

01-1964-CD
CHRISTINA MCETROY etal -vs- MATTHEW J. SHAVER

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

FILED

DEC 05 2001

William A. Shaw
Prothonotary

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *

-vs- *

MATTHEW J. SHAFER, *
Defendant *

No. 2001-1964-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

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

FILED

DEC 05 2001

6/2:50/hms
William A. Shaw
Prothonotary

PP 80.-
BY
HATT
1 CENT TO HATT

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *
*
-vs- * No.
*
MATTHEW J. SHAFER, *
Defendant *

PETITION FOR LEAVE TO COMPROMISE MINOR'S ACTION

AND NOW, comes Lesa McElroy, mother and natural guardian of Christina McElroy, by and through her attorney, Richard H. Milgrub, Esquire, who files the following Petition:

1. That she is the mother of Christina McElroy, a minor, who was injured on June 15, 2001, while a passenger in a vehicle driven by Defendant, Matthew J. Shafer.

2. That on said date, Defendant lost control of the vehicle while negotiating a curve, causing the vehicle to leave the roadway and strike a vertical railroad tie landscaping wall.

3. That the injuries suffered by said minor consisted of mandible fracture, nasal fracture, permanent and serious facial scarring, damage to teeth 25 and 26 requiring root canal treatment and psychological trauma. Attached hereto and marked Exhibit "A" is a copy of a report from Dr. Allen Ryen. Attached hereto and marked Exhibit "B" is a copy of a report from Dr. Jeffrey Rice.

4. That all medical bills incurred by Your Petitioner have been paid by insurance.

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

109 NORTH BRADY STREET
DUBOIS, PA 15801

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

a. Dr. Jeffrey Rice (report)	\$ 75.00
b. Presbyterian Hospital (records)	86.61
c. Dr. Allen Ryen (report)	200.00
d. William A. Shaw, Prothonotary (filing fee)	80.00
e. Miscellaneous Expenses: copies, postage, fax trans- missions, etc.	<u>100.00</u>
	\$541.61

6. That counsel and Your Petitioner recommends the approval of a settlement in the gross amount of Ninety-eight thousand two hundred dollars (\$98,200.00) negotiated with the defendant.

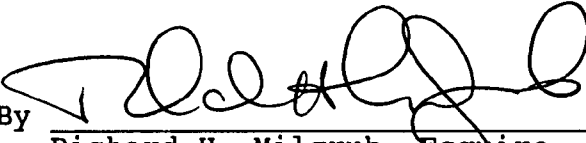
7. That the Defendant had insurance policy limits of One hundred thousand dollars (\$100,000.00).

8. The One thousand eight hundred dollar (\$1,800.00) difference was for payment of property damage.

9. That Your Petitioner approves the proposed settlement because she considers it fair and reasonable and that it adequately compensates the injuries sustained and the expenses incurred and she does further and forever approve the proposed distribution contained in the form of an Order, a copy of which is attached hereto as Exhibit "C".

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

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

Specializing in Children, Adolescents and Their Families

Dr. Allen H. Ryen, Ph.D.

Licensed Psychologist

416 Knarr Street

Du Bois, PA 15801

(814) 371-5727

E-mail: docryen@perm.com



CONFIDENTIAL

October 15, 2001

Attorney Richard H. Milgrub
211 North Second Street
Clearfield, PA 16830

re: **Christina McElroy**

Dear Attorney Milgrub:

In response to your further request for information in the case of Christina McElroy, I will do so with the caution that I do not wish to offer opinions beyond the data. As we have discussed, I have only seen this patient on one occasion, and such contact was not for the purpose of legal evaluation, but rather as an initial therapeutic session.

1. Christina presents as a bright, beautiful, but very sad young girl who is presenting with significant symptoms of depression and anxiety, which in the absence of a depressive history could be most parsimoniously related to her automobile accident and post-traumatic sequelae. Her depressive symptoms invite immediate intervention, probably to include antidepressant medication and supportive psychotherapy. Treatment foci would include depressive ideation and post-traumatic phobic symptoms (e.g., fear of riding as a passenger in a vehicle). She is an excellent therapeutic prospect, and with such regimen I would project a full recovery and a good prognosis.
2. Complicating this treatment picture, there is **significant and noticeable facial scarring**, which Christina angrily remarks "**has ruined my face....ruined my summer.**" This writer would have concerns with the impact of such scarring on her future personal and emotional development, especially if some of these defects cannot be significantly moderated with further plastic surgery. The impact of physical deformities on normal development is well-documented, especially in such critical areas as self-image, body image, self-esteem, achievement, and social interaction. Such difficulties tend to be more pronounced during pre-adolescence and adolescence, when social and peer pressures become so intense and superficial body appearance becomes so critical. Body image, and

Jeffrey W. Rice, D.M.D.
Jay L. Arlick, D.M.D., P.C.

