

64-126-CD
JOHN R. DICK, et al. vs. FREDERICK PORCO

John Dick, et al vs Frederick Porco
2004-126-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>JOHN R. DICK, Individually and as Administrator of the Estate of JOYCE A. DICK, Deceased,</p> <p>Plaintiff,</p> <p>vs.</p> <p>FREDERICK PORCO,</p> <p>Defendant.</p>	<p>CIVIL DIVISION</p> <p>NO. 04-126-C.D.</p> <p>PRAECIPE TO SETTLE, END AND DISCONTINUE</p> <p>Filed on behalf of Plaintiff</p> <p>Counsel of record for this party:</p> <p>Raymond J. Conlon, Esquire Pa. I.D. #49495</p> <p>Zimmer Kunz, PLLC Firm #920 101 East Diamond Street Morgan Center, Suite 218 Butler, PA 16001</p> <p>(724) 285-6677</p>
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FILED

MAR 03 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. DICK, Individually and as Administrator of the Estate of JOYCE A. DICK, Deceased, Plaintiff, vs. FREDERICK PORCO, Defendant:	CIVIL DIVISION NO. 04-126-CD
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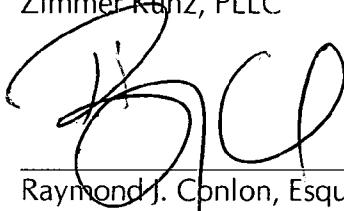
PRAECIPE TO SETTLE, END AND DISCONTINUE

TO: WILLIAM A. SHAW, PROTHONOTARY

Kindly mark the docket in the above-captioned matter as settled, ended and discontinued.

Respectfully submitted,

Zimmer Kunz, PLLC



Raymond J. Conlon, Esquire
Attorney for Plaintiff

FILED

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ice to day,
or

MAR 03 2004

620

William A. Shaw
Prothonotary

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

CIVIL DIVISION

**John R. Dick
Joyce A. Dick Estate**

**Vs.
Frederick Porco**

No. 2004-00126-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on March 3, 2004, marked:

Discontinued, Settled and Ended.

Record costs in the sum of \$85.00 have been paid in full by Attorney.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 3rd day of March A.D. 2004.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

<p>JOHN R. DICK, Individually and as Administrator of the Estate of JOYCE A. DICK, Deceased,</p> <p>Plaintiff,</p> <p>vs.</p> <p>FREDERICK PORCO,</p> <p>Defendant.</p>	<p>CIVIL DIVISION</p> <p>NO. 04-126-CD</p> <p>PETITION TO APPROVE SETTLEMENT OF WRONGFUL DEATH CLAIM</p> <p>Filed on behalf of Plaintiff</p> <p>Counsel of record for this party:</p> <p>Raymond J. Conlon, Esquire Pa. I.D. #49495</p> <p>Zimmer Kunz, PLLC Firm #920 101 East Diamond Street Morgan Center, Suite 218 Butler, PA 16001</p> <p>(724) 285-6677</p>
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FILED

JAN 28 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. DICK, Individually and as Administrator of the Estate of JOYCE A. DICK, Deceased, Plaintiff, vs. FREDERICK PORCO, Defendant.	CIVIL DIVISION NO.
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PETITION FOR APPROVAL OF SETTLEMENT OF WRONGFUL DEATH CLAIM

And now comes the Plaintiff, John R. Dick, Administrator of the Estate of Joyce A. Dick, Deceased, and files the following Petition to approve settlement, and in support thereof, avers as follows:

1. On September 27, 2002, John Dick and Joyce A. Dick were crossing State Route 255 in Huston Township, Clearfield County, Pennsylvania.
2. As Mr. and Mrs. Dick were traversing the roadway, a motor vehicle driven by Frederick Porco was proceeding in a southerly direction on State Route 255.
3. The vehicle driven by Mr. Porco struck Joyce Dick, resulting in her death.
4. John R. Dick, in his capacity as Administrator of the Estate of Joyce A. Dick, has retained the law firms of Daghir and Daghir and Zimmer Kunz, PLLC to investigate any and all potential causes of action which arise out of this fatal motor vehicle accident.
5. Counsel has learned that Frederick Porco was insured with State Farm Automobile Insurance Company with a policy limit of \$25,000.00 per person/\$50,000.00

per accident. A true and correct copy of the Certificate of Coverage from State Farm Insurance Company setting forth Mr. Porco's policy limits is attached hereto as Exhibit A.

6. State Farm has tendered its \$25,000.00 policy limit to settle the claims of the Estate of Joyce Dick.

7. The Petitioner, John R. Dick, Administrator of the Estate of Joyce A. Dick, respectfully requests that the Court approve of this payment and permit the funds to be distributed as wrongful death proceeds.

8. In addition, the Petitioner respectfully requests that this Court authorize him to sign a release on behalf of the Estate of Joyce A. Dick only, releasing Frederick W. Porco from any claims that the Estate may have as a result of the fatal accident of September 27, 2002.

9. In addition, the Estate of Joyce Dick is entitled to make a claim for wrongful death benefits against Erie Insurance Group.

10. Mr. Dick had elected \$15,000.00 per person/\$30,000.00 per accident in underinsured motorist benefits with Erie Insurance Group.

11. Erie Insurance Group has tendered the \$15,000.00 policy limit to the Estate of Joyce Dick. A copy of the December 2, 2003 letter from Erie Insurance Group extending the offer is attached hereto as Exhibit B.

