

04-1383-CD

ROBERT MAYNARD, VS. CAMPO'S EXPRESS, INC.

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

ROBERT MAYNARD, parent and
natural guardian of RILEY
MAYNARD,

Plaintiff

*
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*
*
*
*
*
*
*

-vs-

CAMPO'S EXPRESS, INC.,
Defendant

No. 04-1383-CD

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:

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
DUBOIS, PA 15801

FILED ^{E6K}
024968/2 85.00
ICE D/Att'y
SEP 07 2004

William A. Shaw
Prothonotary

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

ROBERT MAYNARD, parent and natural guardian of RILEY MAYNARD, Plaintiff * * *
-vs- * * *
CAMPO'S EXPRESS, INC., Defendant * * *

PETITION FOR LEAVE TO COMPROMISE MINOR'S ACTION

AND NOW, comes ROBERT MAYNARD, parent and natural
guardian of RILEY MAYNARD, by and through his attorney, Richard
H. Milgrub, Esquire, who files the following Petition:

1. That he is the father of Riley Maynard, a minor, who was injured on June 30, 2003, while a passenger in an automobile driven by Sherri Lamont.

2. That on said date, Defendant's vehicle, a tractor trailer, collided with the rear-end of the vehicle operated by Sherri Lamont in which Riley Maynard was a passenger.

3. That the injuries suffered by said minor consisted of left clavicular fracture, concussion, and broken nose. Attached hereto and marked Exhibits "A, B, and C" are copies of medical documentation.

4. That there is an outstanding medical bill to Altoona Hospital in the amount of two hundred thirty-nine dollars and eighty-three cents (\$239.83).

5. That Aetna has a subrogation lien in the amount of thirteen thousand thirty dollars (\$13,030.00).

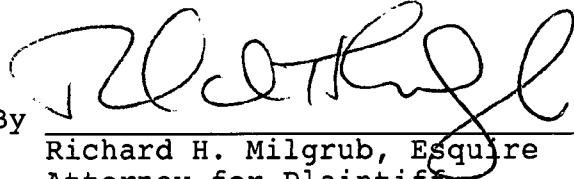
6. That counsel is retained on a one-third (1/3) contingency-fee basis by Your Petitioner and has incurred the following expenses:

a. William A. Shaw, Prothonotary	\$ 85.00
b. Clearfield EMS (records)	20.00
c. Altoona Hospital (records)	95.29
d. Med-Evac (records)	24.93
e. Central PA Neurological Assoc.	19.89
f. DRMC (records)	19.15
g. Henneger Dental & Assoc. (records)	25.00

7. That counsel and Your Petitioner recommends the approval of a settlement in the gross amount of Fifty-five thousand dollars (\$55,000.00) negotiated with the Defendant.

8. That Your Petitioner approves the proposed settlement because he considers it fair and reasonable and that it adequately compensates the injuries sustained and the expenses incurred and he does further and forever approve the proposed distribution contained in the form of an Order, a copy of which is attached hereto as Exhibit "D".

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

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

DUBOIS REGIONAL MEDICAL CENTER
100 Hospital Ave, DuBois, PA 15801

MAYNARD, RILEY OPW Unit # 000434350
188 TREASURE LAKE
DUBOIS PA 15801 Age 8Y Acct # D0319000777

Date:07/09/03 Time:1603

USAITIS, ROBERT
MEDICAL ARTS BLDG, ST 200
DUBOIS PA 15801

USAITIS, ROBERT
MEDICAL ARTS BLDG, ST 200
DUBOIS PA 15801

Chk-in # Order Exam
620755 0001 44001 XR-CLAVICLE*L
Ord Diaq: INJURY

LEFT CLAVICLE:

There is a fracture of the mid portion of the left clavicle. The remaining findings are unremarkable.