ORAL AND MAXILLOFACIAL SURGERY

September 27, 2001

Richard H. Milgrub
Attorney at Law
211 North Second Street
Clearfield, PA 16830

RE: Christina McElroy
DOB: 11-16-84

Dear Attorney Milgrub:

I initially saw Christina McElroy on 07-02-01. Christina was in a motor vehicle accident on 06-15-01, she was life-flighted to Pittsburgh for initial treatment. When I saw her on 07-02-01 I was very concerned. She had had a jaw fracture repaired with both bone plating and inter-dental fixation while in Pittsburgh. The inter-dental fixation was loose and coming off in several areas.

The bone plating on the right side of the mandible showed signs of infection. The patient denied being prescribed antibiotics by another doctor. The x-ray my office took showed Christina's bite to be off and the fracture did not appear to be aligned properly. I immediately started Christina on antibiotic therapy and did surgery on 07-03-01 to remove and replace the arch bars and wires. I followed Christina progress through 08-17-01 at which time the arch bars were removed. At this time I also dermabraded some of the scars with CO2 laser.

The titanium bone plates in Christina's jaw may eventually need to be surgically removed. Any scarring present on her nose will most likely need additional dermabrasion for the optimal results although there will be an amount of permanent disfigurement.

My present concern is with Christina's teeth at the fracture site. Christina will most likely need several root canals and crowns. A general dentist would best address this. Tooth loss is a possibility; correction would include possible titanium implants with additional crown and bridge work.

There is also a likely hood that Christina will develop TMJ dysfunction in the future. It is impossible to determine at this time how severe this problem would be, it could range from the patient needing a mouth piece to her needing surgical repair of such TMJ dysfunction.

If I have any further questions; please feel free to contact my office.

Sincerely,

Jeffrey W. Rice, D.M.D.

Exhibit "B"

RICE



90 BEAVER DRIVE • DuBOIS, PA 15801 • (814) 375-0500 • (800) 654-9053



109 NORTH FRONT STREET • CLEARFIELD, PA 16830 • (814) 765-3533

ARLICK

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian,*
Plaintiff *

-vs-

* No.

MATTHEW J. SHAFER,
Defendant *

ORDER

AND NOW, this ____ day of _____, 2001, upon consideration of the Petition of Lesa McElroy, it is agreed that the settlement of this action for the sum of Ninety-eight thousand two hundred dollars (\$98,200.00) be and is hereby approved, counsel fees and expenses are allowed, and distribution is directed as follows: To be paid to Lesa McElroy, mother and natural guardian of Christina McElroy, a minor, to be placed in an insured savings account, to be marked "Not to be Withdrawn Until Said Minor Reaches Her Majority or Without the Order of a Court of Competent Jurisdiction" - \$64,925.06; to Richard H. Milgrub, Esquire - \$33,274.94 for fees and expenses.

BY THE COURT:

Judge

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

Exhibit "C"

VERIFICATION

I, Richard H. Milgrub, have read the foregoing

Petition

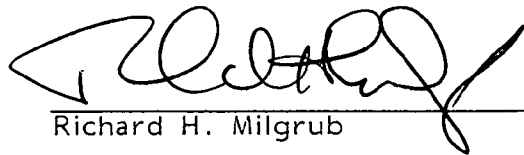
The statements therein are correct to the best of my personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of

Lesa McElroy, parent and natural guardian of Christina McElroy

because of my position as counsel of record.


Richard H. Milgrub

Dated: 12/5/01

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW

211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *

-vs-

MATTHEW J. SHAFER, *
Defendant *

No. 01-1964-CD

ORDER

AND NOW, this 6th day of December, 2001, upon
consideration of the Petition of Lesa McElroy, guardian of
Christina McElroy, it is hereby ORDERED and DECREED that a
hearing be set for the 14th day of December, 2001 at
2:30 P.m. in Courtroom 1 of the Clearfield County
Courthouse, Clearfield, Pennsylvania.

BY THE COURT

Judge

FILED

DEC 06 2001

6/2:00 / WJ
William A. Shaw
Prothonotary

SENT TO ATT

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

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *

-vs- *

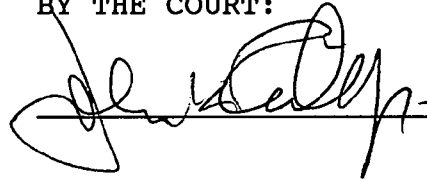
MATTHEW J. SHAFER, *
Defendant *

No. 01-1964-CO

ORDER

AND NOW, this 14 day of Dec, 2001, upon
consideration of the Petition of Lesa McElroy, it is agreed that
the settlement of this action for the sum of Ninety-eight
thousand two hundred dollars (\$98,200.00) be and is hereby
approved, counsel fees and expenses are allowed, and distribution
is directed as follows: To be paid to Lesa McElroy, mother and
natural guardian of Christina McElroy, a minor, to be placed in
an insured savings account, to be marked "Not to be Withdrawn
Until Said Minor Reaches Her Majority or Without the Order of a
Court of Competent Jurisdiction" - \$64,925.06; to Richard H.
Milgrub, Esquire - \$33,274.94 for fees and expenses.

