

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

DANIELLE BOBBY,
ADMINISTRATRIX OF THE
ESTATE OF TINA M. BOBBY,
LATE OF ROCKTON,
CLEARFIELD COUNTY,
PENNSYLVANIA,

Plaintiff

-vs-

ESTATE OF DANIEL F. BOBBY,
A/K/A DAN BOBBY,
Defendant

FILED ^{ICC}
OCT 27 2005
William A. Shaw
Prothonotary/Clerk of Courts

No. 05-1672-CD
JURY TRIAL DEMANDED

ORDER

AND NOW, this 27th day of October, 2005, upon
consideration of the Petition to Settle Wrongful Death and
Survival Action, and any response thereto, it is hereby ORDERED
and DECREED that Petitioner is authorized to enter into a
settlement with Defendant in the gross amount of Twenty five
thousand dollars (\$25,000.00).

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

1. Richard H. Milgrub, Esquire:
 - a. Attorney Fees \$6,250.00
 - b. Reimbursement of Costs 298.92
2. The remaining balance of \$18,451.08 is apportioned
as follows:

Survival Claim	\$ 1,845.00
Wrongful Death Claim	\$ 16,606.18

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

109 NORTH BRADY STREET
DUBOIS, PA 15801

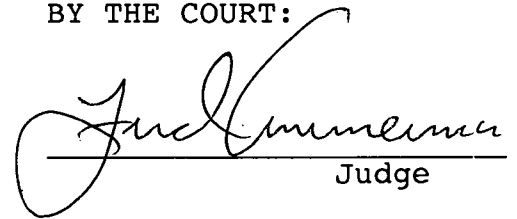
3. The Wrongful Death Claim of \$16,606.18 shall be paid as follows:

Danielle Bobby \$ 16,606.18

4. The Survival Claim of \$1,845.00 shall be paid as follows:

Danielle Bobby \$ 1,845.00

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

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

DANIELLE BOBBY,
ADMINISTRATRIX OF THE
ESTATE OF TINA M. BOBBY,
LATE OF ROCKTON,
CLEARFIELD COUNTY,
PENNSYLVANIA,

Plaintiff

-vs-

ESTATE OF DANIEL F. BOBBY,
A/K/A DAN BOBBY,
Defendant

*
*
*
*
*
*
*
*
*
*
*

No. 05-1672-CD

Type of Action:

Civil

Type of Pleading:

Petition to Settle Wrongful
Death and Survival 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 ^{icc}
012:08201 ^{Atty}
OCT 27 2005 ^{Milgrub}
William A. ^{Atty} ^{pd.}
Prothonotary/Clerk of Court 85.00

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

DANIELLE BOBBY,
ADMINISTRATRIX OF THE
ESTATE OF TINA M. BOBBY,
LATE OF ROCKTON,
CLEARFIELD COUNTY,
PENNSYLVANIA,

Plaintiff

-vs-

ESTATE OF DANIEL F. BOBBY,
A/K/A DAN BOBBY,
Defendant

*
*
*
*
*
*
*
*
*
*
*
*
*

No.

JURY TRIAL DEMANDED

PETITION TO SETTLE WRONGFUL DEATH
AND SURVIVAL ACTION

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Danielle Bobby, Administratrix of the Estate of Tina M. Bobby, sets forth the following Petition:

1. Petitioner is Danielle Bobby, Administratrix of the Estate of Tina M. Bobby, who was appointed Administratrix on August 11, 2005 by the Register of Wills of Clearfield County. A copy of said Short Certificate is attached hereto as Exhibit "A".

2. The decedent died on July 27, 2005, as a result of multiple injuries sustained in a motor vehicle accident on said date.

3. Notice of the institution of this action as required by Pa.R.C.P. 2205 was given on August 11, 2005 to Danielle Bobby, daughter of decedent and only heir.

4. Pursuant to Pa.C.S. Section 2205, et. seq., Petitioner has served a copy of this Petition on the potential

intestate heirs of the decedent who are as follows: Danielle Bobby.

5. Decedent did not have a Will.

6. The following unpaid claims have been raised and/or are outstanding in the decedent's estate: None.

7. The following settlement has been proposed: Twenty five thousand dollars (\$25,000.00), the automobile policy limits.

8. Counsel is of the professional opinion that the proposed settlement is reasonable since the full automobile policy limits have been offered.

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

a. Clearfield County Register of Wills	\$ 115.00
b. Clearfield County Legal Journal	32.00
c. The Progress	51.82
d. Miscellaneous: Copies, postage, fax transmissions, long distance telephone calls	100.00

10. Counsel requests counsel fees in the amount of Six thousand two hundred fifty dollars (\$6,250.00) which is twenty-five (25%) of the proceeds of the settlement. Attached here and marked Exhibit "B" is a copy of said the applicable Contingent Fee Agreement.

