

06-0234-CD

Kathleen Young et al vs Jennifer

Kathleen Young et al vs Jennifer Young
2006-234-CD

KATHLEEN K. YOUNG and
DENNIS YOUNG,
Individually and as parents
And natural guardians of
CHRISTOPHER YOUNG,
A minor

v.

JENNIFER YOUNG

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION 06-234-CD

PRAECIPE FOR WRIT OF SUMMONS

TO: PROTHONOTARY OF CLEARFIELD COUNTY:

Please issue a Writ of Summons in the above-captioned matter against
the Defendant Jennifer Young.


Kathleen K. Young
Individually and as parent and natural
Guardian of Christopher Young


Dennis Young
Individually and as parent and natural
Guardian of Christopher Young

FILED *cc & l w/it*
2/15/06 to Atty Magee
FEB 14 2006
ln Atty pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts



401-03 ALLEGHENY STREET
P.O. BOX 415
HOLLIDAYSBURG, PENNSYLVANIA 16648-0415
814.695.7581
FAX: 814.695.1750

99 NASON DRIVE
P.O. BOX 5
ROARING SPRING, PA 16673
814.224.5162

Reply to Hollidaysburg Office

www.eveyrouthblack.com

CLYDE O. BLACK, II BENJAMIN I. LEVINE, JR. J. MICHAEL DOREZAS
MICHAEL B. MAGEE AMY ORR ROSENSTEEL MICHAEL P. ROUTH KATHY J. MAUK
WILLIAM R. BRENNER NATHAN W. KARN SUZANNE H. RHODES

MERLE K. EVEY
JAMES S. ROUTH
OF COUNSEL

WRITER'S DIRECT DIAL:

February 10, 2006

Prothonotary
Clearfield County Courthouse
2nd & Market Streets
Clearfield, PA 16830

In re: Kathleen K. Young and Dennis Young, individually
And as parents and natural guardian of Christopher Young, a minor v.
Jennifer Young

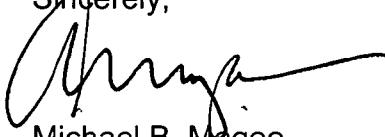
Dear Prothonotary:

Please find enclosed an original and one copy of a Writ of Summons relative to the above matter, together with a check representing your filing fee. This is a case involving a settlement of a minor and there is no need to forward the Writ to the Sheriff for service.

Please stamp and return the copy as my receipt. I have enclosed a stamped envelope for your convenience.

Thank you for your courtesy in this matter.

Sincerely,



Michael B. Magee

MBM:cl

Enc.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION



COPY

SUMMONS

**Kathleen K. Young and Dennis Young,
Individually and as parents and natural
guardians of Christopher Young, a minor**

Vs.

NO.: 2006-00234-CD

Jennifer Young

TO: JENNIFER YOUNG

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 02/14/2006



William A. Shaw
Prothonotary

Issuing Attorney:

Michael B. Magee
401 Allegheny Street
Hollidaysburg, PA 16643
(814) 695-7581

KATHLEEN YOUNG and
DENNIS YOUNG,
Individually and as parents
And natural guardians of
CHRISTOPHER YOUNG,
A minor

v.

JENNIFER YOUNG

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

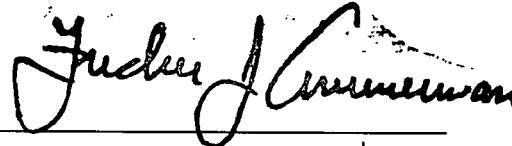
CIVIL ACTION

06-234-CD

COURT ORDER

NOW, this 24th day of February, 2006, a hearing is
scheduled on the Petition for Court Approval of Settlement of a minor's case for
the 20th day of March, 2006, at 9:00 o'clock in Courtroom
1, Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



J.

FILED ^{ICC}
010:55 PM
FEB 27 2006
(Submitted by Atty)
L.M.
William A. Shaw
Prothonotary/Clerk of Courts

KATHLEEN K. YOUNG and
DENNIS YOUNG,
Individually and as parents
And natural guardians of
CHRISTOPHER YOUNG,
A minor

v.

JENNIFER YOUNG

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL ACTION 06 234 CD

COURT ORDER

NOW, this ____ day of _____, 2006, upon consideration of the Petition to Settle, in this case, the proposed structured settlement is hereby approved and that structured settlement shall be established within thirty days of the date of this Order. Plaintiffs are authorized to discontinue this suit. Defendant shall pay all costs of this proceeding.

BY THE COURT,

J.

