

01-1913-CD  
JOSHUA CLARK etal -vs- DUSTIN PETERS etal

<p><b>RICHARD H. MILGRUB</b>  <i>Attorney &amp; Counselor at Law</i>          211 NORTH SECOND STREET          CLEARFIELD, PENNSYLVANIA 16830</p>			
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**FILED**

013:12341  
 NOV 21 2001

William A. Shaw  
 Prothonotary

1cs  
 Atty milgrub  
 Atty pd.  
 80.00

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

JOSHUA CLARK, a Minor, by  
LORETTA SERENA, his  
Guardian,  
Plaintiff

-vs-

DUSTIN PETERS, CHARLES  
PETERS, and BONNIE PETERS,  
Defendants

\*  
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\*  
\*  
\*  
\*  
\*

No. 2001-1913-C0

JURY TRIAL DEMANDED

Type of Action:  
Personal Injury

Type of Pleading:  
Complaint

Filed on Behalf of:  
Plaintiff

Counsel of Record for  
this Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

Brian K. Marshall, Esquire  
Supreme Court I.D. 87331

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

**FILED**

NOV 21 2001

William A. Shaw  
Prothonotary

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

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

JOSHUA CLARK, a Minor, by \*  
LORETTA SERENA, his \*  
Guardian, \*  
Plaintiff \*  
-vs- \* No.

DUSTIN PETERS, CHARLES \* JURY TRIAL DEMANDED  
PETERS, and BONNIE PETERS, \*  
Defendants \*

NOTICE

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

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

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

David S. Meholick  
Court Administrator  
Clearfield County  
Courthouse  
230 East Market Street  
Clearfield, PA 16830  
(814) 765-2641

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

JOSHUA CLARK, a Minor, by \*  
LORETTA SERENA, his \*  
Guardian, \*  
Plaintiff \*  
-vs- \* No.

DUSTIN PETERS, CHARLES \* JURY TRIAL DEMANDED  
PETERS, and BONNIE PETERS, \*  
Defendants \*

COMPLAINT

AND NOW, comes the Plaintiff, Joshua Clark, a  
Minor, by Loretta Serena, his Guardian, by and through  
his attorney, Brian K. Marshall, Esquire, who files the  
following Complaint:

1. Plaintiff, Joshua Clark, a citizen of the  
Commonwealth of Pennsylvania, is a Minor, residing at  
P.O. Box 133, Allport, Clearfield County, Pennsylvania,  
16821.

2. Plaintiff's Guardian, Loretta Serena, is the  
Plaintiff's mother, an adult individual, residing at P.O.  
Box 133, Allport, Clearfield County, Pennsylvania, 16821.

3. Defendant Dustin Peters is a Minor  
individual and citizen of the Commonwealth of

Pennsylvania, residing at 101 Camp Road, Clearfield,  
Clearfield County, Pennsylvania 16830.

4. Defendant Charles Peters is an adult  
individual and citizen of the Commonwealth of  
Pennsylvania, residing at 101 Camp Road, Clearfield,  
Clearfield County, Pennsylvania 16830.

5. Defendant Charles Peters is the father of  
Defendant Dustin Peters.

6. Defendant Bonnie Peters is an adult  
individual and citizen of the Commonwealth of  
Pennsylvania, residing at 101 Camp Road, Clearfield,  
Clearfield County, Pennsylvania 16830.

7. Defendant Bonnie Peter is the mother of  
Defendant Dustin Peters.

8. At all times relevant hereto, Defendants  
Charles and Bonnie Peters were married to each other.

9. At all times relevant hereto, Defendants  
Charles and Bonnie Peters owned, occupied, and  
maintained, their residence at 101 Camp Road, Clearfield,  
Clearfield County, Pennsylvania 16830.

10. At all times relevant hereto, Defendant  
Dustin Peters occupied and maintained his residence at

101 Camp Road, Clearfield, Clearfield County,  
Pennsylvania 16830.

11. On or about June 14, 2000, Plaintiff Joshua Clark was visiting Defendant Dustin Peters at his residence at 101 Camp Road, Clearfield, Clearfield County, Pennsylvania.

12. Joshua Clark, along with other minors, had been invited by the Defendants to camp out on their property on the night of June 13 - 14, 2000.

