

02-1282-CD
CRAIG E. CASHIER -vs- AMY S. CASHIER

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

CRAIG E. CASHER, as parent of :
ALYSSA MICHELLE CASHER and :
DARIEN CASHER and CRAIG E. :
CASHER, as natural guardian for :
and on behalf of ALYSSA :
MICHELLE CASHER, :
Plaintiff :
vs. :
ESTATE OF AMY S. CASHER, :
Defendant :

No. 02-1282-CD

**PETITION FOR LEAVE TO
COMPROMISE MINORS'
ACTION**

Filed on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

AUG 26 2002

William A. Shaw
Prothonotary

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

CRAIG E. CASHER, as parent of :
ALYSSA MICHELLE CASHER and :
DARIEN CASHER and CRAIG E. :
CASHER, as natural guardian for :
and on behalf of ALYSSA :
MICHELLE CASHER, :
Plaintiff :
:

vs. :
:

No. 02-1282-CO

ESTATE OF AMY S. CASHER, :
Defendant :
:

RULE

AND NOW, this 26th day of August, 2002 upon
consideration of the attached Petition, it is hereby ORDERED and DIRECTED that a rule be
issued to show cause why said Petition should not be granted.

Rule returnable a hearing thereon the 27 day of August, 2002, at 2:15 P
.m. at the Clearfield County Courthouse, Courtroom 1. 15 minutes has been allotted for this
hearing.

BY THE COURT

Judge

FILED

AUG 26 2002

0130013ccatty Kubista
William A. Shaw
Prothonotary

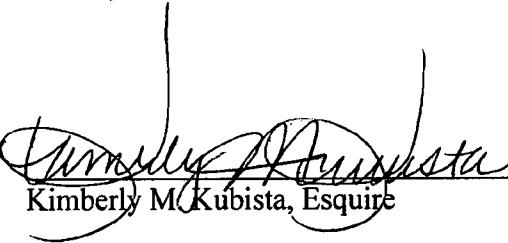
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CRAIG E. CASHER, as parent of	:	
ALYSSA MICHELLE CASHER and	:	
DARIEN CASHER and CRAIG E.	:	
CASHER, as natural guardian for	:	
and on behalf of ALYSSA	:	
MICHELLE CASHER,	:	
Plaintiff	:	
vs.	:	No.
ESTATE OF AMY S. CASHER,	:	
Defendant	:	

VERIFICATION

I, Kimberly M. Kubista, Esquire, as counsel for petitioner in the above-captioned action hereby verify that I have investigated the foregoing accident involving the minor-petitioners and that for the reasons set forth in the attached petition, the settlement of the sum of \$100,000.00 on behalf of minor-petitioner, Alyssa Michelle Casher, and the sum of \$3,000.00 on behalf of minor-petitioner, Darien Casher, in this case is reasonable under the circumstances based on the injuries sustained by minor-petitioners, their medical treatment, and their recovery from the injuries received in the accident.


Kimberly M. Kubista, Esquire

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

CRAIG E. CASHER, as parent of :
ALYSSA MICHELLE CASHER and :
DARIEN CASHER and CRAIG E. :
CASHER, as natural guardian for :
and on behalf of ALYSSA :
MICHELLE CASHER, :
Plaintiff :
vs. :
No.
ESTATE OF AMY S. CASHER, :
Defendant :
:

AFFIDAVIT OF GUARDIAN

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :
:

Craig E. Casher, being duly sworn according to law, deposes and says that he is the parent and natural guardian of minor-petitioners, Alyssa Michelle Casher, age 9, and Darien Casher, age 5, that minor-petitioners have recovered from the injuries sustained in the automobile of June 17, 2000; that Alyssa Michelle Casher has permanent scarring; that minor-petitioners are no longer under the care of any medical practitioner, that Petitioner has reviewed the facts set forth in the attached petition for minors' compromise and that those facts are true and correct to the best of his knowledge, information and belief; and that Petitioner has reviewed the proposed settlement with counsel and recommends same to the court.

Craig E. Casher
Craig E. Casher

Sworn and subscribed before me this 4th day of August, 2002.

