L. WHITTEN, M.D.; THOMAS L. WHITTEN, M.D. d/b/a WESTMORELAND PAIN MANAGEMENT CENTER; WESTMORELAND PAIN MANAGEMENT CENTER, LLC d/b/a WESTMORELAND PAIN MANAGEMENT CENTER; and WESTMORELAND PAIN MANAGEMENT CENTER, P.C. d/b/a WESTMORELAND PAIN MANAGEMENT CENTER

NEGLIGENCE

80. Plaintiff, Karen A. Ruybal, hereby incorporates all preceding paragraphs as though set forth at length herein.
81. At all times relevant hereto, Defendant Thomas L. Whitten, M.D. was an agent, servant, employee and/or ostensible agent of Defendant Thomas L. Whitten, M.D. d/b/a Westmoreland Pain Management Center.
82. At all times relevant hereto, Defendant Thomas L. Whitten, M.D. was an agent, servant, employee and/or ostensible agent of Defendant Westmoreland Pain Management Center, LLC d/b/a Westmoreland Pain Management Center.
83. At all times relevant hereto, Defendant Thomas L. Whitten, M.D. was an agent, servant, employee and/or ostensible agent of Defendant Westmoreland Pain Management Center, P.C. d/b/a Westmoreland Pain Management Center.
84. The narcotic, sedative and benzodiazepine addiction and subsequent death of Nicholas Classic were caused by the direct result of the carelessness, negligence and breach of the standard of care by the Defendant Thomas L. Whitten, M.D. while acting as an agent,

servant, employee and/or ostensible agent of Defendant Thomas L. Whitten, M.D. d/b/a Westmoreland Pain Management Center, Defendant Westmoreland Pain Management Center, LLC d/b/a Westmoreland Pain Management Center, and/or Defendant Westmoreland Pain Management Center, P.C. d/b/a Westmoreland Pain Management Center in the following particulars:

- a. In prescribing narcotics to Nicholas Classic without appropriate warning and when his urine drug screen was positive for illicit drugs;
- b. In prescribing narcotics to Nicholas Classic before attaining a full medical history and records review;
- c. In failing to consult with Dr. Antoncic before prescribing narcotics to Nicholas Classic;
- d. In failing to recognize Nicholas Classic's substance use disorder/addiction to narcotic pain medication;
- e. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue narcotic pain medication when he showed signs of substance use disorder/addiction;
- f. In failing to appropriately assess for and diagnose substance abuse and addiction as cause for overuse of sedative and opioid medication;
- g. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue narcotic pain medication when he was short 73 Xanax and 30 oxycodone during the 3/18/14 pill count;
- h. In failing to titrate Nicholas Classic off narcotic pain medication when he was short 73 Xanax and 30 oxycodone during the 3/18/14 pill count;

- i. In continuing to prescribe and treat Nicholas Classic with narcotic pain medication after he was short 73 Xanax and 30 oxycodone during the 3/18/14 pill count;
- j. In refilling Nicholas Classic's overused narcotic medication early and continuing with therapy after he was short 73 Xanax and 30 oxycodone during the 3/18/14 pill count;
- k. In prescribing both sedatives and opioids for Nicholas Classic when he was short 73 Xanax and 30 oxycodone despite danger of combining these two types of medications and in particular given the overuse of these medications;
- l. In continuing to prescribe Nicholas Classic copious amounts of narcotic medications, which contributed to Classic's substance use disorder/addiction to narcotic pain medication;
- m. In failing to appropriately confront and set boundaries around prescribing controlled substances to Nicholas Classic;
- n. In failing to appropriately monitor Nicholas Classic's use of narcotic pain medication through pill counts and drug screens; and
- o. In failing to refer Nicholas Classic to a chemical dependency program or addiction specialist.