13. At all times relevant hereto, Plaintiff Joshua Clark was lawfully on the premises of the Defendants.

14. On the evening of June 13, 2000, Defendant Dustin Peters ignited a campfire adjacent to the area where the boys were camping.

15. On the morning of June 14, 2000, Defendant Dustin Peters obtained gasoline from a storage shed owned and controlled by Defendants Charles Peters and Bonnie Peters.

16. Defendant Dustin Peters tossed a can of gasoline on the campfire in an attempt to revive the fire.

17. At the time Defendant Dustin Peters tossed the gasoline on the campfire, Plaintiff Joshua Clark was standing in close proximity to the campfire, with his back toward the campfire.

18. At the time Defendant Dustin Peters tossed the gasoline on the fire, Plaintiff Joshua Clark:

- a. was not looking at the fire,
- b. did not see Defendant Dustin Peters as he was preparing to toss the gasoline onto the fire, and
- c. not did he see Defendant Dustin Peters toss the gasoline onto the fire.

19. As a result of Defendant Dustin Peters' tossing gasoline on the fire, the fire flared up violently, causing Plaintiff Joshua Clark to suffer severe burns to his back and neck.

20. As a result of the injuries aforesaid, Plaintiff Joshua Clark has sustained the following damages: (a) he has suffered and will continue to suffer great pain, suffering, inconvenience, embarrassment and mental anguish; (b) he has suffered permanent, irreversible scarring on his body; (c) he has been and will be required to expend large sums of money



for surgical and medical attention, hospitalization, medical supplies, surgical appliances, medicines and attendant services; (d) his earning capacity has been reduced; (e) his general health, strength and vitality have been impaired.

COUNT I

Joshua Clark, a Minor, by Loretta Serena, his Guardian v.

Dustin Peters

Negligence

21. Counts One through Twenty of this complaint are incorporated herein by reference as though set forth in full.

22. Defendant Dustin Peters knew, or with the exercise of reasonable care should have known, that pouring gasoline on the campfire would cause injury to Plaintiff Joshua Clark.

23. Plaintiff Joshua Clark sustained serious injuries as a direct and proximate result of the negligence of Defendant Dustin Peters including, but not limited to the following: (a) severe burns on his back; (b) severe burns on his neck; (c) severe burns on his chest; (d) severe burns on his arms; (e) severe burns on

his face; (f) severe, irreversible and permanent scarring on his neck, back, chest, arms and face; (g) severe emotional trauma.

24. As a further result of Defendant Dustin Peters' negligence, Plaintiff Joshua Clark has been unable to perform some of the material acts and duties that constitute his usual and customary daily activities from the date of the injury to the present.

Wherefore, Plaintiff, Joshua Clark, claims damages from Defendant Dustin Peters in an amount in excess of Twenty thousand dollars (\$20, 000.00) exclusive of interest and costs and in excess of the amount requiring compulsory arbitration. JURY TRIAL DEMANDED.

COUNT II

Joshua Clark, a Minor, by Loretta Serena, his Guardian v.

Charles Peters and Bonnie Peters

Negligent Supervision

25. Counts One through Twenty of this complaint are incorporated herein by reference as though set forth in full.

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

26. Plaintiff Joshua Clark was on the premises of Defendants Charles Peters and Bonnie Peters lawfully and with their permission.

27. Defendants Charles Peters and Bonnie Peters agreed to provide adequate and appropriate supervision at the campout being held on their property.

28. Defendants Charles Peters and Bonnie Peters knew or with the exercise of reasonable care should have known that the Minors camping on their property would have a campfire at their campout.

29. Defendants Charles Peters and Bonnie Peters knew or with the exercise of reasonable care should have known that their son, Defendant Dustin Peters, would have access to gasoline in a shed that was in close proximity to the area where the minors were camping.

30. Defendants Charles Peters and Bonnie Peters were inside the house on the property at the time of the injury suffered by Plaintiff Joshua Clark.

31. Defendants Charles Peters and Bonnie Peters were not continuously present at the campfire that their son, Defendant Dustin Peters, had ignited, nor did either check on the Minors' campfire periodically.