Jill A. Redden

NOTARIAL SEAL
JILL A. REDDEN, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES APRIL 7, 2005

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

CRAIG E. CASHER, as parent of	:	
ALYSSA MICHELLE CASHER and	:	
DARIEN CASHER and CRAIG E.	:	
CASHER, as natural guardian for	:	
and on behalf of ALYSSA	:	
MICHELLE CASHER,	:	
Plaintiff	:	
vs.	:	No.
ESTATE OF AMY S. CASHER,	:	
Defendant	:	

**PETITION FOR LEAVE TO
COMPROMISE MINORS' ACTION**

NOW COMES the Plaintiff, CRAIG E. CASHER, as parent of ALYSSA MICHELLE CASHER and DARIEN CASHER and, CRAIG E. CASHER, as natural guardian for and on behalf of ALYSSA MICHELLE CASHER and DARIEN CASHER, by and through his attorneys, Belin & Kubista, and sets forth the following Petition for Leave to Compromise Minors' Action, and in support thereof would aver as follows:

1. That your Petitioner is Craig E. Casher, an adult individual, currently residing at P.O. Box 65, Mineral Springs, Clearfield County, Pennsylvania.
2. That Craig E. Casher, is the parent and natural guardian of Alyssa Michelle Casher, d.o.b. 1/16/93 and Darien Casher, d.o.b. 1/19/97.
3. That minor-petitioners were injured on June 17, 2000 in an automobile accident which took place in Rush Township, Centre County, Pennsylvania.

COUNT I – ALYSSA MICHELLE CASHER

4. Paragraphs 1 through 3 are incorporated herein by reference as though set forth in full.
5. That as a result of the automobile accident, the minor-petitioner, Alyssa Michelle Casher, sustained the following injuries which may and probably will be permanent:
 - a) abdominal trauma
 - b) renal injury
 - c) L-2 chance fracture
6. That in addition to the injuries the minor-petitioner, Alyssa Michelle Casher, received as a result of the accident, she has severe scarring on various areas of her torso as a result of the various surgeries that she has had to endure.
7. That all of the medical expenses incurred by the minor-petitioner have been paid to the best of Petitioner's knowledge.
8. That the Contingent Fee Agreement provides for counsel to be paid 33-1/3% of all funds recovered on behalf of minor-petitioner.
9. That minor-petitioner has recovered from the accident and suffers no further effects other than the scarring on the body of minor-petitioner, Alyssa Michelle Casher.
10. That Defendant has offered to pay the minor-petitioner, Alyssa Michelle Casher, the sum of One Hundred Thousand (\$100,000.00) Dollars which is the limits of the liability insurance covering the accident.
11. That as a result of the automobile accident, the minor-petitioner, Alyssa Michelle Casher, has suffered severe pain as well as had to endure permanent scarring on her body.

12. That Petitioner and counsel seek approval of the settlement for the minor-petitioner because they believe that it represents a full and fair settlement of the case, equal to or greater than that which may be obtained should the matter be fully litigated.

13. Petitioner has approved the proposed settlement because he considers it fair and reasonable and it adequately compensates the minor-petitioner for the injuries sustained and expenses incurred.

14. That counsel for Petitioner has incurred costs and expenses totaling \$757.92 for minor-petitioner, Alyssa Michelle Casher.

15. Petitioner further approves the proposed distribution:

Alyssa Michelle Casher	\$65,942.08 (\$66,700.00 - \$757.92)
Belin & Kubista	\$33,300.00

16. That the minor-petitioner, Alyssa Michelle Casher, has been treated by Dr. Stephen A. Mendelson for the injury sustained, a copy of the report is attached hereto and marked Exhibit "A".

WHEREFORE, Petitioner requests that this Court enter an Order approving the settlement and compromise, and ordering distribution as set forth in the attached hereto.

COUNT II – DARIEN CASHER

17. Paragraphs 1 through 16 are incorporated herein by reference as though set forth in full.

18. That as a result of the automobile accident, the minor-petitioner, Darien Casher, sustained minor injuries.

19. That all of the medical expenses incurred by the minor-petitioner have been paid to the best of Petitioner's knowledge.

