

04-1150-CD  
SANDRA WILLIAMS VS STATE FARM INSURANCE

Sandra Williams et al vs Grace Wisor et al  
2004-1150-CD

CA

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

SANDRA WILLIAMS, Executrix \*  
of the ESTATE OF HAROLD BRUCE \*  
WISOR a/k/a HAROLD B. WISOR, \*  
Plaintiff \*

-vs-

STATE FARM INSURANCE, \*  
Defendant \*

No. 04-1150-CD

ORDER

AND NOW, this 30<sup>th</sup> day of July, 2004,  
upon consideration of the Plaintiff's Petition for Approval of  
Settlement of Wrongful Death and Survival Actions and Order of  
Distribution on behalf of Plaintiff, it is hereby ORDERED and  
DECREED that hearing on said matter be scheduled for the 1 day  
of September, 2004 at 9:30 A.m. in Courtroom 1  
of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

*Judith J. Cunningham*

Judge

FILED

JUL 30 2004

013:50/4  
William A. Shaw  
Prothonotary

1 cent to HTR

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

109 NORTH BRADY STREET  
DUBOIS, PA 15801

A

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

SANDRA WILLIAMS, Executrix \*  
of the ESTATE OF HAROLD BRUCE \*  
WISOR a/k/a HAROLD B. WISOR, \*  
Plaintiff \*

-vs-

STATE FARM INSURANCE, \*  
Defendant \*

No. 04-1150-02

Type of Pleading:  
Petition for Approval of  
Wrongful Death and Survival  
Actions and Order of  
Distribution 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  
CUBOIS, PA 15801

FILED <sup>1cc</sup>  
m/2:4001  
JUL 29 2004

*Eng*  
*Atty Milgrub*

William A. Shaw  
Prothonotary/Clerk of Courts

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

SANDRA WILLIAMS, Executrix \*  
of the ESTATE OF HAROLD BRUCE \*  
WISOR a/k/a HAROLD B. WISOR, \*  
Plaintiff \*  
\*  
-vs- \* No.  
\*  
STATE FARM INSURANCE, \*  
Defendant \*

PETITION FOR APPROVAL OF  
WRONGFUL DEATH AND SURVIVAL ACTIONS AND  
FOR ORDER OF DISTRIBUTION ON BEHALF OF PLAINTIFF

AND NOW, comes the Plaintiff, by and through her attorney, Richard H. Milgrub, Esquire, and petitions the Court for an Order approving settlement of wrongful death and survival actions against the Defendant and for an Order of Distribution, and in support thereof avers:

1. On December 4, 2003, Your Petitioner, Sandra Williams, was granted Letters Testamentary on the Estate of Harold Bruce Wisor a/k/a Harold B. Wisor. Mr. Wisor was a resident of Clearfield County, Pennsylvania, at the time of his death, and is survived by a wife, Grace Wisor.

2. A cause of action arose on November 20, 2003 when a vehicle being operated by William Clark struck and killed Harold Bruce Wisor as he was retrieving his mail at his mailbox outside of his home.

3. Sandra Williams, Executrix of the Estate of Harold Bruce Wisor a/k/a Harold B. Wisor, filed wrongful death

and survival actions against William Clark in this Court. By prior Order of Court entered April 1, 2004, this Honorable Court approved a settlement in the total amount of One hundred thousand dollars (\$100,000.00), William Clark's policy limits.

4. At the time of Harold B. Wisor's death, decedent was the holder of an insurance policy with the Defendant, policy number 695 3340-A11-38F, which provided underinsurance benefits.

5. Following informal discovery and negotiations, the Defendant has offered an additional One hundred seven thousand dollars (\$107,000.00). The Petitioner believes the amount being offered by Defendant is fair and reasonable under the circumstances of this case.

6. Counsel has incurred various expenses which are set forth below:

(a) Clearfield County Prothonotary	\$ 85.00
(b) Dr. Donald E. Conrad (report)	100.00

TOTAL EXPENSES: \$ 185.00

7. Counsel requests counsel fees in the amount of Twenty-six thousand seven hundred fifty dollars (\$26,750.00) which is twenty-five percent (25%) of the proceeds of the settlement. Attached hereto and marked Exhibit "A" is a copy of said applicable contingent fee agreement.