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

Survivorship Action	\$ 1,845.00
Wrongful Death Action	\$ 16,606.18

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

- a. the decedent died at the accident site and there no minimal evidence showing that she had suffered any conscious pain and suffering prior to her death;
- b. other than attending medical technicians at the accident site, there were no other related medical expenses;
- c. since death was almost instantaneous, there were no earnings between injury and death;
- d. future earnings are speculative;
- e. there were funeral expenses in the amount of Eight thousand dollar (\$8,000.00);
- f. there were expenses incurred by the Estate in the amount of \$298.82.
- g. the beneficiary, Danielly Bobby, suffered a pecuniary loss because of the fact that the decedent, as a grandparent, was instrumental in raising Danielle Bobby's child and offered caretaker duties on a regular basis.

13. Pursuant to the Wrongful Death Statute 42 Pa.Cons.Stat.Ann. Section 8301, the beneficiaries of the wrongful death claim, and the proportion of their interests are as follows:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security Number</u>	<u>Amount</u>
Danielle Bobby	August 29, 1979	192-68-3000	\$16,606.18

14. The beneficiary is the daughter of the decedent.

15. Pursuant to 42 Pa.Con.Stat.Ann. Section 8302, the beneficiaries 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>
Danielle Bobby	August 29, 1979	192-68-3000	\$ 1,845.00

16. The beneficiary is the daughter of the decedent.

17. The pecuniary loss suffered by the beneficiary is as follows: Loss of caretaker services.

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%) \$ 6,250.00

2. Richard H. Milgrub, Esquire
(Reimbursement for costs) 298.82

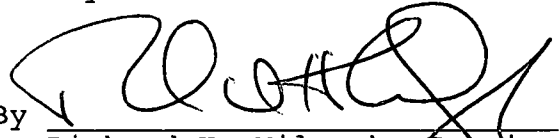
3. Balance of settlement apportioned as follows:

Survivorship Action	1,845.00
Wrongful Death Action	16,606.18

TOTAL SETTLEMENT: \$ 25,000.00

The wrongful death action shall be paid as follows:
After payment of all outstanding Estate debts and costs, the balance shall be paid to Danielle Bobby.

By


Richard H. Milgrub, Esquire
Attorney for Plaintiff

SHORT CERTIFICATE – LETTERS OF ADMINISTRATION

Certificate of Appointment of Administratrix

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CLEARFIELD

} ss:

The undersigned, Register for the Probate of Wills and granting Letters of Administration in and for the County of Clearfield, in the Commonwealth of Pennsylvania.

DO HEREBY CERTIFY and made known, that on the 11th day of August, in the year of our Lord, 2005, LETTERS OF ADMINISTRATION on the Estate of TINA M. BOBBY, deceased, were granted unto DANIELLE BOBBY, Administratrix, having first given security well and truly to administer the same. I further certify that said letters are in full force and effect at the present time, and entitled to full faith and credit.

Date of Death: July 27, 2005
File #: 1705-0445
Social Security No.: 190-48-9688

Given under my hand and seal of office this 27th
day of October in the year of our Lord, 2005

Karen L. Starck

Register of Wills

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 2008

1

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

109 NORTH BRADY STREET
DUBOIS, PA 15801

EXHIBIT "A"

POWER OF ATTORNEY
AND
CONTINGENT FEE AGREEMENT

I, Danielle Bobby Milgrub, do hereby retain Richard H. Milgrub of Clearfield, Pennsylvania, as my attorneys to negotiate for me a settlement or to institute for me in my name any legal proceedings or actions that in their judgment are necessary in connection with my claim for damages sustained on the 27th day of July 2005 against Daniel Bobby Estate and any other person, firm, corporation or entity who may be responsible for my claim, and/or to obtain an amicable settlement.

I hereby give to my attorneys a Power of Attorney to execute all documents connected with the claim for the prosecution of which the attorney is retained, including pleadings, contracts, commercial papers, settlement agreements, compromises and releases, verifications, dismissals, orders, settlement checks and all other documents that I could properly execute in connection with this lawsuit.

I agree not to settle or adjust the above claim or any proceedings arising from said claim nor to discuss said claim with any other persons.

I agree to fully cooperate with my said attorneys in the prosecution of the claim that compromises the subject matter of this Agreement. This includes, but is not limited to, making myself available for legal proceedings and consultations with my said attorneys; keeping my said attorneys informed as to my current mailing address, phone number and the current status of my medical condition.

I warrant that the information which I have supplied and will supply during the course of these legal proceedings is true and accurate, and has not been and will not be obtained through fraud or illegal activities.