20. That the Contingent Fee Agreement provides for counsel to be paid 33-1/3% of all funds recovered on behalf of minor-petitioner.

21. That minor-petitioner has recovered from the accident and suffers no further effects.

22. That Defendant has offered to pay the minor-petitioner, Darien Casher, the sum of Three Thousand (\$3,000.00) Dollars.

23. That Petitioner and counsel seek approval of the settlement for the minor-petitioner because they believe that it represents a full and fair settlement of the case, equal to or greater than that which may be obtained should the matter be fully litigated.

24. Petitioner has approved the proposed settlement because he considers it fair and reasonable and it adequately compensates the minor-petitioner for the injuries sustained and expenses incurred.

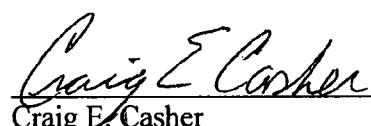
25. That counsel for Petitioner has incurred costs and expenses totaling \$200.00 for minor-petitioner, Darien Casher and counsel waives any counsel fees.

26. Petitioner further approves the proposed distribution:

Darien Casher \$2,800.00 (\$3,000.00 - \$200.00)

27. That the minor-petitioner, Darien Casher, has not been treated as a result of the accident.

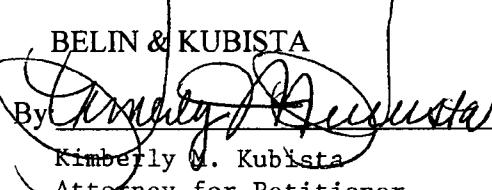
WHEREFORE, Petitioner requests that this Court enter an Order approving the settlement and compromise, and ordering distribution as set forth in the attached order.



Craig E. Casher

BELIN & KUBISTA

By



Kimberly A. Kubista
Attorney for Petitioner

Narrative Report

Alyssa Melius Casher was a 7 year old girl who was involved in a motor vehicle accident on June 17, 2000. She was a restrained back seat passenger in a head on type of collision. She sustained multiple injuries in the accident including an abdominal trauma, a renal injury as well as a L2 chance fracture. Initial attempts were made to treat the L2 fracture with a hyperextension brace however inadequate alignment was obtained in the brace. Due to the fact that inadequate alignment was obtained, she was referred here for definitive management. Prior to the accident, she was in perfect health with no known ongoing medical problems.

Her initial physical examination on July 10, 2000 pre-operatively she was found to have a gibbous deformity in her lumbar spine with ecchymosis and localized tenderness. There was a palpable defect between the spinous processes of L1-L2. She had a fully normal neurologic examination. Her diagnostic studies included x-rays which demonstrated a L2 bony chance fracture with 15 degree of kyphosis and 15 degrees of levoscoliosis. A CT scan and MRI were both available for review which confirmed the diagnosis and demonstrated that there was no spinal cord impingement. Based on these findings, it was felt that she has a mechanical problem with her spine. It was recommended that she undergo a posterior spinal fusion to reduce the deformity and restore normal biomechanics to the spinal column. The family agreed to this.

She was subsequently brought back to Children's Hospital of Pittsburgh on July 11, 2000, the following day. She underwent an open reduction of the L2 chance fracture and a posterior spinal fusion from L1-L3 with segmental instrumentation from L1-L3 and a left iliac crest bone graft. The surgical findings included a typical bony chance fracture. There was no spinal element impingement on the spinal canal. The surgery went well and there were no peri-operative complications. She was hospitalized for three days post-operatively and was discharged home on July 14, 2000 in good disposition. Her post-operative management was to include a Thoracic LumboSacral Orthotic (TLSO) brace which she was instructed to wear at all times.

Her first follow-up visit was on July 21, 2000 at which point she reported to be doing well with regards to her back. At this time, her incision was healing up nicely with no erythema, drainage, or discharge. She was found to stand straight and was fully neurologically intact. X-rays showed the instrumentation to be intact and in the appropriate position. She was instructed to follow-up in one month with standing x-rays of the spine at that time.