8. Petitioner requests allocations of the proceeds of the settlement after deduction of costs and attorney fees as follows:

Survivorship Action	\$ 8,006.50
Wrongful Death Action	\$72,058.50

9. The reason for the requested allocation is as follows:

- a. the decedent died at the accident site;
- b. other than attending medical technicians at the accident site, there were no other related medical expenses;
- c. decedent was retired and collecting Social Security at the time of his death; and
- d. the beneficiary, wife, suffered a pecuniary loss because of the possibility that the decedent could have contributed to her care and support in the coming years.

10. Pursuant to 42 Pa.Con.Stat.Ann. Section 8302, the beneficiary of the Survival Claim and the proportion of her interest is as follows:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security Number</u>	<u>Amount</u>
Grace Wisor	July 23, 1931	208-24-2477	\$8,006.50

11. The beneficiary is the wife.

12. Pursuant to the Wrongful Death Statute 42 Pa.Cons.Stat.Ann. Section 8301, the beneficiary of the wrongful death claim and the proportion of her interest is as follows:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security Number</u>	<u>Amount</u>
Grace Wisor	July 23, 1931	208-24-2477	\$72,058.50

13. The beneficiary is the wife.

14. The pecuniary loss suffered by the beneficiary is loss of earnings.

WHEREFORE, Your Petitioner requests that she be

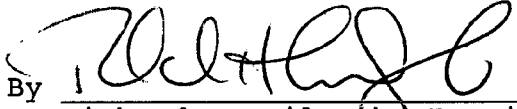
permitted to enter into settlement as stated above and that the Court enter an Order of Distribution as follows:

1. Richard H. Milgrub, Esq.  
(Counsel fees of 25%) \$ 26,750.00
2. Richard H. Milgrub, Esquire  
(Reimbursement for costs) 185.00
3. Balance of settlement apportioned as follows:  

Survivorship Action	8,006.50
Wrongful Death Action	72,058.50

TOTAL SETTLEMENT: \$107,000.00

WHEREFORE, Your Petitioner respectfully requests that the Petition be granted.

By   
Richard H. Milgrub, Esquire  
Attorney for Plaintiff

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

109 NORTH BRADY STREET  
DUBOIS, PA 15801

STATEMENT OF COUNSEL

As attorney on behalf of the above-named Plaintiff, I, Richard H. Milgrub, recommend that the Court approve the proposed settlement in the amount of \$100,000.00 as follows:1.

1. Richard H. Milgrub, Esquire:  
\$ 185.00 for reimbursement of costs  
\$ 26,750.00 for counsel fees

2. The remaining balance of \$80,165.00 is apportioned as follows:

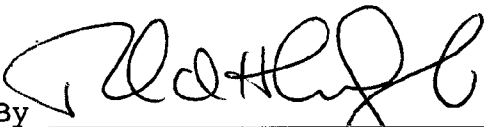
Wrongful Death Claim	\$ 8,006.50
Survival Claim	\$72,058.50

3. The Wrongful Death Claim of \$72,058.50 shall be paid as follows:

Grace Wisor	\$72,058.50
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4. The Survival Claim of \$8,006.50 shall be paid as follows:

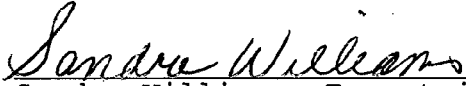
Grace Wisor	\$8,006.50
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By   
Richard H. Milgrub, Esquire  
Attorney for Plaintiff



CERTIFICATION

I, Sandra Williams, hereby certify that I am the Executrix of the Estate of Harold Bruce Wisor a/k/a Harold B. Wisor and I join in this Petition and pray that this Court approve the proposed settlement and apportionment.