/READ BY/ GEORGE M KOSCO
/Released By/ GEORGE M KOSCO

07/10/03 1011
RAW

Dr Shanty 7-11-03

244

EXHIBIT "A"

Complete

TOONA HOSPITAL RADIOLOGY CONSULTATION
HOWARD AVENUE
TOONA, PA 16601

DISCHARGE DATE:

Patient Name: OMAYNARD, RILEY
B: 08/13/1994
Address: T-L BOX 188
DUBOIS, PA 15801
Phone: --
Ref Copy To: DR. LEONARD A ZIMMERMAN-TRA

Pt NS/Room: 5E1-507B
Pt. Class: I
Med/Rad. No: 363457
Admission No: 3013745
SS#: --
Ordering Dr: DR. LEONARD A ZIMMERMAN-TRA

Reason for Exam: S/P MVA, ? NASAL FX

Other Comments: STAT READ

DATE OF EXAM: 07/01/2003 ORDER NO: 90011

CTS 0005 - MAXILLOFACIAL AREA CT

11

70486

959.8

RESULT: CT SCAN OF FACIAL BONES:

CLINICAL HISTORY: trauma

CT scan was carried out in axial plane without intravenous contrast injection.

There is radiolucency in the base of right nasal bone, probably undisplaced fracture. The paranasal sinuses are clear. The nasal cavity is unremarkable.

The nasopharynx and parapharyngeal soft tissue spaces are normal. Globus and retrobulbar structures are unremarkable.

CONCLUSION: Possible undisplaced fracture in the base of the nasal bone on the right side.

Electronically signed by: JONG D KWON On: Jul 1 2003 7:13P

ERIE 21

JAN 20 2004

EXHIBIT "B"

CLAIMS

Final Result

OFFICE COPY



August 9, 2004

Dear Attorney Milgrub:

I have followed Riley A. Maynard over the past year since her motor vehicle accident. She has been seen on three separate occasions one shortly after her accident, and two visits this past spring.

On her two recent visits she complained of intermittent headaches. Physical exam did not reveal any acute pathology and subsequent MRI of the brain was negative.

It can not be specifically determined what the source of her headaches is, but in review of her previous record it would appear she had not been seen for headache related issues prior to her MVA.

One could infer that the musculoskeletal injury from her accident has contributed to her current headaches.

I can not determine at this point when her headaches may subside, but they are relieved by over the counter anti-inflammatories.

She continues to do well at this point in time.

Sincerely,

Robert J. Usaitis, D.O.

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

ROBERT MAYNARD, parent and *
natural guardian of RILEY *
MAYNARD, *
Plaintiff *
*
-vs- * No.
*
CAMPO'S EXPRESS, INC., *
Defendant *

ORDER

AND NOW, this _____ day of _____, 2004, upon
consideration of the Petition of Robert Maynard, parent and
natural guardian of Riley Maynard, it is agreed that the
settlement of this action for the sum of Fifty-five thousand
dollars (\$55,000.00) be and is hereby approved, counsel fees and
expenses are allowed, and distribution is directed as follows:
To be paid to Robert Maynard, father and natural guardian of
Riley Maynard, a minor, to be placed in an insured savings
account, to be marked "Not to be Withdrawn Until Said Minor
Reaches Her Majority or Without the Order of a Court of Competent
Jurisdiction" and/or to be placed in a savings account to be used
exclusively for the minor child's college education - \$23,107.58;
to Richard H. Milgrub, Esquire - \$18,622.59 for fees and
expenses; to Altoona Hospital - \$239.83 for medical bills; and to
Aetna Insurance - \$13,030.00 to satisfy their subrogation
interest.

BY THE COURT:

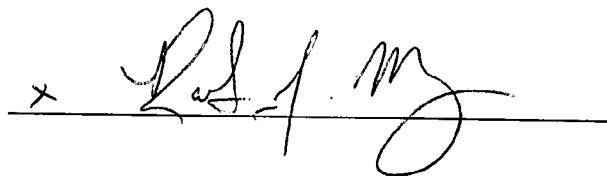
Judge

EXHIBIT "D"

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUCOIS, PA 15801

VERIFICATION

I, Robert Maynard, verify that the statements in the foregoing are true and correct. I understand that false statements that are made herein are made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Robert Maynard", is written over a horizontal line. A small 'x' is written to the left of the signature.