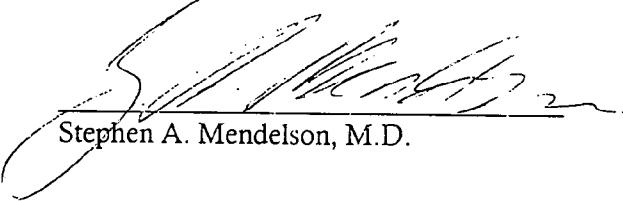
Her course was then complicated by her renal problems and she was subsequently admitted to the hospital by the urology service for right renal exploration and uretal stent placement and uretero calicostomy. She was seen in the hospital by myself during that hospitalization. She was again doing well with regards to her back. Her incision was healing up nicely and she was fully neurologically intact. At this point, she was instructed to continue wearing her TLSO and follow-up at her scheduled appointment. This was the last time that I have seen her at the time of this dictation. I have no further records available with regards to this problem.

In summary, Alyssa sustained a chance fracture as a direct result of her high speed motor vehicle accident during which she was a restrained rear seat passenger. A chance fracture is considered to be a flexion distraction type of an injury. It is typically seen in head on motor vehicle accidents in children who were restrained in the back seat particularly if they are only wearing a lap belt. Over 50 percent of chance fractures are associated with other visceral injuries as was the case with Alyssa. Chance fractures are typically a mechanical problem of the spine and only infrequently are associated with neurologic dysfunction. The fracture can be treated non-operatively if an adequate alignment is obtained and can be maintained in the brace. In Alyssa's instance, an attempt was made to treat this non-operatively however the alignment of the spine was not felt to be adequate to sustain normal function throughout life. Therefore it was recommended that she undergo operative management. Her operative management included a decompression of the spine at the level of the trauma, an open reduction and internal fixation of the fracture, a posterior spinal fusion from L1-L3. She had no peri-operative problems or complications. Early healing post-operatively appeared to be going well.

The long term prognosis from this injury is reasonably good. The expectation is that once the bone fusion has taken, she should be able to return to near normal activities. When I say near normal activities, I mean that she should run, play, and keep up with the other kids her age however, I would advise this child never to participate in certain physical activities that would increase her risk to further damage her spine. These activities would contact type sports such as football, rugby, lacrosse, and martial arts. I also would discourage her from any type of gymnastics or tumbling. With the exception of these activities, I would let her participate in all other sport activities including running, swimming, horseback riding, basketball, golf, tennis, etc. Having a fused segment of her spine does put her at some risk for future degenerative arthritis in the adjacent spinal segments, in particular at the L3-4 level. Furthermore, spinal trauma at a younger age at times can create a growth imbalance which can lead to spinal deformity such as scoliosis or kyphosis. I would recommend long term follow-up to monitor for these problems at least until she is skeletally mature at age 15 or so. The risk of future neurologic deterioration in my estimation is extremely low unless she is involved in a further trauma in the future. There is also a potential that her hardware will become dislodged or become symptomatic and painful in the future which might require a hardware removal. There is also a very slight risk of an infection which can occur at any time throughout her life because of the retained metallic implants in her spine. I think that there is a low likelihood that any time in the eminent future she will require any further surgery, revision, or reconstruction unless one of the above problems occurs.

Narrative Report
Alyssa Melius-Casher
Page: 3

In general, I think that her prognosis is really quite good with all things considered however, she will have a mild degree of limitation in her activity as described above and is certainly has the potential for further problems and complications in the future.



Stephen A. Mendelson, M.D.

SAM/ea

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELLIN & KUBISTA
CA

FILED
CJ 2002 300
AUG 26 2002 Atty Kubista

W^{AS}
William A. Shaw
Prothonotary

Date: 08/27/2002

Clearfield County Court of Common Pleas

User: BANDERSON

Time: 08:37 AM

ROA Report

Page 1 of 1

Case: 2002-01282-CD

Current Judge: No Judge

Craig E. Casher, Alyssa Michelle Casher, Darien Casher vs. Amy S. Casher

Civil Other

Date		Judge
08/19/2002	Filing: Writ of Summons Paid by: Kubista, Kimberly M. (attorney for Casher, Craig E) Receipt number: 1847172 Dated: 08/19/2002 Amount: \$80.00 (Check) 2 Summons to Atty. Kubista.	No Judge
08/26/2002	Petition for Leve to Compromise Minors' Action, filed by s/Kimberly M. Kubista Three CC Attorney Kubista	No Judge <i>upstain 8/26</i>

