

02-1017-CD
Adam Albright vs Moshannon Valley Phr

02

02-1017-CD
ADAM ALBRIGHT -vs- MOSHANNON VALLEY PHARMACY

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

ADAM ALBRIGHT, a minor, by *
LYNETTE HEICHEL, his guardian *
Plaintiff *

-vs-

No. 02-1017-CO

MOSHANNON VALLEY PHARMACY, *
Defendant *

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:

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

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

THE LAW OFFICES OF
RICHARD H. MILGRUB
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CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

JUN 26 2002
01329 atty Marshall
William A. Shaw
Prothonotary
PA 80.00
acc atty E. Kell

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

ADAM ALBRIGHT, a minor, by *
LYNETTE HEICHEL, his guardian *
Plaintiff *
*
-vs- * No.
*
MOSHANNON VALLEY PHARMACY, *
Defendant *

PETITION FOR LEAVE TO COMPROMISE MINOR'S ACTION

AND NOW, comes Lynette Heichel, mother of Adam Albright, by and through her attorneys, the Law Offices of Richard H. Milgrub, by Brian K. Marshall, Esquire, who file the following Petition:

1. That Lynette Heichel is the mother of Adam Albright, a minor, who was born on February 3, 1992, and was injured as a result of an incident on October 18, 2001.

2. That Raymond Albright is the father of Adam Albright.

3. That the Moshannon Valley Pharmacy is a business operating in the Ames Plaza, Route 322 West, Philipsburg, Clearfield County, Pennsylvania, 16866.

4. That on October 8, 2001, the defendant, the Moshannon Valley Pharmacy, dispensed a prescription drug in the name of Adam Albright to Lynette Heichel, mother of the minor child, Adam Albright. The amount dispensed was approximately

ten (10) times the prescribed amount, and was in a liquid form, rather than tablet form that had been originally prescribed.

5. That the Moshannon Valley Pharmacy did not counsel Lynette Heichel, mother of the minor child, Adam Albright, on the fact that there was significantly more liquid dispensed than the amount of medication called for in the prescription for one (1) tablet of said medication.

6. That the minor child, Adam Albright, ingested all ten (10) doses of the liquid form of the medication, and thereafter had a severe reaction.

7. That as a result of overdosing on said medication, the minor child was life-flighted from the Philipsburg Hospital where he was initially treated to Conemaugh Medical Center in Johnstown, where he received medical treatment for several days.

8. That all medical bills incurred by Your Petitioner have been paid by the Commonwealth of Pennsylvania which does have a subrogation interest in the amount of One Thousand Three Hundred Thirty-nine and 79/100 (\$1,139.79) Dollars.

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

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a)	FYI Healthserve (records)	\$ 30.83
b)	Recordex Acquisition Corp (records)	\$ 77.93
c)	William A. Shaw, Prothonotary (filing fee)	\$ <u>80.00</u>

TOTAL ----- \$188.76

10. That counsel and Your Petitioner recommend the approval of a settlement in the gross amount of Eight Thousand (\$8,000.00) Dollars negotiated with the defendant.

11. That Your Petitioner approves the proposed settlement because she feels that it is fair and reasonable and that it adequately compensates for the injuries sustained.

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



Brian K. Marshall, Esquire

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VERIFICATION

I, Brian K. Marshall, 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 the Plaintiff because of my position as counsel of record.



Brian K. Marshall

Dated: 6/25/02

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RICHARD H. MILGRUB

Attorney & Counseler at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

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

ADAM ALBRIGHT, a minor, by *
LYNETTE HEICHEL, his guardian *
Plaintiff *

-vs-

* No. 02-1017-CD

MOSHANNON VALLEY PHARMACY, *
Defendant *

Type of Pleading:
Certificate of Service

Filed on Behalf of:
Plaintiff

Counsel of Record for this
Party:

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

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FILED

JUL 15 2002
C1301nrc
William A. Shaw
Prothonotary

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

ADAM ALBRIGHT, a minor, by *
LYNETTE HEICHEL, his guardian *
Plaintiff *
*
-vs- * No. 02-1017-CD
*
MOSHANNON VALLEY PHARMACY, *
Defendant *

CERTIFICATE OF SERVICE

I, Brian K. Marshall, attorney for the Plaintiff, being
duly sworn according to law, depose and state that the Petition
for Leave to Compromise Minor's Action and an Order scheduling a
hearing for July 30, 2002, at 9:30 a.m. was served upon Raymond
Albright, father of the minor child, Adam Albright, by regular
U.S. prepaid mail, on July 11, 2002, at his residence at RR 2,
Box 343, Morrisdale, PA 16858.



Brian K. Marshall

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RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ADAM ALBRIGHT, a minor, by *
LYNETTE HEICHEL, his guardian *
Plaintiff *
*
-vs- *
*
MOSHANNON VALLEY PHARMACY, *
Defendant *

No. 02-1017-CQ

RULE

AND NOW, this 10th day of July, 2002, upon
consideration of the Petition of Raymond Albright and Lynette
Heichel, guardians of Adam Albright, 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 30 day of
July, 2002, at 9:30 A.m. in Courtroom 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

Judge

FILED

JUL 10 2002

6/9:00/02
William A. Shaw
Prothonotary

2 CENTS TO ATTY
E. K. S.

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—
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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

ADAM ALBRIGHT, a minor, by *
LYNETTE HEICHEL, his guardian *
Plaintiff *
*
-vs- * No. 02-1017-CO
*
MOSHANNON VALLEY PHARMACY, *
Defendant *

ORDER

AND NOW, this 7th day of October, 2002, upon
consideration of the Petition of Lynette Heichel, it is agreed
that the settlement of this action for the sum of Eight Thousand
(\$8,000.00) Dollars be and is hereby approved, counsel fees and
expenses are allowed, and distribution is directed as follows:
to be paid to the Commonwealth of Pennsylvania, Department of
Public Welfare, \$1,139.79; to the Law Offices of Richard H.
Milgrub, \$2,855.43 for fees and costs; and to Lynette Heichel,
mother and natural guardian of Adam Albright, a minor, Four
Thousand Five and 57/100 (\$4,005.57), Dollars to be placed in an
insured savings account, to be marked "Not to be withdrawn until
said minor reaches his maturity or without the Order of a Court
of competent jurisdiction."

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—
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DUBOIS, PA 15801

FILED

BT
OCT 09 2002
0/3:40/02
William A. Shaw
Prothonotary
2 CENS TO ATT

BY THE COURT:
Judge

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

FILED

OCT 09 2002

William A. Shaw
Prothonotary