85. As a result of the negligent breach of the standard of care by Dr. Whitten on and about the business of Defendant Thomas L. Whitten, M.D. d/b/a Westmoreland Pain Management Center, Defendant Westmoreland Pain Management Center, LLC d/b/a Westmoreland Pain Management Center, and/or Defendant Westmoreland Pain Management Center, P.C. d/b/a Westmoreland Pain Management Center, the Plaintiff

developed a substance use disorder/addiction, which progressed in severity until he suffered a fatal overdose as set forth above.

86. The Plaintiff claims damages under the Wrongful Death Act as follows:

- a. Funeral expenses and expenses of administration;
- b. Loss of decedent's contribution and services;
- c. Loss of companionship;
- d. Medical expenses; and
- e. All other damages authorized by the Act.

87. The Plaintiff further claims damages under the Survival Act as follows:

- a. Damages for decedent's conscious pain and suffering;
- b. Loss of decedent's earning power; and
- c. All other damages authorized by the Act.

WHEREFORE, Plaintiff claims damages against Defendants in the amount in excess of \$35,000.00.

JURY TRIAL DEMANDED

COUNT III

**KAREN A. RUYBAL, as the Administratrix of NICHOLAS CLASSIC, deceased v.
DIANA LYNN GUMMO, CRNP; DIANA LYNN GUMMO CRNP, LLC; GREG MISCIK
and JULIE LEONE d/b/a GREG MISCIK & COUNSELING ASSOCIATES**

NEGLIGENCE

88. Plaintiff, Karen A. Ruybal, hereby incorporates all preceding paragraphs as though set forth at length herein.

89. At all times relevant hereto, Defendant Diana Lynn Gummo, CRNP was an agent, servant, employee and/or ostensible agent of Defendant Diana Lynn Gummo CRNP,

LLC.

90. At all times relevant hereto, Defendant Diana Lynn Gummo, CRNP was an agent, servant, employee and/or ostensible agent of Defendants Greg Miscik and Julie Leone d/b/a Greg Miscik & Counseling Associates.

91. The narcotic, sedative and benzodiazepine addiction and subsequent death of Nicholas Classic were caused by the direct result of the carelessness, negligence and breach of the standard of care by the Defendant Diana Lynn Gummo, CRNP while acting as an agent, servant, employee and/or ostensible agent of Defendant Diana Lynn Gummo CRNP, LLC and/or Defendants Greg Miscik and Julie Leone d/b/a Greg Miscik & Counseling Associates in the following particulars:

- a. In prescribing controlled substances to Nicholas Classic without getting a drug screen;
- b. In prescribing controlled substances to Nicholas Classic before attaining a full medical history and records review;
- c. In failing to recognize Nicholas Classic's substance use disorder/addiction to sedative medication and benzodiazepines;
- d. In failing to recognize Nicholas Classic's substance use disorder/addiction to sedative medication and benzodiazepines when Gummo was told his girlfriend flushed his medication;
- e. In failing to recognize Nicholas Classic's substance use disorder/addiction to sedative medication and benzodiazepines when Gummo was told his girlfriend flushed his medication;
- f. In failing to recognize Nicholas Classic's substance use disorder/addiction to

sedative medication and benzodiazepines when Gummo was told his family and girlfriend were against him taking medications;

- g. In failing to recognize Nicholas Classic's substance use disorder/addiction to sedative medication and benzodiazepines when Classic failed to comply with a request to bring his girlfriend to his next appointment;
- h. In continuing to prescribe sedative medication and benzodiazepines to Nicholas Classic after he failed to comply with a request to bring his girlfriend to his next appointment;
- i. In continuing to prescribe Nicholas Classic copious amounts of sedative medications and benzodiazepines, which contributed to Classic's substance use disorder/addiction to sedative medication and benzodiazepines;
- j. In continuing to prescribe Nicholas Classic copious amounts of sedative medications and benzodiazepines, which contributed to Classic's substance use disorder/addiction to sedative medications and benzodiazepines;
- k. In prescribing both sedatives and stimulants to Nicholas Classic while he was also being prescribed narcotic medication, where the combined medications carries a risk of sedation, respiratory depression, failure and death;
- l. In using interventions that primarily focused on controlled substances, which contributed to the progression of his substance use disorder/addiction;
- m. In failing to contact other providers to coordinate medication prescriptions and identify any potential substance use disorder/addiction;
- n. In failing to appropriately confront and set boundaries around prescribing controlled substances to Nicholas Classic;

- o. In failing to appropriately monitor Nicholas Classic's use of narcotic pain medication through pill counts and drug screens; and
- p. In failing to refer Nicholas Classic to a chemical dependency program or addiction specialist.