32. Defendants Charles Peters and Bonnie Peters, by failing to supervise the Minors in the presence of a campfire, knew or in the exercise of reasonable care should have known that injury to Plaintiff Joshua Clark could be a natural and probable result of their failure to exercise control.

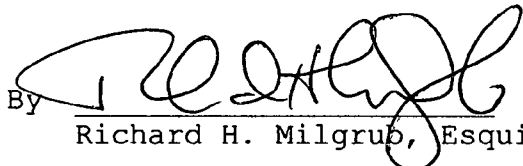
33. Defendants Charles Peters and Bonnie Peters failed to provide adequate and appropriate supervision to and control over their son, Defendant Dustin Peters.


34. Defendants Charles Peters' and Bonnie Peters' failure to provide adequate supervision presented Defendant Dustin Peters with the opportunity to obtain the gasoline that was thrown on the fire.

35. Plaintiff Joshua Clark sustained serious injuries as a direct and proximate result of the negligence of Defendants Charles Peters and Bonnie Peters including, but not limited to, the following: (a) severe burns on his back; (b) severe burns on his neck; (c) severe burns on his chest; (d) severe burns on his arms; (e) severe burns on his face; (f) severe, irreversible and permanent scarring on his neck, back, chest, arms and face; (g) severe emotional trauma.

36. As a further result of Defendants Charles Peters' and Bonnie Peters' negligence, Plaintiff Joshua Clark has been unable to perform some of the material acts and duties that constitute his usual and customary daily activities from the date of the injury to the present.

Wherefore, Plaintiff Joshua Clark claims damages from Defendants Charles Peters and Bonnie Peters in an amount in excess of Twenty thousand dollars (\$20,000.00) exclusive of interest and costs and in excess of the amount requiring compulsory arbitration.  
JURY TRIAL DEMANDED.

By   
Richard H. Milgrub, Esquire

  
Brian K. Marshall, Esquire  
Attorneys for Plaintiff

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

I, Loretta Serena, guardian of Joshua Clark,  
verify that the statements made in the Complaint are true  
and correct. I understand that false statements herein  
are made subject to the penalties of 18 Pa.C.S. §4904  
relating to unsworn falsification to authorities.

Date: 10-29-01

Loretta A. Serena

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

FILED

NOV 27 2001

031017000

William A. Shaw  
Prothonotary

RICHARD H. MILGRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

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

JOSHUA CLARK a Minor, by,  
LORETTA SERENA, his  
Guardian  
Plaintiff

vs.

DUSTIN PETERS, CHARLES  
PETERS, and BONNIE PETERS,  
Defendants

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No. 2001-1913-CD

JURY TRIAL DEMANDED

Type of Action:  
Personal Injury

Type of Pleading:  
Certificate of Service

Filed on Behalf of:  
Plaintiff

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

Brian K. Marshall  
Supreme Court I.D. 87331

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

**FILED**

NOV 27 2001

William A. Shaw  
Prothonotary



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

JOSHUA CLARK a Minor, by,  
LORETTA SERENA, his  
Guardian  
Plaintiff

vs.

DUSTIN PETERS, CHARLES  
PETERS, and BONNIE PETERS,  
Defendants

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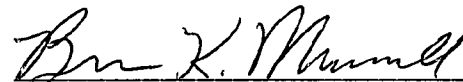
\*No. 2001-1913-CD

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of  
Plaintiff's Complaint in the above-captioned matter was served  
on November 26, 2001 upon R. Denning Gearhart, Esquire, 215 East  
Locust Street, Clearfield, PA 16830. Service was made by  
regular U.S. Mail.

Date: 11/26/01



Brian K. Marshall  
Attorney for Plaintiff

<p>RICHARD H. MILCRUB <i>Attorney &amp; Counselor at Law</i> 211 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830</p>			
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**FILED**

DEC 03 2001

William A. Shaw  
Prothonotary

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

JOSHUA CLARK, a Minor, by,  
LORETTA SERENA, his  
Guardian,  
Plaintiff

vs.

