

03-891-CD
JOHN A. GOULD, etal. vs. ERIE INSURANCE COMPANY

CA

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

John A. Gould, Administrator of
the Estate of Harry A. Gould, Deceased,

Plaintiff,

v.

Erie Insurance Company,

Defendant.

CIVIL DIVISION

No.: 03-891-CD

**PETITION FOR
ORDER OF DISTRIBUTION IN
A WRONGFUL DEATH AND
SURVIVAL ACTION**

Code: 001

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party:

Arthur Cutruzzula, Esquire
Pa. I.D. #27915

Walter J. Naluducci, Esquire
Pa. I.D. #69256

CUTRUZZULA & NALDUCCI
3300 Grant Building
Pittsburgh, PA 15219

(412) 391-4040

FILED

JUN 16 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

John A. Gould, Administrator of)	CIVIL DIVISION
the Estate of Harry A. Gould, Deceased,)	
)	
Plaintiff,)	
)	
v.)	No.:
)	
Erie Insurance Company,)	
)	
Defendant.)	

**PETITION FOR ORDER OF DISTRIBUTION IN A WRONGFUL
DEATH AND SURVIVAL ACTION**

AND NOW, comes the Petitioner, John A. Gould, Administrator of the Estate of Harry A. Gould, and through his attorney, Walter Nalducci, Esquire of Cutruzzula & Nalducci, and respectfully represents as follows:

First: That your Petitioner, John A. Gould is the designated Administrator for the Estate of Harry A. Gould who was killed in an August 20, 2002 motor vehicle accident on State Route 120 in Mahoning Township, Clinton County, Pennsylvania.

Second: That your Petitioner was duly appointed as the Administrator of the Estate of Harry A. Gould by the Register of Wills of Clearfield County on August 27, 2002 at number 2002-430.

Third: That steps were instituted to recover damages for the personal injury and untimely death of Plaintiff's Decedent, Harry A. Gould, as a result of his fatal accident,

through Plaintiff's Decedents Erie Insurance Policy No.Q11 2605563N, with applicable underinsured motorists limits of One Hundred Thousand (\$100,000.00) Dollars.

Fourth: That the insured of the motor vehicle that struck Plaintiff Decedent has reported liability coverage of Fifteen Thousand and 00/100 (\$15,000.00) Dollars.

Fifth: That your Petitioner employed the law firm of Cutruzzula & Nalducci regarding this matter. That during the course of this action, investigation was done, medical records have been reviewed and settlement negotiations were conducted. As a result of those settlement negotiations between counsel and representatives of the Defendants have agreed to tender One Hundred Thousand and 00/100 (\$100,000.00) Dollars, the UIM limits on that particular policy.

Sixth: That your Petitioner is indebted to Cutruzzula & Nalducci in the amount of Thirty Three Thousand Three Hundred Thirty Three and 33/100 (\$33,333.33) Dollars for counsel fees and Six Hundred Eighty One and 30/100 (\$681.30) Dollars which represents costs expended in litigating the subject case. This sum your Petitioner is desirous of paying counsel.

Seventh: That the Pennsylvania Wrongful Death Act requires that the damages recovered in such an action be disbursed in accordance with the Pennsylvania Intestate Succession Law.

Eighth: That your Petitioner requests that the settlement and distribution of this matter be made pursuant to the Pennsylvania Wrongful Death Act and only the Pennsylvania Wrongful Death Act.

Ninth: That Petitioner requests this Honorable Court to enter an Order
allowing them to sign the appropriate releases and allocating distribution as follows:

To:	Cutruzzula & Nalducci Counsel Fees and Expenses.....	\$ 34,014.63
To:	John A. Gould and Kathy Gould, parents of Harry A. Gould under the Wrongful Death Act.....	<u>\$ 65,985.37</u>
Total:		\$100,000.00

WHEREFORE, your Petitioner prays this Honorable Court to enter an Order
permitting distribution to the proceeds of the settlement as indicated.