92. As a result of the negligent breach of the standard of care by Gummo on and about the business of Defendant Diana Lynn Gummo CRNP, LLC and/or Defendants Greg Miscik and Julie Leone d/b/a Greg Miscik & Counseling Associates, the Plaintiff developed a substance use disorder/addiction, which progressed in severity until he suffered a fatal overdose as set forth above.

93. The Plaintiff claims damages under the Wrongful Death Act as follows:

- a. Funeral expenses and expenses of administration;
- b. Loss of decedent's contribution and services;
- c. Loss of companionship;
- d. Medical expenses; and
- e. All other damages authorized by the Act.

94. The Plaintiff further claims damages under the Survival Act as follows:

- a. Damages for decedent's conscious pain and suffering;
- b. Loss of decedent's earning power; and
- c. All other damages authorized by the Act.

WHEREFORE, Plaintiff claims damages against Defendants in the amount in excess of \$35,000.00.

JURY TRIAL DEMANDED

COUNT IV

KAREN A. RUYBAL, as the Administratrix of NICHOLAS CLASSIC, deceased v. VERA SHERMAN, M.D. and AVENUE TO WELLNESS, LLC

NEGLIGENCE

95. Plaintiff, Karen A. Ruybal, hereby incorporates all preceding paragraphs as though set forth at length herein.

96. At all times relevant hereto, Defendant Vera Sherman, M.D. was an agent, servant, employee and/or ostensible agent of Defendant Avenue to Wellness, LLC.

97. The narcotic, sedative and benzodiazepine addiction and subsequent death of Nicholas Classic were caused by the direct result of the carelessness, negligence and breach of the standard of care by the Defendant Vera Sherman, M.D. while acting as an agent, servant, employee and/or ostensible agent of Defendant Rudolph A. Antoncic, III, M.D., P.C. in the following particulars:

- a. In prescribing the controlled substances that caused Nicholas Classic to fatally overdose;
- b. In prescribing narcotics to Nicholas Classic before attaining a drug urine screen;
- c. In prescribing narcotics to Nicholas Classic before attaining a full medical history and records review;
- d. In failing to consult with previous providers before prescribing narcotics to Nicholas Classic;
- e. In failing to recognize Nicholas Classic's substance use disorder/addiction to narcotic pain medication;
- f. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue narcotic pain medication when he showed

signs of substance use disorder/addiction;

- g. In increasing the dosage of Nicholas Classic's narcotic pain medication despite limited evidence of any sustained improvement in pain or function;
- h. In continuing to prescribe narcotic pain medication to Nicholas Classic despite limited evidence of any sustained improvement in pain or function;
- i. In continuing to prescribe narcotic pain medication to Nicholas Classic despite the pathology, objective signs and symptoms of various diagnostic tests not justifying the amount of narcotic pain medication prescribed;
- j. In failing to cease prescribing narcotic pain medication to Nicholas Classic when he stopped showing signs of functional improvement;
- k. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue opioids and sedatives when he stopped showing signs of functional improvement;
- l. In prescribing both sedatives and opioids for Nicholas Classic, despite the danger of combining these two types of medications;
- m. In prescribing both sedatives and opioids for Nicholas Classic, when he had obstructive sleep apnea;
- n. In failing to recognize Nicholas Classic's substance use disorder/addiction to narcotic pain medication;
- o. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue narcotic pain medication when he showed signs of substance use disorder/addiction;
- p. In failing to recognize Nicholas Classic's substance use disorder/addiction to

sedative medication;