DUSTIN PETERS, CHARLES  
PETERS, and BONNIE PETERS,  
Defendants

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No. 2001-1913-CD

JURY TRIAL DEMANDED

Type of Pleading:  
Acceptance of Service

Filed on Behalf of:  
Plaintiff

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

Brian K. Marshall  
Supreme Court I.D. 87331

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

RICHARD H. MILGRUB  
ATTORNEY & COUNSELOR  
AT LAW  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

109 NORTH BRADY STREET  
DUBOIS, PA 15801

**FILED**

DEC 03 2001

0/2:35/a

William A. Shaw  
Prothonotary

he c/c ERL

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

JOSHUA CLARK, a Minor, by,  
LORETTA SERENA, his  
Guardian,  
Plaintiff

vs.

DUSTIN PETERS, CHARLES  
PETERS, and BONNIE PETERS,  
Defendants

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No. 2001-1913-CD

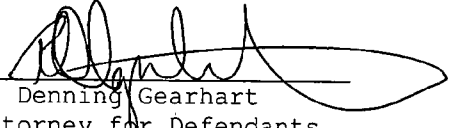
JURY TRIAL DEMANDED

ACCEPTANCE OF SERVICE

I, R. Denning Gearhart, Esquire, do hereby accept service of  
the Plaintiff's Complaint on behalf of my client, the Defendants.

Date: 11-28-01

By

  
R. Denning Gearhart  
Attorney for Defendants

FILED

FEB 01 2002

Q31116att, mgcrub  
William A. Shaw  
Prothonotary  
4/28

RICHARD H. MILCRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

12

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

JOSHUA CLARK, a minor, by \*  
LORETTA SERENA, his guardian, \*  
Plaintiff \*

-vs-

DUSTIN PETERS, CHARLES \*  
PETERS and BONNIE PETERS, \*  
Defendant \*

No. 2001-1913-CD

Type of Action:  
Personal Injury

Type of Pleading:  
Petition for Leave to  
Compromise Minor's Action

Filed on Behalf of:  
Plaintiff

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

**FILED**

FEB 01 2002

William A. Shaw  
Prothonotary

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

JOSHUA CLARK, a minor, by \*  
LORETTA SERENA, his guardian, \*  
Plaintiff \*

-vs-

\* No. 2001-1913-CD  
\*  
\*

DUSTIN PETERS, CHARLES \*  
PETERS and BONNIE PETERS, \*  
Defendant \*

PETITION FOR LEAVE TO COMPROMISE MINOR'S ACTION

AND NOW, comes Loretta Serena, mother and natural guardian of Joshua Clark, by and through her attorney, Richard H. Milgrub, Esquire, who files the following Petition:

1. That she is the mother of Joshua Clark, a minor, who was born on October 2, 1985 and was injured as a result of an incident on June 14, 2000. The natural father of Joshua Clark, a minor, is David Weitoish, who has had no contact nor any substantial involvement in the support of said minor.

2. That Charles Peters and Bonnie Peters are the parents of Dustin Peters and owners of certain property located at 101 Camp Road, Clearfield, Clearfield County, Pennsylvania.

3. On June 14, 2000, Defendant, Dustin Peters, threw a can of flammable material into a campfire causing it to explode with resulting injuries to the minor Plaintiff.

4. That the injuries suffered by said minor consisted of burns on his back, neck, chest, arms and face. Attached hereto and marked Exhibit "A" is a summary.

5. That all medical bills incurred by Your Petitioner have been paid by insurance who does have a subrogation interest

in the amount of One thousand six hundred sixty-six dollars and sixty-seven cents (\$1,666.67).

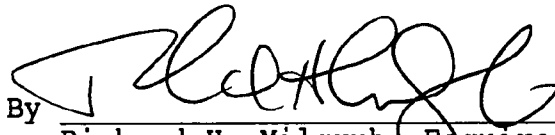
6. That counsel is retained on a one-third (1/3) contingency-fee basis by Your Petitioner and has incurred the following expenses:

a. Smart Corporation (records)	\$ 98.71
b. Dr. Allen Ryen (report)	100.00
c. William A. Shaw, Prothonotary (filing fee)	<u>80.00</u>
	\$278.71

7. That counsel and Your Petitioner recommends the approval of a settlement in the gross amount of Five thousand dollars (\$5,000.00) negotiated with the defendant.

8. That Your Petitioner approves the proposed settlement because she considers it fair and reasonable and that it adequately compensates the injuries sustained. Furthermore, Your Petitioner and the minor child are close friends with the Defendants and realize that the incident was more of an accident in nature and do not wish to pursue further litigation.