Respectfully submitted,

CUTRUZZULA & NALDUCCI

By



Walter Nalducci, Esquire
Attorney for Petitioner

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF ALLEGHENY)

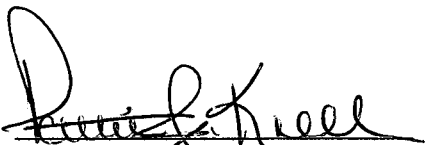
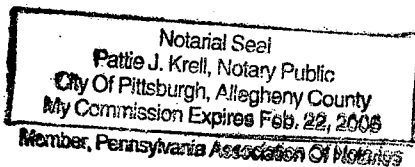
BEFORE ME, the undersigned authority, personally appeared Walter Nalducci,
Esquire, attorney for Plaintiff, who, being duly sworn according to law, deposes and says
that the averments set forth in the foregoing Petition for Order of Distribution in a
Wrongful Death and Survival Action are true and correct to the best of his knowledge,
information and belief.



Walter Nalducci, Esquire
Attorney for Petitioner

SWORN TO AND SUBSCRIBED

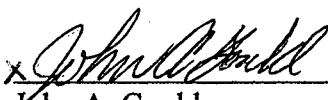
before me this 5TH day of
June, 2003.


Notary Public

AFFIDAVIT

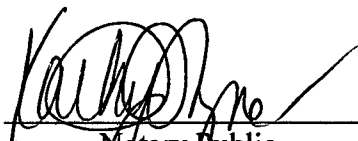
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ~~ALLEGHENY~~ *Jefferson*) SS

BEFORE ME, the undersigned authority, personally appeared John A. Gould,
who, being duly sworn according to law, deposes and says that the averments set forth in
the foregoing Petition for Order of Distribution in a Wrongful Death and Survival Action
are true and correct to the best of her knowledge, information and belief.



John A. Gould

SWORN TO AND SUBSCRIBED
before me this 5th day of
June, 2003.



Notary Public

Notarial Seal
Kathy D. Wymer, Notary Public
Gaskill Twp., Jefferson County
My Commission Expires Oct. 16, 2003
Member, Pennsylvania Association of Notaries

FILED

no cc

JUN 16 2003

3:20 PM
Atty Gutierrez
pd. 85.00

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

John A. Gould, Administrator of
the Estate of Harry A. Gould, Deceased,

Plaintiff,

v.

Erie Insurance Company,

Defendant.

CIVIL DIVISION

No.: 03-891-CD

FILED

JUN 18 2003

William A. Shaw
Prothonotary

ORDER OF COURT

AND NOW, to-wit, this 18th day of June, 2003, upon

consideration of the foregoing Petition regarding Plaintiff, it is hereby ORDERED,

ADJUDGED and DECREED that the negotiated settlement in the above-captioned matter

is approved. It is further ORDERED, ADJUDGED and DECREED that distribution of


the funds created by the Settlement be made in the following manner:

To: Cutruzzula & Nalducci
Counsel Fees and Expenses.....\$ 34,014.63

To: John A. Gould and Kathy Gould,
parents of Harry A. Gould
under the Wrongful Death Act.....\$ 65,985.37

Total: \$100,000.00

BY THE COURT:

 J.

150

[Signature]

William A. Shaw
Prothonotary

OK

CIVIL DIVISION

No.: 2003-891-CD

**PETITION FOR
ORDER OF DISTRIBUTION IN
A WRONGFUL DEATH AND
SURVIVAL ACTION**

Code: 001

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party:

Arthur Cutruzzula, Esquire
Pa. I.D. #27915

Walter J. Naluducci, Esquire
Pa. I.D. #69256

CUTRUZZULA & NALDUCCI
3300 Grant Building
Pittsburgh, PA 15219

(412) 391-4040

FILED 2cc
01/05/54/BJ Atty
JAN 31 2005 Cutruzzola

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

John A. Gould, Administrator of)	CIVIL DIVISION
the Estate of Harry A. Gould, Deceased,)	
)	
Plaintiff,)	
)	
v.)	No.: 2003-891-CD
)	
Erie Insurance Company,)	
)	
Defendant.)	