BY THE COURT:



Judge

FILED

DEC 14 2001

013.02/1122 aty

William A. Shaw
Prothonotary

Milgrub



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

FILED

JAN 29 2002

0/83711cc a th milgrub
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 DIVISION

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *

-vs- *

MATTHEW J. SHAFER, *
Defendant *

No. 2001-1964-CD

Type of Action:
Personal Injury

Type of Pleading:
Petition for Release
of Funds

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

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

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

JAN 20 2002

William A. Shaw
Prothonotary

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *

-vs-

No. 2001-1964-CD

MATTHEW J. SHAFER, *
Defendant *

PETITION FOR RELEASE OF FUNDS

AND NOW, comes Your Petitioner, Lesa McElroy, parent
and natural guardian of Christina McElroy, who files the
following Petition:

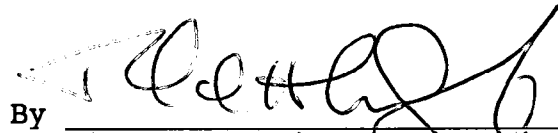
1. By Order dated December 14, 2001, the above-
captioned case was settled for Ninety-eight thousand two hundred
dollars (\$98,200.00). A copy of said Order is attached hereto
as Exhibit "A".

2. Pursuant to said Order approving settlement, Sixty-
four thousand nine hundred twenty-five dollars and six cents
(\$64,925.06) was placed in an insured savings account for said
minor's benefit.

3. Your Petitioner has recently been informed that
there is an outstanding bill owed Dr. Allen H. Ryen in the amount
of Three hundred dollars (\$300.00). A copy of said letter is
attached hereto and marked Exhibit "B".

WHEREFORE, Your Petitioner respectfully requests that
an Order be entered directing S&T Bank, the bank where said funds

are deposited, to release Three Hundred Dollars (\$300.00) for the payment of said bill.


By Richard H. Milgrub, Esquire
Attorney for Plaintiff

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *

-vs-

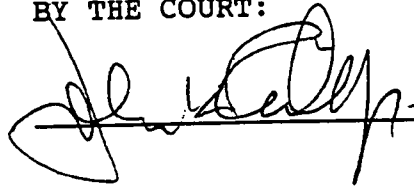
MATTHEW J. SHAFER, *
Defendant *

No. 01-1964-CD

ORDER

AND NOW, this 14 day of Dec, 2001, upon
consideration of the Petition of Lesa McElroy, it is agreed that
the settlement of this action for the sum of Ninety-eight
thousand two hundred dollars (\$98,200.00) be and is hereby
approved, counsel fees and expenses are allowed, and distribution
is directed as follows: To be paid to Lesa McElroy, mother and
natural guardian of Christina McElroy, a minor, to be placed in
an insured savings account, to be marked "Not to be Withdrawn
Until Said Minor Reaches Her Majority or Without the Order of a
Court of Competent Jurisdiction" - \$64,925.06; to Richard H.
Milgrub, Esquire - \$33,274.94 for fees and expenses.

BY THE COURT:



Judge

FILED

DEC 14 2001

013.02/1126 atty
William A. Shaw
Prothonotary

Milgrub


I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 24 2001

Attest.


Prothonotary

EXHIBIT "A"

Specializing in Children, Adolescents and Their Families

Dr. Allen H. Ryen, Ph.D.

*Licensed Psychologist
416 Knarr Street
Du Bois, PA 15801
(814) 371-5727
E-mail: docryen@penn.com*



CONFIDENTIAL

January 25, 2002

Attorney Richard H. Milgrub
211 North 2nd Street
Clearfield, PA 16830

re: **CHRISTINA Mc ELROY**

Dear Rick:

I have not heard from Christina Mc Elroy in some time, and would reserve ongoing concerns with her adjustment. Motivation and compliance may be at issue.

On another front, her account balance is currently at **\$300.00**. I was not certain whether this was to be reimbursed directly to me by the insurance carrier, or whether I was to be paid out of the settlement. Would you please explore this for me with your client?

I would very much like to settle this account with as little hassle as possible. Please feel free to contact me to discuss this matter further.

Thank you.

Sincerely

Allen H. Ryen, Ph. D.
Licensed Psychologist

EXHIBIT "B"

VERIFICATION

I, Richard H. Milgrub, have read the foregoing

Petition

The statements therein are correct to the best of my personal knowledge or information and belief.

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

I am authorized to make this verification on behalf of

Defendant

because of my position as counsel of record.


Richard H. Milgrub

Dated: 1/29/02

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

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

CHRISTINA MCELROY, a minor, *
by LESA MCELROY, her guardian, *
Plaintiff *

-vs-

No. 2001-1964-CD

MATTHEW J. SHAFER, *
Defendant *

ORDER

AND NOW, this 30 day of June, 2002, upon
consideration of the Plaintiff's Petition for Release of Funds,
it is hereby ORDERED and DECREED that S & T Bank issue a check in
the amount of Three hundred dollars (\$300.00) made payable to Dr.
Allen H. Ryen, 416 Knarr Street, DuBois, Pennsylvania 15801.

BY THE COURT:


P.J.

FILED

JAN 31 2002

0110:05/11.c atty
William A. Shaw
Prothonetary *Milgrub*

E. K. B.