WHEREFORE, Petitioner prays that an Order be entered approving the compromise, allowing counsel fees and order distribution.

By   
Richard H. Milgrub, Esquire  
Attorney for Plaintiff



CLEARFIELD HOSPITAL, PO BOX 992, CLEARFIELD, PA 16830  
EMERGENCY DEPARTMENT RECORD

**PATIENT:** CLARK, JOSHUA  
**DATE OF SERVICE:** 06/13/00  
**PHYSICIAN:** Irek Pawlowski, M.D.

**MR #:**0000112594

**TIME DICTATED:** 07:23:10

**TIME TRANSCRIBED:** 07:26:14

**PRIORITY**

**HISTORY OF PRESENT ILLNESS:** The patient is a 14-year-old white male who comes into the emergency department because of a burn. In the morning, the patient wanted to start a fire outside. He was camping. He used gasoline. The fire got on him. The patient was rather scarcely dressed. He immediately jumped into the pond. He was there for about a minute or so. Later on he came over to shower. The pain was intolerable and within ten minutes or so, he was brought here to the emergency department by private vehicle. The patient is complaining about severe pain. He also complains about a sore throat. The patient does not know if he inhaled or not. There is generalized pain over the upper part of the body and he particularly complains of pain over the left ear.

**REVIEW OF SYSTEMS:** No nausea or vomiting, no cough or hemoptysis, no shortness of breath. Pertinent review of other systems negative.

**PAST MEDICAL HISTORY:** Appendectomy, adenoidectomy and tonsillectomy, hernia repair. No medical problems. History of asthma as a child.

**CURRENT MEDICATIONS:** None.

**SOCIAL HISTORY:** The patient lives at home.

**ALLERGIES:** No known drug allergies.

Last tetanus shot was in 1998.

**PHYSICAL EXAMINATION:**

**VITAL SIGNS:** Temperature 97.3, pulse 98, respirations 24, blood pressure 183/88, pulse oximetry 99%.

**GENERAL:** The patient is alert and oriented in no respiratory distress. He is shivering all over.

**SKIN:** The patient has a rash of variable intensity all over the back, neck, some involvement of the face, anterior chest wall and involvement of all of the left upper extremity and around 50% of the right upper extremity. The left hand is involved also.

**HEENT:** He has a rash over the external ears. Examination of the left tympanic membrane

CLEARFIELD HOSPITAL, PO BOX 992, CLEARFIELD, PA 16830  
EMERGENCY DEPARTMENT RECORD

PAGE 2

PATIENT:

CLARK, JOSHUA

MR #:0000112594

shows obvious redness. The external auditory canal is red also. The right tympanic membrane is normal as well as the right external auditory canal. Examination of the face shows the patient has singed eyebrows. There is no obvious injury to his eyes. Extraocular movements are intact. Pupils were equal, round and reactive to light and accommodation. No facial bone tenderness. Examination of the oral cavity shows no obvious lesions, no obvious evidence of burn at the present time.

NECK: Supple.

LUNGS: Clear to auscultation and percussion.

HEART: Regular rate and rhythm.

ABDOMEN: Soft with bowel sounds positive.

PELVIS: Normal.

EXTREMITIES: Lower legs are not involved.

NEUROLOGICAL: Examination reveals the patient is alert and oriented, cooperative. He is in pain distress. The patient has no neurological motor focal deficits.

In the emergency department, the patient was treated with 4 mg every few minutes. He also had Demerol 25 mg IV. I discussed the case with the patient's mother as well as with the burn unit at West Penn Hospital. I discussed the case with Jennifer Wilcox. The plan is to transfer the patient there. The attempt to transfer the patient by helicopter failed, as the weather conditions do not allow.

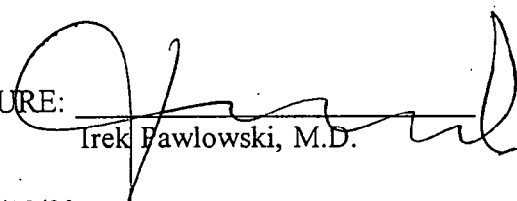
IMPRESSION: 1. First degree burns, estimated body surface 45%. 2. Second degree burns, estimated body surface 5%.