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

CRAIG E. CASHER, as parent of :
ALYSSA MICHELLE CASHER and :
DARIEN CASHER and CRAIG E. :
CASHER, as natural guardian for :
and on behalf of ALYSSA :
MICHELLE CASHER, :
Plaintiff :
:

vs. :
:

ESTATE OF AMY S. CASHER, :
Defendant :
:

No. 02-1282 CO

PRAECIPE FOR WRIT OF
SUMMONS

Filed on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

(B)
AUG 19 2002
011059/atty Kubista
William A. Shaw pd 80.00
Prothonotary
2 Summons
atty

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

CRAIG E. CASHER, as parent of :
ALYSSA MICHELLE CASHER and :
DARIEN CASHER and CRAIG E. :
CASHER, as natural guardian for :
and on behalf of ALYSSA :
MICHELLE CASHER, :
Plaintiff :
vs. : No. 02-1282-CB
ESTATE OF AMY S. CASHER, :
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please issue a Writ of Summons in the above-captioned civil action.

BELIN & KUBISTA

Kimberly M. Kubista,
Attorney for Plaintiff

COPY

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION**

SUMMONS

**Craig E. Casher, as parent of
Alyssa Michelle Casher and
Darien Casher, as natural guardian
for and on behalf of Alyssa Michelle
Casher**

Vs.

NO.: 2002-01282-CD

Estate of Amy S. Casher

TO: Estate of Amy S. Casher

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 08/19/2002



William A. Shaw
Prothonotary

**Issuing Attorney:
Kimberly Kubista, Esquire
BELIN & KUBISTA
15 North Front Street
Clearfield, PA 16830**

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

CRAIG E. CASHER, as parent of :
ALYSSA MICHELLE CASHER and :
DARIEN CASHER and CRAIG E. :
CASHER, as natural guardian for :
and on behalf of ALYSSA :
MICHELLE CASHER, :
Plaintiff :
:

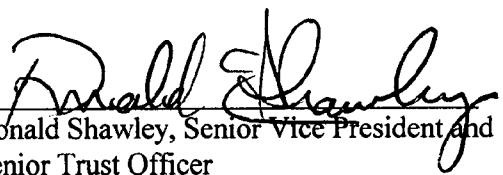
vs. : No. 02-1282-CD

ESTATE OF AMY S. CASHER, :
Defendant :
:

ACCEPTANCE OF SERVICE

I accept service of the Writ of Summons in the above referenced case on behalf of
the Defendant.

COUNTY NATIONAL BANK

By: 
Donald Shawley, Senior Vice President and
Senior Trust Officer

Date: 8-20-02

FILED

AUG 20 2002

012351002
William A. Shaw
Prothonotary

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

CRAIG E. CASHER, as parent of :
ALYSSA MICHELLE CASHER and :
DARIEN CASHER and CRAIG E. :
CASHER, as natural guardian for :
and on behalf of ALYSSA :
MICHELLE CASHER, :
Plaintiff :
:

vs. : No. 2002-1282-CD

ESTATE OF AMY S. CASHER, :
Defendant :
:

RULE

AND NOW, this 30th day of August, 2002 upon
consideration of the attached Petition, it is hereby ORDERED and DIRECTED that a rule be
issued to show cause why said Petition should not be granted.

Rule returnable a hearing thereon the 5th day of September, 2002, at 10:30 a.m.
at the Clearfield County Courthouse, Courtroom 1. 15 minutes has been allotted for this
hearing.

BY THE COURT

Judge
FILED

AUG 30 2002

William A. Shaw
Prothonotary

FILED

3cc

1812-3724
18302002
Atty Kubista

William A. Shaw
Pro Se Plaintiff

6/26/02

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

FILED

CRAIG E. CASHER, as parent of
ALYSSA MICHELLE CASHER and
DARIEN CASHER and CRAIG E.
CASHER, as natural guardian for
and on behalf of ALYSSA
MICHELLE CASHER,
Plaintiff

SEP 05 2002

William A. Shaw
Prothonotary

vs.