12. It is the Petitioner's desire to accept the tender of the \$15,000.00 from Erie Insurance Group.

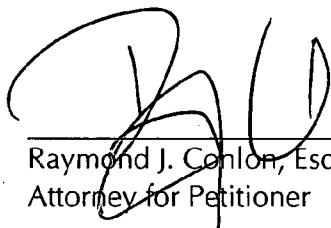
13. The Petitioner, John Dick, is specifically reserving his right to pursue a claim for negligent infliction of emotional distress against State Farm Insurance Company, and Erie

Insurance Group, and he is not releasing any claims for negligent infliction of emotional distress by requesting approval of this settlement.

WHEREFORE, the Petitioner, John Dick, respectfully requests that this Court enter an order approving the settlement in the amount of \$25,000.00 with State Farm Insurance Company, the liability insurance carrier for Frederick Porco, and \$15,000.00 with Erie Insurance Group, the underinsured motorist carrier.

Respectfully submitted,

Zimmer Kunz, PLLC



Raymond J. Conlon, Esquire
Attorney for Petitioner

State Farm Insurance Companies



142 Clearview Circle
Butler, PA 16001

CERTIFICATE OF COVERAGE

Claim Number: 38-K027-223

The undersigned is a Claim Team Manager for:

- State Farm County Mutual Insurance Company of Texas
- State Farm Lloyds, Inc.
- State Farm Indemnity Company
- State Farm Mutual Automobile Insurance Company
- State Farm Fire and Casualty Company

This certifies that policy number 7287-259-38L, covering a 2000 Pontiac Grand Am, was issued to Frederick Porco and was in effect on the accident date of September 27, 2002. The coverages and limits of liability for this policy on that date were:

A 25/50/25, C2 10,000, D500, G500, U3 25/50, Y 5000, W3 25/50

This policy provides limited tort.


Dennis R. Jack
Claim Team Manager

State of Pennsylvania

) ss.

County of Butler

Subscribed and sworn to before me this 27th day of August,
(Year) 2003


Linda K. Rupert
Notary Public

My Commission Expires:

January 7, 2006

State Farm Mutual Automobile Insurance Company





ERIE INSURANCE GROUP

Branch Office • 3410 West 12th Street • Erie, Pennsylvania 16505 • (814) 451-5000
Toll Free 1-877-771-3743 • Fax (814) 451-5060 • www.erieinsurance.com

JAMES J. WITKOWSKY, CPCU, AIC, AIM
Claims Manager

December 2, 2003

Attorney Raymond Conlon
Morgan Center, Suite 218
101 East Diamond Street
Butler, PA 16001

Re: ERIE Claim #010110450378
ERIE Insured: John Dick
Date of Loss: 9/27/02
Your Clients: John Dick
& Joyce Dick (deceased)

Dear Mr. Conlon:

This letter is to follow-up the conversation we had on November 26, 2003. We extend the Underinsured Motorists coverage limit of \$15,000.00 to the estate of Joyce Dick. We also extend Underinsured Motorists coverage of \$15,000.00 to John Dick for emotional distress suffered.

Please forward all approved releases and documentation to my office. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Louis G. Russell, Jr., AIC, AIM, AIS
Claims Adjuster
Erie Branch Claims

LGR:klb

cc: File



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VERIFICATION

I, JOHN R. DICK, Administrator of the Estate of Joyce R. Dick, the Plaintiff herein, have read the foregoing Petition to Approve Settlement of Wrongful Death Claim. The statements contained therein are true and correct to the best of my personal knowledge, information and belief.

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

1/5/04
DATE

John R. Dick
JOHN R. DICK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN R. DICK, Individually and as Administrator of the Estate of JOYCE A. DICK, Deceased, Plaintiff, vs. FREDERICK PORCO, Defendant.	CIVIL DIVISION NO. 04-126-CO
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ORDER OF COURT

And now, this 29 day of January, 2004, it is hereby ordered, adjudged and decreed that the settlement of the Petitioner's wrongful death claims against Frederick Porco and Erie Insurance Group is approved in the amount of \$40,000.00 with the settlement proceeds to be allocated as follows:

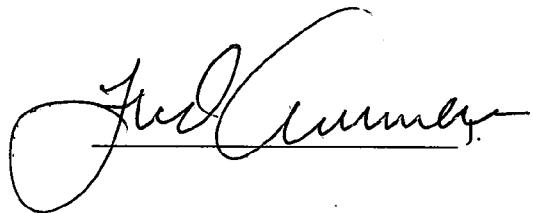
- a. Attorneys' fees in the amount of \$13,333.33 to be split equally between Daghir and Daghir and Zimmer Kunz, PLLC;
- b. Reimbursement for costs to Zimmer Kunz, PLLC in the amount of \$1,685.58; and
- b. \$24,981.09 to John R. Dick pursuant to the wrongful death action advanced on behalf of the Estate of Joyce A. Dick.

FILED

JAN 29 2004

It is further ORDERED, ADJUDGED and DECREED that the Plaintiff is authorized to execute a full and final release with State Farm Insurance Company, releasing Frederick Porco and State Farm Insurance Company from any and all liability to the Plaintiff as a result of the motor vehicle accident of September 27, 2002. Further, the Erie Insurance Group is directed to tender its \$15,000.00 payment made payable to John R. Dick and Zimmer Kunz, PLLC.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Fred Kunz". The signature is fluid and cursive, with a prominent "F" at the beginning and a "K" at the end.

FILED

03:39 64

JAN 29 2004

William A. Shaw
Prothonotary