A Foley catheter was put in. The patient was treated with Lactated Ringer's. He got first bolus of 500 cc wide open. Chest x-ray was negative. White blood cell count is 11.2, hemoglobin and hematocrit are 14.9 and 44.0, platelets 311,000. At the present time, the patient is almost pain free. He maintains good vital signs.

DATE:

6/15/00  
6/15

PHYSICIAN'S SIGNATURE:



Irek Pawlowski, M.D.

IP/bfb

DD: 06/13/00

DT: 06/13/00

Revised 06/13/00 sl

I, Loretta Serena, parent and natural guardian of Joshua Clark, verify that the statements made in the Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 1-31-02

Loretta A. Serena

THE LAW OFFICES OF  
RICHARD H. MILGRUB  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801


**FILED**

01/12:52:52  
FEB 05 2002

William A. Shaw  
Prothonotary

RICHARD H. MILGRUB

*Attorney & Counselor at Law*

211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

100  
Atty Milgrub

2/14/02 -

2 additional  
copies cuttyed to  
Atty. milgrub.

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

JOSHUA CLARK, a minor, by  
LORETTA SERENA, his guardian,  
Plaintiff

-vs-

DUSTIN PETERS, CHARLES  
PETERS and BONNIE PETERS,  
Defendant

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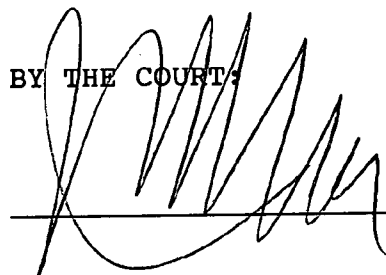
No. 2001-1913-CD

RULE

AND NOW, this 5<sup>th</sup> day of February, 2002, upon  
consideration of the Petition of Loretta Serena, guardian of  
Joshua Clark, it is hereby ORDERED and DECREED that a Rule be  
issued upon the Defendant to show cause why said settlement  
should not be approved by the Court.

It is ORDERED and DECREED that a hearing be set for the  
11 day of March, 2002 at 1:30 P.m. in  
Courtroom 1 of the Clearfield County Courthouse, Clearfield,  
Pennsylvania.

BY THE COURT:



Judge

THE LAW OFFICES OF  
RICHARD H. MILGRUB  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

**FILED**

FEB 05 2002

William A. Shaw  
Prothonotary

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
(CIVIL DIVISION)  
NO. 01-1913-CD

JOSHUA CLARK, a minor by  
LORETTA SERENA, his guardian,  
Plaintiffs  
VS.

DUSTIN PETERS, et al,  
Defendants

MOTION FOR CONTINUANCE

**FILED**

FEB 19 2002

01/10/58/4 cc atty Gearhart  
William A. Shaw  
Prothonotary

R. DENNING GEARHART  
ATTORNEY AT LAW  
CLEARFIELD, PA. 16830

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

JOSHUA CLARK, a minor, by :  
LORETTA SERENA, his guardian, :  
Plaintiffs :

VS.

NO. 01-1913-CD

DUSTIN PETERS, CHARLES :  
PETERS and BONNIE PETERS, :  
Defendants :

CASE NUMBER: 01-1913-CD

TYPE OF CASE: Civil

TYPE OF PLEADING: MOTION FOR CONTINUANCE

FILED ON BEHALF OF: R. Denning Gearhart

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE  
Supreme Court I.D. #26540  
215 East Locust Street  
Clearfield, PA 16830  
(814) 765-1581

**FILED**

FEB 19 2002

William A. Shaw  
Prothonotary

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

JOSHUA CLARK, a minor, by :  
LORETTA SERENA, his guardian, :  
Plaintiffs :

VS. :

NO. 01-1913-CD

DUSTIN PETERS, CHARLES :  
PETERS and BONNIE PETERS, :  
Defendants :

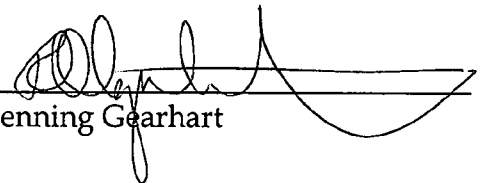
**MOTION FOR CONTINUANCE**

**AND NOW**, comes R. DENNING GEARHART, who moves for continuance  
of the hearing scheduled for March 11, 2002, and in support thereof avers as follows:

1. That R. Denning Gearhart represents the Defendants through their  
insurance, Clearfield County Grange Mutual Fire Insurance Company.
2. That R. Denning Gearhart will be out of the office from February 28,  
2002 to April 1, 2002.