No. 02-1282-CD

ESTATE OF AMY S. CASHER,
Defendant

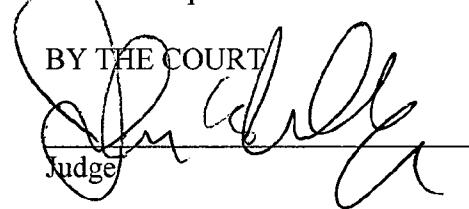
ORDER

AND NOW, this 5 day of Sept, 2002, upon consideration of the foregoing Petition, it is ORDERED that the settlement in compromise of this action comprise the sum of One Hundred Thousand (\$100,000.00) Dollars to Alyssa Michelle Casher and the sum of Three Thousand (\$3,000.00) Dollars to Darien Casher is approved and distribution is hereby directed as follows:

(1) Sixty-Five Thousand Nine Hundred Forty-Two (\$65,942.08) and 08/100 Dollars to be paid to County National Bank to be placed in a trust fund in the name of Alyssa Michelle Casher and Two Thousand Eight Hundred (\$2,800.00) to be paid to County National Bank to be placed in a trust fund in the name of Darien Casher with the language on said accounts: "not to be withdrawn until minor-petitioner reaches her majority or without the order of account of competent jurisdiction;" Further, investments of the funds shall be limited to US Treasury, or Government Agency Bonds. The trust fund can hold these securities in the form of individual bonds or mutual funds (of similar limitations and objective), S.E.C. registered money market mutual funds that invest primarily in direct obligations issued by the US

Treasury and repurchase agreements backed by those obligations. Finally, considerations may include Certificates of Deposit of any bank (including trustee), trust company or savings and loan association that are fully insured by the Federal Deposit Insurance Corporation; and Thirty-Four Thousand Two Hundred Fifty-Seven (\$34,257.92) and 92/100 Dollars to be paid to Belin & Kubista as their fee and costs in this case;

(2) that Kimberly M. Kubista is hereby authorized to discontinue the above-captioned action with prejudice upon payment of the settlement proceeds.

BY THE COURT

Judge

FILED
OCT 10 2002
SEP 05 2002
Amy Kubista

3cc
William A. Shaw
Prothonotary

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

CRAIG E. CASHER, as parent of
ALYSSA MICHELLE CASHER and
DARIEN CASHER and CRAIG E.
CASHER, as natural guardian for
and on behalf of ALYSSA
MICHELLE CASHER,

Plaintiff

vs.

No. 02-1282-CD

ESTATE OF AMY S. CASHER,
Defendant

PRAECIPE TO DISCONTINUE

Filed on behalf of

Plaintiff

Counsel of Record for
this Party:

Kimberly M. Kubista
Attorney-At-Law
Pa. I.D. 52782

BELIN & KUBISTA
15 N. Front Street
P.O. Box 1
Clearfield, PA 16830
(814) 765-8972

FILED

SEP 18 2002
o/ 2:45 pm

William A. Shaw
Prothonotary

2 cent to Mtry

COPY TO CA

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

CRAIG E. CASHER, as parent of :
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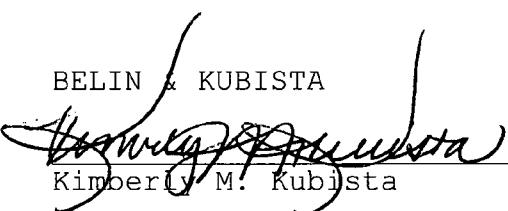
PRAECIPE TO DISCONTINUE

TO THE PROTHONTARY:

Please mark the above captioned action satisfied,
settled and discontinued.

Date: 9-13-02

BELIN & KUBISTA


Kimberly M. Kubista

CLEARFIELD, PENNSYLVANIA 16830
P. O. BOX 1
15 NORTH FRONT STREET
ATTORNEYS AT LAW
BELIN & KUBISTA

FILED

SEP 1 8 2002

William A. Shaw
Prothonotary