Dated: 9/7/04

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

ROBERT MAYNARD, parent and *
natural guardian of RILEY *
MAYNARD, *
Plaintiff *
*
-vs- * No. 04-1383-CD
*
CAMPO'S EXPRESS, INC., *
Defendant *

ORDER

AND NOW, this 14 day of September, 2004, upon
consideration of the Petition of Robert Maynard, parent and
natural guardian of Riley Maynard, it is hereby ORDERED and
DECREED that a hearing be set for the 11 day of October,
2004 at 9:00 A.m. in Courtroom 1 of the Clearfield
County Courthouse, Clearfield, Pennsylvania.

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
09:58 AM 10/15/2004
SEP 15 2004
cc:atty Melgrub

William A. Shaw
Prothonotary

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

ROBERT MAYNARD, parent and *
natural guardian of RILEY *
MAYNARD, *
Plaintiff *
*
-vs- * No. 04-1383-CV
*
CAMPO'S EXPRESS, INC., *
Defendant *

ORDER

AND NOW, this 11 day of October, 2004, upon
consideration of the Petition of Robert Maynard, parent and
natural guardian of Riley Maynard, it is agreed that the
settlement of this action for the sum of Fifty-five thousand
dollars (\$55,000.00) be and is hereby approved, counsel fees and
expenses are allowed, and distribution is directed as follows:
To be paid to Robert Maynard, farther and natural guardian of
Riley Maynard, a minor, to be placed in an insured savings
account, to be marked "Not to be Withdrawn Until Said Minor
Reaches Her Majority or Without the Order of a Court of Competent
Jurisdiction" and/or to be placed in a savings account to be used
exclusively for the minor child's college education - \$27,690.91;
to Richard H. Milgrub, Esquire - \$14,039.26 for fees and
expenses; to Altoona Hospital - \$239.83 for medical bills; and to
Aetna Insurance - \$13,030.00 to satisfy their subrogation
interest.

THE LAW OFFICES OF
RICHARD H. MILGRUB
211 NORTH SECOND STREET
CLEARFIELD, PA 16830
—
109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED
EJK
OCT 11 2004
12:05 PM
William A. Shaw
Prothonotary/Clerk of Courts

I CVER TO ATT

BY THE COURT:

Judge

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

ROBERT MAYNARD, parent and *
natural guardian of RILEY *
MAYNARD, *
Plaintiff *
*
-vs- * No. 04-1383-CD
*
CAMPO'S EXPRESS, INC., *
Defendant *

Type of Action:
Civil

Type of Pleading:
Praeclipe to Settle
and Discontinue

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

02-36-00 Court City
copy to CA
OCT 12 2004

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

ROBERT MAYNARD, parent and *
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MAYNARD, *
Plaintiff *
*
-vs- * No. 04-1383-CD
*
CAMPO'S EXPRESS, INC., *
Defendant *

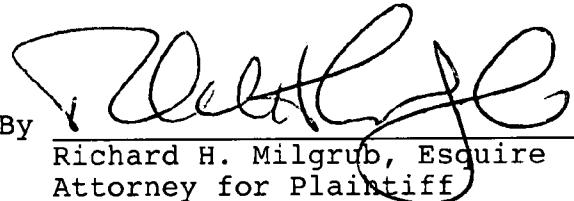
PRAECIPE TO SETTLE AND DISCONTINUE

TO THE PROTHONOTARY:

Please mark the above-captioned case settled and discontinued.

Date: 10/11/04

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

Robert Maynard
Riley Maynard

Vs.
Campo's Express Inc.

No. 2004-01383-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 October 12, 2004, marked:

Discontinued, Settled and Ended.

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

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 12th day of October A.D. 2004.

William A. Shaw, Prothonotary