**WHEREFORE**, Movant prays your Honorable Court to continue the  
hearing currently scheduled in the above action.

Respectfully submitted,

  
\_\_\_\_\_  
R. Denning Gearhart



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

JOSHUA CLARK, a minor, by :  
LORETTA SERENA, his guardian, :  
Plaintiffs :

VS. :

NO. 01-1913-CD

DUSTIN PETERS, CHARLES :  
PETERS and BONNIE PETERS, :  
Defendants :

ORDER

AND NOW, this 19<sup>th</sup> day of February, 2002, upon consideration of the foregoing Motion, it is hereby ORDERED that the hearing previously set in the above captioned action be rescheduled for the 18 day of April, 2002, at 9:00 o'clock A.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

Further, a Rule is hereby issued upon the following to also come forth and show cause why the proposed settlement should not be approved by the Court:

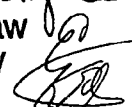
David Weitoish  
AND  
Healthcare Cost Recovery

BY THE COURT,

  
\_\_\_\_\_  
PRESIDENT JUDGE

**FILED**

FEB 19 2002

01/11/02/4cc attorney Sean Hart  
William A. Shaw  
Prothonotary 

	RICHARD H. MILGRUB <i>Attorney &amp; Counselor at Law</i> 211 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830
--	---

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

JOSHUA CLARK, a minor, by \*  
LORETTA SERENA, his guardian, \*  
Plaintiffs \*

-vs-

No. 01-1913-CD

DUSTIN PETERS, CHARLES \*  
PETERS and BONNIE PETERS, \*  
Defendants \*

Type of Pleading:  
Certificate of Service

Filed on Behalf of:  
Plaintiffs

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

THE LAW OFFICES OF  
RICHARD H. MILGRUB  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

**FILED**

FEB 26 2002  
012581/NOCC  
William A. Shaw  
Prothonotary

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

JOSHUA CLARK, a minor, by \*  
LORETTA SERENA, his guardian, \*  
Plaintiffs \*

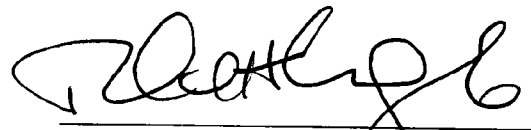
-vs-

No. 01-1913-CD

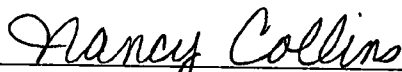
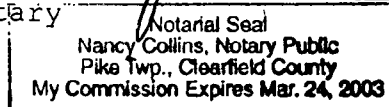
DUSTIN PETERS, CHARLES \*  
PETERS and BONNIE PETERS, \*  
Defendants \*

CERTIFICATE OF SERVICE

I, Richard H. Milgrub, attorney for the Plaintiffs, being duly sworn according to law, depose and state that the Petition for Leave to Compromise Minor's Action, Motion for Continuance and Order rescheduling hearing for April 18, 2002, were served upon David Weitoish, Sr. by certified mail, return receipt requested on February 25, 2002, at Mr. Weitoish's residence of P.O. Box 171, Morrisdale, PA 16858, as appears from receipt of certified mail attached hereto.

  
Richard H. Milgrub

SWORN and SUBSCRIBED to before  
me this 26<sup>th</sup> day of February 2002.