I agree to pay attorneys' fees from the total amount recovered from any source, except first-party benefits (i.e., work loss and medical benefits), on account of my bodily injury claim, including my claim for uninsured or underinsured motorist benefits, on the following basis:

Settlement of third-party tort total claim prior to filing of legal action.	<u>25%</u> of total sum recovered.
Settlement of third-party tort claim on or after filing of legal action.	_____ of total sum recovered.
Settlement of uninsured or underinsured motorist claims prior to selection of my arbitrator.	_____ of total sum recovered.
Settlement of uninsured or underinsured motorist claims after selection of my arbitrator.	_____ of total sum recovered.

Costs: Costs are to be paid from my (the client's) share of the total amount recovered and include, but are not limited to: photocopies, fax charges, postage, notaries, long-distance telephone charges, mileage for attorneys and staff, investigation charges, photographs, court costs, computer-based research charges, medical records costs, fee for police report, deposition costs, expert witness fees, stenographer costs, and video deposition fees.

In the event that no recovery is obtained on this claim, the attorneys will make no charges for their time or services. However, any costs or expenses that the attorneys may have advanced on behalf of the claim must be paid by me upon request by said attorneys.

EXHIBIT "B"

As one possible settlement option, I authorize the said attorneys to explore the possibility of a structured settlement through the use of deferred periodic payments. I agree that if my claim is settled through such structure, the attorneys' fees may be paid directly to said attorney from the insurance company, either in one lump-sum payment at settlement, or at the sole option of said attorneys and/or insurance company, deferred into future payments. However, in any event, said attorneys' fees shall be calculated in the percentage as set forth above based upon the cost of the structured settlement or present value thereof in accordance with applicable law.

All medical bills for which I am legally responsible and incurred as a result of my injuries shall be chargeable to my share exclusively, unless otherwise paid by insurance.

This Contingent Fee Agreement applied to all proceedings up to and including verdict or decision at trial or arbitration, except proceedings which are or may be required to collect first-party benefits. If, in the discretion of the attorneys, post-trial proceedings, including appeals, are warranted, they will not be covered by this Contingent Fee Agreement and a new fee agreement will be required by said attorneys.

This Contingent Fee Agreement and Power of Attorney shall not apply to any right, claim or cause of action that we may have for collection of first-party benefits, (i.e., work loss benefits and medical bills).

In Witness Whereof, I have hereunto set my hand(s) and seal(s) this 11th day of August, 2005.

Camille Baby (SEAL)

(SEAL)

(SEAL)

(SEAL)

And Now, this ____ day of _____, 200__, the above Contingent Fee Agreement and Power of Attorney has been read, approved, and understood by me and the receipt of a copy thereof acknowledged. The terms set forth are agreeable.

(SEAL)

(SEAL)

(SEAL)

(SEAL)

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 \$25,000.00, to be apportioned as follows:

1. Richard H. Milgrub, Esquire:
 - a. Attorney Fees \$6,250.00
 - b. Reimbursement of Costs 298.92
2. The remaining balance of \$18,451.08 is apportioned

as follows:

Survival Claim	\$ 1,845.00
Wrongful Death Claim	\$ 16,606.18

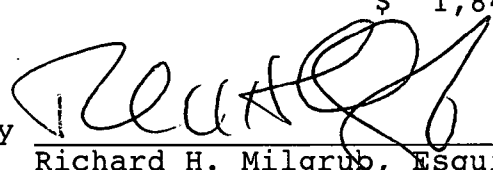
3. The Wrongful Death Claim of \$16,606.18 shall be paid as follows:

Danielle Bobby	\$ 16,606.18
----------------	--------------

4. The Survival Claim of \$1,845.00 shall be paid as follows:

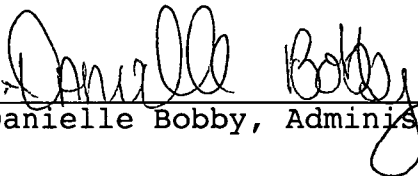
Danielle Bobby	\$ 1,845.00
----------------	-------------

By


Richard H. Milgrub, Esquire
Attorney for Plaintiff

CERTIFICATION

I, Danielle Bobby, hereby certify that I am the Administratrix of the Estate of Tina M. Bobby and I join in this Petition and pray that this Court approve the proposed settlement and apportionment.



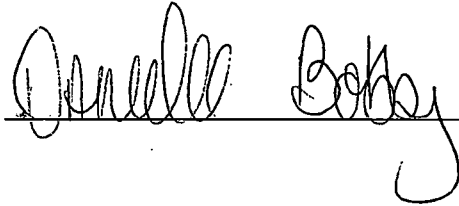
Danielle Bobby, Administratrix

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

—
109 NORTH BRADY STREET
DUBOIS, PA 15801

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

Date: 10-27-05

_____