**PETITION FOR ORDER OF DISTRIBUTION IN A WRONGFUL
DEATH AND SURVIVAL ACTION**

AND NOW, comes the Petitioner, John A. Gould, Administrator of the Estate of Harry A. Gould, by and through his attorney, Arthur Cutruzzula, Esquire of Cutruzzula & Nalducci, and respectfully represents as follows:

First: That your Petitioner, John A. Gould, is the designated Administrator for the Estate of Harry A. Gould, deceased, who was killed in an August 20, 2002 motor vehicle accident on State Route 120 in Mahoning Township, Clinton County, Pennsylvania.

Harry A. Gould had never been married and died childless.

Second: That your Petitioner was duly appointed as the Administrator of the Estate of Harry A. Gould by the Register of Wills of Clearfield County on August 27, 2002 at number 2002-430.

Third: That steps were instituted to recover damages for the personal injury and untimely death of Plaintiff's Decedent through Erie Insurance policy no.

Q09-1306525 issued to John and Catherine Gould with applicable underinsured limits of \$200,000.00; Erie Insurance policy no. Q07-6405153 issued to Ronald E. Gould with applicable underinsured limits of \$100,000.00 and Erie Insurance policy no. Q07-6905285 issued to Brian J. Gould with applicable underinsured limits of \$100,000.00.

Fourth: That the insurance carrier of the motor vehicle that struck Plaintiff's Decedent has reported liability coverage of Fifteen Thousand and 00/100 (\$15,000.00) Dollars.

Fifth: That your Petitioner employed the law firm of Cutruzzula & Nalducci regarding this matter. That during the course of this action, investigation was done, medical records have been reviewed, transcribed statements taken, documents gathered and reviewed, a residency issue fought and dispensed with, and settlement negotiations were conducted. As a result of those settlement negotiations between counsel and representatives of the Defendants Erie has agreed to tender Four Hundred Thousand and 00/100 (\$400,000.00) Dollars, the UIM limits on these particular policies.

Sixth: Two additional legal actions are currently being pursued as a result of this death.

Seventh: That your Petitioner is indebted to Cutruzzula & Nalducci in the amount of One Hundred Thirty Three Thousand Three Hundred Thirty Three and 33/100 (\$133,333.33) Dollars for counsel fees and Three Thousand Three Hundred and 17/100 (\$3,300.17) Dollars which represents costs expended in the subject matters. This sum your Petitioner is desirous of paying counsel.

Eighth: That due to the continuing prosecution of the aforementioned additional actions, Petitioner desires that \$10,000.00 remain in escrow to be used to defray further costs in those actions if and as those costs accrue.

Ninth: That the Pennsylvania Wrongful Death Act requires that the damages recovered in such an action be disbursed in accordance with the Pennsylvania Intestate Succession Law.

Tenth: That your Petitioner requests that the settlement and distribution of this matter be made pursuant to the Pennsylvania Wrongful Death Act and only the Pennsylvania Wrongful Death Act.

Eleventh: That Petitioner requests this Honorable Court to enter an Order allowing them to sign the appropriate releases and allocating distribution as follows:

To:	Cutruzzula & Nalducci Counsel Fees and Expenses.....	\$136,633.50
To:	Arthur Cutruzzula, escrow account, to be used to defray further costs in the remaining legal actions if and as those costs accrue.....	\$ 10,000.00
To:	John A. Gould and Kathy Gould, parents of Harry A. Gould under the Wrongful Death Act.....	<u>\$253,366.50</u>
	Total:	\$400,000.00

WHEREFORE, your Petitioner prays this Honorable Court to enter an Order
permitting distribution to the proceeds of the settlement as indicated.

Respectfully submitted,

CUTRUZZULA & NALDUCCI


By 

Arthur Cutruzzula, Esquire
Attorney for Petitioner

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF CLEARFIELD)

BEFORE ME, the undersigned authority, personally appeared John A. Gould, who, being duly sworn according to law, deposes and says that the averments set forth in the foregoing Petition for Order of Distribution in a Wrongful Death and Survival Action are true and correct to the best of her knowledge, information and belief.