  
Notary   
Member, Pennsylvania Association of Notaries

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

David Weitoish, Sr.  
Hawk Run  
PA 16840

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

2-25-02

C. Signature

x *David Weitoish* ☐ Agent ☒ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

Po Box 171  
Morrisdale Pa 16856

## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

## 2. Article Number (Copy from service label)

7099 3400 0002 7589 3024

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

RICHARD H. MILGRUB  
*Attorney & Counselor at Law*  
211 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

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

JOSHUA CLARK, a minor, by \*  
LORETTA SERENA, his guardian, \*  
Plaintiffs \*

-vs- \*

No. 01-1913-CD

DUSTIN PETERS, CHARLES \*  
PETERS and BONNIE PETERS, \*  
Defendants \*

Type of Pleading:  
Certificate of Service

Filed on Behalf of:  
Plaintiffs

Counsel of Record for this  
Party:

Richard H. Milgrub, Esquire  
Supreme Court I.D. 19865

211 North Second Street  
Clearfield, PA 16830  
(814) 765-1717

THE LAW OFFICES OF  
RICHARD H. MILGRUB  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830  
—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

**FILED**

MAR 04 2002  
013103/120CC  
William A. Shaw  
Prothonotary

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

JOSHUA CLARK, a minor, by \*  
LORETTA SERENA, his guardian, \*  
Plaintiffs \*

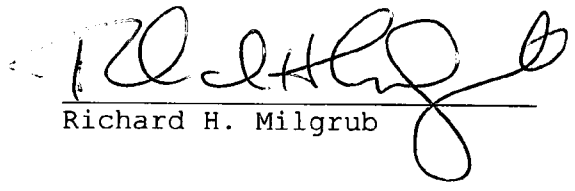
-vs-

No. 01-1913-CD

DUSTIN PETERS, CHARLES \*  
PETERS and BONNIE PETERS, \*  
Defendants \*

CERTIFICATE OF SERVICE

I, Richard H. Milgrub, attorney for the Plaintiffs, being duly sworn according to law, depose and state that the Petition for Leave to Compromise Minor's Action, Motion for Continuance and Order rescheduling hearing for April 18, 2002, were served upon HealthCare Cost Recovery by certified mail, return receipt requested on February 25, 2002, at their place of business at 375 AMS Court, Suite 1, Green Bay, WI 54313, as appears from receipt of certified mail attached hereto.

  
Richard H. Milgrub



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

HealthCare Cost Recovery  
375 AMS Court Suite 1  
Green Bay, WI 54313

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) Michelle Fredericks B. Date of Delivery 2/27/02

C. Signature Michelle Fredericks ☐ Agent ☒ Addressee

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

**3. Service Type**

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

**2. Article Number (Copy from service label)**

7099 3400 0002 7589 2997

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

	RICHARD H. MILGRUB <i>Attorney &amp; Counselor at Law</i>
	211 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830

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

JOSHUA CLARK, a minor, by  
LORETTA SERENA, his guardian,  
Plaintiff

-vs-

DUSTIN PETERS, CHARLES  
PETERS and BONNIE PETERS,  
Defendant

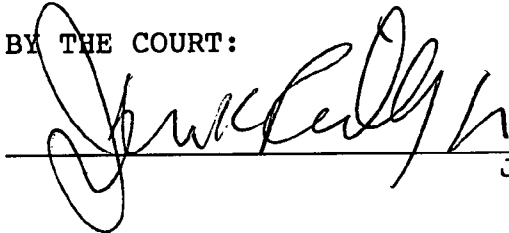
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 2001-1913-CD

ORDER

AND NOW, this 18 day of April, 2002, upon  
consideration of the Petition of Loretta Serena, it is agreed that  
the settlement of this action for the sum of Five thousand  
dollars (\$5,000.00) be and is hereby approved, counsel fees and  
expenses are allowed, and distribution is directed as follows:  
To be paid to Healthcare Cost Recovery - \$1,666.66; to Richard H.  
Milgrub, Esquire - \$1,945.37 for fees and costs; and to Loretta  
Serena, mother and natural guardian of Joshua Clark, a minor, to  
be placed in an insured savings account, to be marked "Not to be  
Withdrawn Until Said Minor Reaches His Majority or Without the  
Order of a Court of Competent Jurisdiction" - \$ 1,387.97.

BY THE COURT:

  
Judge

**FILED**

APR 18 2002

01914076  
William A. Shaw  
Prothonotary

1 CENT TO MTS

THE LAW OFFICES OF  
RICHARD H. MILGRUB  
211 NORTH SECOND STREET  
CLEARFIELD, PA 16830

109 NORTH BRADY STREET  
DUBOIS, PA 15801