- q. In failing to immediately refer Nicholas Classic to a detoxification and treatment facility to help taper and discontinue sedative medication when he showed signs of substance use disorder/addiction;
- r. In continuing to prescribe Nicholas Classic copious amounts of narcotic medications, which contributed to his substance use disorder/addiction to narcotic pain medication;
- s. In continuing to prescribe Nicholas Classic copious amounts of sedative medications, which contributed to his substance use disorder/addiction to sedative medication;
- t. In failing to stop the dose escalation of Nicholas Classic's narcotic pain medication due to the progression of his substance use disorder and addiction;
- u. In failing to appropriately confront and set boundaries around prescribing controlled substances to Nicholas Classic;
- v. In failing to appropriately monitor Nicholas Classic's use of narcotic pain medication through pill counts and drug screens;
- w. In failing to appropriately monitor Nicholas Classic's use of sedative medication through pill counts and drug screens; and
- x. In failing to refer Nicholas Classic to a chemical dependency program or addiction specialist.

98. As a result of the negligent breach of the standard of care by Dr. Sherman on and about the business of Defendant Avenue to Wellness, LLC, the Plaintiff developed a substance use disorder/addiction, which progressed in severity until he suffered a fatal overdose as

set forth above.

99. The Plaintiff claims damages under the Wrongful Death Act as follows:

- a. Funeral expenses and expenses of administration;
- b. Loss of decedent's contribution and services;
- c. Loss of companionship;
- d. Medical expenses; and
- e. All other damages authorized by the Act.

100. The Plaintiff further claims damages under the Survival Act as follows:

- a. Damages for decedent's conscious pain and suffering;
- b. Loss of decedent's earning power; and
- c. All other damages authorized by the Act.

WHEREFORE, Plaintiff claims damages against the Defendants in the amount in excess of \$35,000.00.

JURY TRIAL DEMANDED

COUNT V

**KAREN A. RUYBAL, as the Administratrix of NICHOLAS CLASSIC, deceased v.
HARINDER GHUMAN, M.D. and CROSSROADS COUNSELING & CONSULTING
ASSOCIATES, P.C.**

NEGLIGENCE

101. Plaintiff, Karen A. Ruybal, hereby incorporates all preceding paragraphs as though set forth at length herein.

102. At all times relevant hereto, Defendant Harinder Ghuman, M.D. was an agent, servant, employee and/or ostensible agent of Defendant Crossroads Counseling & Consulting Associates, P.C..

103. The sedative and benzodiazepine addiction and subsequent death of Nicholas Classic were caused by the direct result of the carelessness, negligence and breach of the standard of care by the Defendant Harinder Ghuman, M.D. while acting as an agent, servant, employee and/or ostensible agent of Defendant Crossroads Counseling & Consulting Associates, P.C. in the following particulars:

- a. In prescribing the controlled substances that caused Nicholas Classic to fatally overdose;
- b. In prescribing controlled substances to Nicholas Classic without getting a drug screen;
- c. In prescribing controlled substances to Nicholas Classic before attaining a full medical history and records review;
- d. In failing to consult with previous providers before prescribing benzodiazepines to Nicholas Classic;
- e. In failing to obtain collateral information regarding Nicholas Classic's girlfriend, who accompanied him to the visit with Dr. Ghuman, regarding past tolerance and appropriate use of controlled substances;
- f. In prescribing controlled substances to Nicholas Classic based solely on his self-report and subsequent request for controlled substances;
- g. In prescribing large doses of alprazolam and temazepam together despite it being the first visit to Dr. Ghuman;
- h. In failing to recognize Nicholas Classic's substance use disorder/addiction to sedative medication and benzodiazepines;
- i. In prescribing two different benzodiazepines, alprazolam and temazepam, without

confirming that these medications were well-tolerated and not abused by Nicholas Classic;

- j. In using interventions that primarily focused on controlled substances, which contributed to the progression of Classic's substance use disorder/addiction;
- k. In failing to contact other providers to coordinate medication prescriptions and identify any potential substance use disorder/addiction;
- l. In failing to appropriately confront and set boundaries around prescribing controlled substances to Nicholas Classic;
- m. In failing to appropriately monitor Nicholas Classic's use of narcotic pain medication through pill counts and drug screens; and
- n. In failing to refer Nicholas Classic to a chemical dependency program or addiction specialist.