John A. Gould

SWORN TO AND SUBSCRIBED
before me this 26th day of
January, 2005.


Notary Public

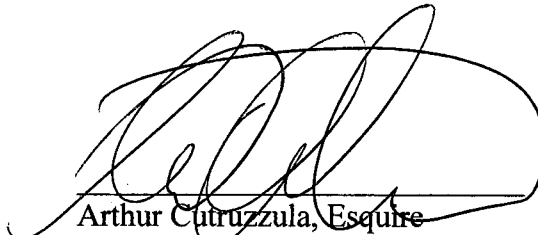
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Amber S. Crosmun, Notary Public
Sandy Twp., Clearfield County
My Commission Expires July 27, 2008

Member, Pennsylvania Association Of Notaries

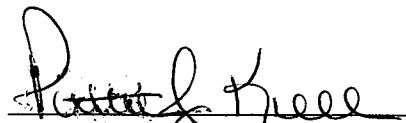
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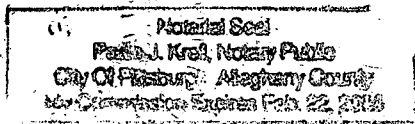
COMMONWEALTH OF PENNSYLVANIA)
) SS
COUNTY OF ALLEGHENY)

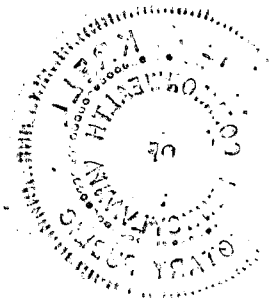
BEFORE ME, the undersigned authority, personally appeared Arthur Cutruzzula, Esquire, attorney for Plaintiff, who, being duly sworn according to law, deposes and says that the averments set forth in the foregoing Petition for Order of Distribution in a Wrongful Death and Survival Action are true and correct to the best of his knowledge, information and belief.


Arthur Cutruzzula, Esquire
Attorney for Petitioner

SWORN TO AND SUBSCRIBED
before me this 21TH day of
January, 2005.


Notary Public





FILED

JAN 3 1 2005

William A. Shaw
Prothonotary/Clerk of Courts

LA

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

John A. Gould, Administrator of
the Estate of Harry A. Gould, Deceased,

Plaintiff,

v.

Erie Insurance Company,

Defendant.

CIVIL DIVISION

No.: 2003-891-CD

SCHEDULING ORDER

Code: 001

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party:

Arthur Cutruzzula, Esquire
Pa. I.D. #27915

Walter J. Naluducci, Esquire
Pa. I.D. #69256

CUTRUZZULA & NALDUCCI
3300 Grant Building
Pittsburgh, PA 15219

(412) 391-4040

FILED

69-0916A 200 to Atty
Cutruzzula
FEB 02 2005

Wd
William A. Shaw
Prothonotary

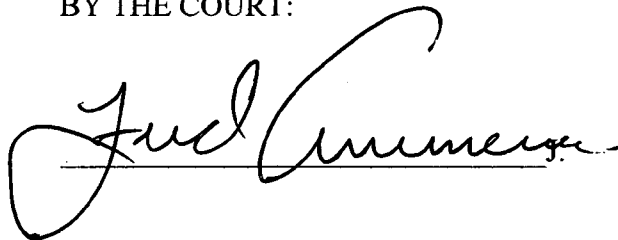
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

John A. Gould, Administrator of)	CIVIL DIVISION
the Estate of Harry A. Gould, Deceased,)	
)	
Plaintiff,)	
)	
v.)	No.: 2003-891-CD
)	
Erie Insurance Company,)	
)	
Defendant.)	

ORDER OF COURT

AND NOW, to-wit, this 1 day of Feb., 2005, upon
consideration of the foregoing Petition for Order of Distribution in a Wrongful Death and
Survival Action, oral argument will be heard on Feb. 22, 2005, at 10:00
AM/~~PM~~.