  
Sandra Williams, Executrix

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

—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

Sandra Williams hereby states that she is the Plaintiff in this action and verifies that the statements made in the foregoing Petition are true and correct to the best of her knowledge, information and belief. She undersigned understands that the statement therein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: 7-29-04

Sandra Williams

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

—  
109 NORTH BRADY STREET  
DUBOIS, PA 15801

**FILED**

**JUL 29 2004**

**William A. Shaw  
Prothonotary/Clerk of Courts**

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

SANDRA WILLIAMS, Executrix \*  
of the ESTATE OF HAROLD BRUCE \*  
WISOR a/k/a HAROLD B. WISOR, \*  
Plaintiff \*

-vs- \*

STATE FARM INSURANCE, \*  
Defendant \*

No. 04-1150-CD

Type of Action:  
Civil

Type of Pleading:  
Praecept to Amend  
Caption

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  
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CLEARFIELD, PA 16830

109 NORTH BRADY STREET  
DUBOIS, PA 15801

FILED <sup>(5)</sup>

AUG 13 2004

0/12:30  
William A. Shaw

Prothonotary/Clerk of Courts

no. C-11

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

SANDRA WILLIAMS, Executrix \*  
of the ESTATE OF HAROLD BRUCE \*  
WISOR a/k/a HAROLD B. WISOR, \*  
Plaintiff \*

-vs-

No. 04-1150-CD

STATE FARM INSURANCE, \*  
Defendant \*

PRAECIPE TO AMEND CAPTION

TO THE PROTHONOTARY:

Please amend the above caption as follows:

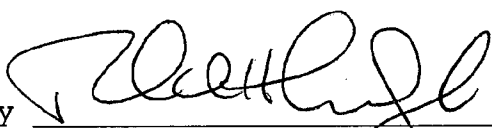
SANDRA WILLIAMS, Executrix  
of the Estate of Harold Bruce  
Wisor a/k/a Harold B. Wisor,  
and GRACE WISOR, an individual,  
Plaintiffs

-vs-

STATE FARM INSURANCE,  
Defendant

Date: 8/12/04

By

  
Richard H. Milgrub, Esquire  
Attorney for Plaintiff

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

109 NORTH BRADY STREET  
DUBOIS, PA 15801

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

SANDRA WILLIAMS, Executrix \*  
of the ESTATE OF HAROLD BRUCE \*  
WISOR a/k/a HAROLD B. WISOR, \*  
and GRACE WISOR, as an \*  
individual, \*  
Plaintiffs \*

-vs- \*

STATE FARM INSURANCE, \*  
Defendant \*

<sup>(2)</sup>  
**FILED**

SEP 01 2004

William A. Shaw  
Prothonotary/Clerk of Courts

No. 04-1150-CD

I came to  
Harry.

ORDER

AND NOW, this 1<sup>st</sup> day of September, 2004, upon  
consideration of the Petition to Settle Wrongful Death and  
Survival Action, it is hereby ORDERED and DECREED that Petitioner  
is authorized to enter into a settlement with Defendants in the  
gross amount of \$107,000.00.

IT IS FURTHER ORDERED and DECREED that the settlement  
proceeds be distributed as follows:

1. Richard H. Milgrub, Esquire:  
\$ 185.00 for reimbursement of costs  
\$ 26,750.00 for counsel fees
2. The remaining balance of \$74,815.00 is apportioned

as follows:

Wrongful Death Claim	\$72,058.50
Survival Claim	\$ 8,006.50

3. The Wrongful Death Claim of \$72,058.50 shall be  
paid as follows:

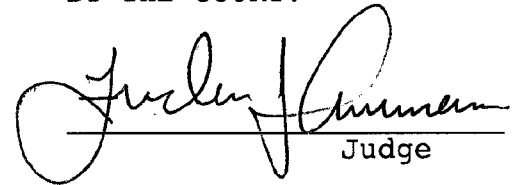
Grace Wisor	\$72,058.50
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4. The Survival Claim of \$8,006.50 shall be paid as follows:

Sandra Williams,  
Executrix of the Estate  
of Harold Bruce Wisor  
a/k/a Harold B. Wisor \$ 8,006.50

5. Settlement as described herein above shall serve as a full and final settlement relative to any claims for underinsurance benefits from Defendant arising from the decedent's (Harold Bruce Wisor a/k/a Harold B. Wisor) accident of November 20, 2003.

BY THE COURT:

  
Judge

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

109 NORTH BRADY STREET  
DUBOIS, PA 15801

**FILED**

**SEP 01 2004**

William A. Shaw  
Prothonotary/Clerk of Court