104. As a result of the negligent breach of the standard of care by Dr. Ghuman on and about the business of Defendant Crossroads Counseling & Consulting Associates, P.C., the Plaintiff developed a substance use disorder/addiction, which progressed in severity until he suffered a fatal overdose as set forth above.

105. The Plaintiff claims damages under the Wrongful Death Act as follows:

- a. Funeral expenses and expenses of administration;
- b. Loss of decedent's contribution and services;
- c. Loss of companionship;
- d. Medical expenses; and
- e. All other damages authorized by the Act.

106. The Plaintiff further claims damages under the Survival Act as follows:

- a. Damages for decedent's conscious pain and suffering;
- b. Loss of decedent's earning power; and
- c. All other damages authorized by the Act.

WHEREFORE, Plaintiff claims damages against Defendants in the amount in excess of \$35,000.00.

JURY TRIAL DEMANDED

Respectfully submitted,
SWENSEN & PERER



Alan H. Perer, Esquire
Attorney for Plaintiffs

VERIFICATION

I, Karen Ruybal, as the Administratrix of the Estate of Nicholas Classic, deceased, verify that I am the Plaintiff in this action and that the statements made in the foregoing **COMPLAINT** are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

4/14/17
Date

Karen Ruybal
Karen Ruybal, Plaintiff

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

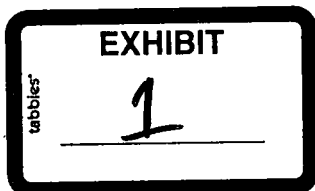
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO RUDOLPH ANTONCIC, III, M.D.

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By Alan H. Perer, Esq.
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

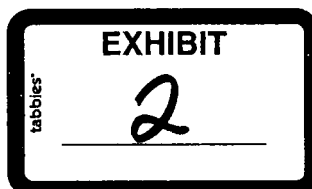
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO RUDOLPH ANTONCIC, III, M.D., P.C.

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By Alan H. Perer
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

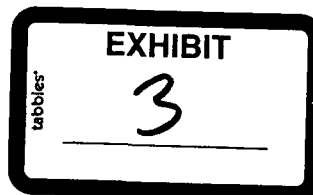
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO THOMAS L. WHITTEN, M.D.

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By Alan H. Perer
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

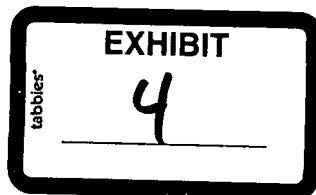
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

**CERTIFICATE OF MERIT AS TO THOMAS L. WHITTEN, M.D. d/b/a/
WESTMORELAND PAIN MANAGEMENT CENTER**

I, Alan H. Perer, Esquire, certify that:

- An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this



defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm; and/or

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

By Alan H. Perer
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

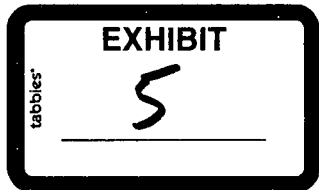
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

**CERTIFICATE OF MERIT AS TO WESTMORELAND PAIN MANAGEMENT
CENTER, LLC d/b/a WESTMORELAND PAIN MANAGEMENT CENTER**

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that
there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this



defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm; and/or

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

By Alan H. Perer
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

**CERTIFICATE OF MERIT AS TO WESTMORELAND PAIN MANAGEMENT
CENTER P.C. d/b/a WESTMORELAND PAIN MANAGEMENT CENTER**

I, Alan H. Perer, Esquire, certify that:

- An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this



defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm; and/or

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

By Alan H. Perer, Esq.
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO DIANA LYNN GUMMO, CRNP

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By Alan H. Perer, Esq.
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

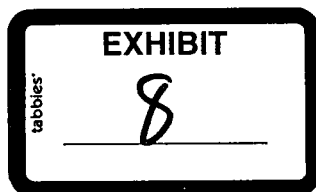
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO DIANA LYNN GUMMO CRNP, LLC

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By Alan H. Perer, Esq.
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

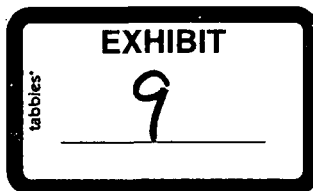
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

**CERTIFICATE OF MERIT AS TO GREG MISCIK AND JULIE LEONE d/b/a GREG
MISCIK & COUNSELING ASSOCIATES**

I, Alan H. Perer, Esquire, certify that:

- An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this



defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm; and/or

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

By Alan H. Perer
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

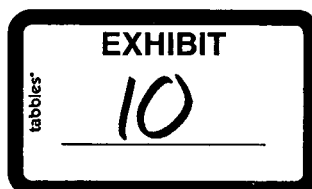
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RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO VERA SHERMAN, M.D.

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By Alan H. Perer
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

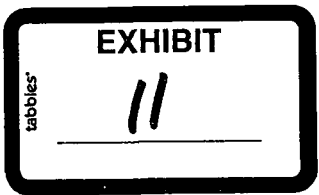
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO AVENUE TO WELLNESS, LLC

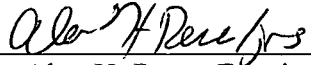
I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By 
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

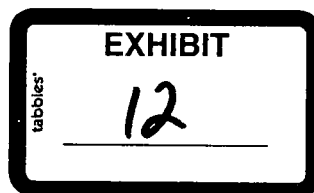
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RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, LLC d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
WESTMORELAND PAIN
MANAGEMENT CENTER, P.C. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO HARINDER GHUMAN, M.D.

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside



acceptable professional standards and that such conduct was a cause in bringing about the harm;
and/or

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

By Alan H. Perer, Esq.
Alan H. Perer, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

KAREN A. RUYBAL as the Administrator : CIVIL ACTION
of The Estate of NICHOLAS W. :
CLASSIC, deceased : No.

Plaintiff,

v.

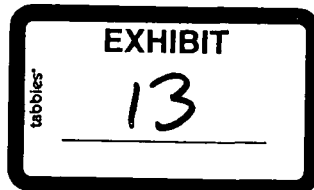
RUDOLPH A. ANTONCIC, III, M.D.;
RUDOLPH A. ANTONCIC, III M.D.,
P.C.; THOMAS L. WHITTEN, M.D.;
THOMAS L. WHITTEN, M.D. d/b/a
WESTMORELAND PAIN
MANAGEMENT CENTER;
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WESTMORELAND PAIN
MANAGEMENT CENTER;
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WESTMORELAND PAIN
MANAGEMENT CENTER; DIANA
LYNN GUMMO, CRNP; DIANA LYNN
GUMMO CRNP, LLC; GREG MISCIK
AND JULIE LEONE d/b/a GREG MISCIK
& COUNSELING ASSOCIATES; VERA
SHERMAN, M.D.; AVENUE TO
WELLNESS, LLC; HARINDER
GHUMAN, M.D.; CROSSROADS
COUNSELING & CONSULTING
ASSOCIATES, P.C.

Defendants.

CERTIFICATE OF MERIT AS TO CROSSROADS COUNSELING & CONSULTING ASSOCIATES, P.C.

I, Alan H. Perer, Esquire, certify that:

An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this



defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm; and/or

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

By Alan H. Perer
Alan H. Perer, Esquire
Attorney for Plaintiffs