BY THE COURT:



FILED

FEB 02 2005

William A. Shaw
Prothonotary

CA

CIVIL DIVISION

No.: 2003-891-CD

v.

No.: 2003-891-CD

Defendant.

BY THE COURT:

Frederic J. Cummings.

01110 ^{ea} 2cc to atty.

William A. Shaw
Prothonotary

CUTRUZZULA & NALDUCCI

3300 Grant Building

Pittsburgh, PA 15219

Phone number (412) 391-4040

Fax number (412) 471-2650

Send to: Marcy Kelly	From: Walter J. Nalducci, Esquire
Company Name: Court Administrator	Date: 02/02/05
Fax Number: 814-765-7649	Re: John A. Gould, Administrator of the Estate of Harry A. Gould, Deceased, v. Commonwealth of Pennsylvania, et al.
	cc:

- ☐ Urgent
- ☐ Reply ASAP
- ☐ Please comment
- ☐ Please review
- ☐ For your information

Total pages, including cover: Four (4)

Comments:

CUTRUZZULA & NALDUCCI
ATTORNEYS AT LAW
3300 GRANT BUILDING
PITTSBURGH, PENNSYLVANIA 15219
(412) 391-4040

February 2, 2005

VIA FACSIMILE 814-765-7649

Marcy Kelly
Court Administrator
230 E. Market Street
Clearfield, PA 16830

**RE: John A. Gould, Administrator of the Estate of Harry A. Gould v.
Erie Insurance Company**

Dear Ms. Kelly:

Enclosed please find the Amended Scheduling Order in the above captioned matter.

If you have any questions, please contact our office.

Thank you for your consideration in this matter.

Sincerely,

CUTRUZZULA & NALDUCCI



Walter J. Nalducci, Esquire

WJN/pjk
Enclosure

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

John A. Gould, Administrator of
the Estate of Harry A. Gould, Deceased,

Plaintiff,

v.

Erie Insurance Company,

Defendant.

CIVIL DIVISION

No.: 2003-891-CD

**AMENDED SCHEDULING
ORDER**

Code: 001

Filed on Behalf of:
Plaintiff

Counsel of Record for this Party:

Arthur Cutruzzula, Esquire
Pa. I.D. #27915

Walter J. Naluducci, Esquire
Pa. I.D. #69256

CUTRUZZULA & NALDUCCI
3300 Grant Building
Pittsburgh, PA 15219

(412) 391-4040

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

JOHN A. GOULD, Administrator of :

the ESTATE of HARRY A. GOULD :

VS. : NO. 03-891-CD

ERIE INSURANCE COMPANY :

O R D E R

NOW, this 9th day of February, 2005, upon consideration of the Petition for Order of Distribution in a Wrongful Death and Survival Action regarding the above-captioned estate, it is hereby ORDERED and DECREED that the negotiated settlement as set forth in the Petition filed on January 31, 2005, be approved. Distribution funds created by the settlement shall be made in the following manner:

Cutruzzula & Nalducci, counsel fees expense .. \$136,633.50

Arthur Cutruzzula Escrow Account, to be
used to defray costs in the remaining legal
actions if and as those costs accrue 10,000.00

John A. Gould and Kathy Gould, parents of
Harry A. Gould, under the Wrongful Death Act .. 253,366.50

Total: \$400,000.00

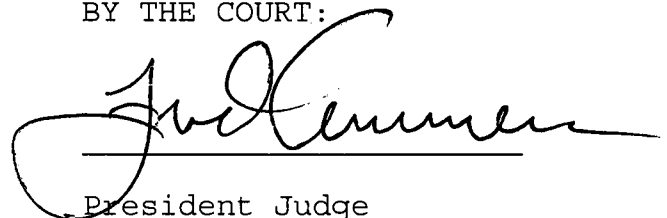
BY THE COURT:

FILED

FEB 10 2005

0/3:30
William A. Shaw

Prothonotary/Clerk of Courts


President Judge

4 CEM. TO ARTHUR CUTRUZZULA
+
NALDUCCI