FILED ^{ICC}
M 13 3 3 PM Atty
FEB 21 2006 Magee
68

William A. Shaw
Prothonotary/Clerk of Courts

KATHLEEN K. YOUNG and : IN THE COURT OF COMMON PLEAS
DENNIS YOUNG, : CLEARFIELD COUNTY,
Individually and as parents : PENNSYLVANIA
And natural guardians of :
CHRISTOPHER YOUNG, : CIVIL ACTION 06 234 CD
A minor :
:
v. :
:
JENNIFER YOUNG :
:

PETITION FOR COURT APPROVAL
OF SETTLEMENT

NOW COME the Petitioners, Dennis Young and Kathleen Young, individually and as parents and natural guardians of Christopher Young, a minor, and aver:

1. Your Petitioners are the parents and guardians of Christopher Young, a minor, born January 5, 1990. Your Petitioners reside with their minor child at 883 Five Points Road, La Jose, Clearfield County, Pennsylvania 15753.
2. Defendant in this action is Jennifer Young, also the child of Petitioners, who is now nineteen years of age and residing with Petitioners. Defendant is the sister of Christopher Young.
3. On June 30, 2005, Defendant was operating a motor vehicle, owned by your Petitioners and in which Christopher was a passenger, when a motor vehicle accident occurred and Christopher Young suffered personal injury.

The Pennsylvania State Police conducted an accident investigation and concluded the accident occurred when Defendant left her lane of travel, crossed the highway and struck a vehicle being operated by Michael Oswalt of Johnstown, Cambria County, Pennsylvania.

4. As a result of the injuries suffered by Christopher, he was treated at Miners Hospital, Conemaugh Memorial Hospital, Altoona Hospital and by various orthopedic specialists. Christopher suffered fractures of the acetabulum, femur, radius and tibia. Christopher underwent surgery and completed a course of physical therapy.

5. At the time of the accident, Christopher was an insured of State Farm Automobile Insurance Company and also an insured of Insurance Company. All of Christopher's medical expense has been paid by that insurance coverage.

6. The vehicle being operated by Jennifer Young carried automobile liability insurance issued by State Farm Automobile Insurance Company. Petitioners have negotiated a tentative settlement with State Farm, providing that State Farm offer a structured settlement as provided in Exhibit A which is attached hereto, to Christopher Young in return for the release of all further claims Christopher Young or Petitioners have against Jennifer Young and State Farm Automobile Insurance Company. Petitioners believe this is a fair settlement in that it fairly compensates Christopher for his past, present and future losses and avoids an adverse proceeding which might result in a verdict of less than this settlement amount.

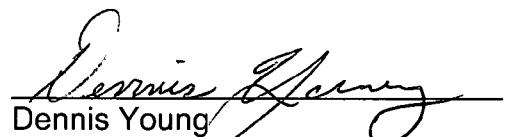
7. Petitioners acknowledge that Michael B. Magee, Esquire has been retained by State Farm Insurance Company to assist in the preparation for presenting this proposed settlement to the Court for consideration and they are not relying upon his advice in entering into this settlement.

8. Your Petitioners request this Court approve this settlement, direct that the structured settlement be established and that Petitioners be authorized to discontinue this suit.

WHEREFORE, Petitioners request this Court's consideration.



Kathleen K. Young
Individually and as parent and natural
Guardian of Christopher Young



Dennis Young
Individually and as parent and natural
Guardian of Christopher Young

Periodic Payments - View Proposal

IC0078A2

Prepared for: CHRISTOPHER YOUNG
Claim number: 38-K702-112 Office name: CONCORDV Sex:
Proposal number: 15 Requested by: Birth date: - - -
Date prepared: 01-23-2006
Not valid after: 02-28-2006 Segment 1 to 2 of 2

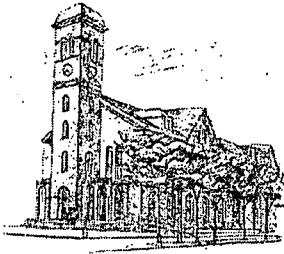
Schedule of Annuity Payments

	Total Payments	Cost
Segment 1: A SINGLE PAYMENT OF \$48,543.33 ON JANUARY 5, 2008.	48,543.33	45,000.00

Segment 2: A SINGLE PAYMENT OF \$65,312.16 ON JANUARY 5, 2015.	65,312.16	45,000.00
--	-----------	-----------

Annuity total:	113,855.49	90,000.00
Previous amount paid:	0.00	0.00
Grand total:	113,855.49	90,000.00

EXHIBIT A



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 2/27/02

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

KATHLEEN YOUNG and
DENNIS YOUNG,
Individually and as parents
And natural guardians of
CHRISTOPHER YOUNG,
A minor

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION
2006 - 00234 CD

v.

JENNIFER YOUNG

COURT ORDER

NOW, this 23rd day of March, 2006, a hearing is
scheduled on the Petition for Court Approval of Settlement of a minor's case for
the 25th day of April, 2006, at 10:00 o'clock in Courtroom
1, Clearfield County Courthouse, Clearfield, Pennsylvania.

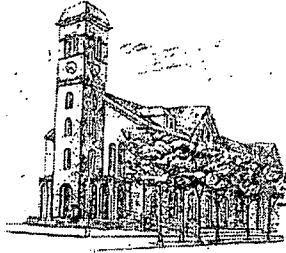
BY THE COURT,



J.

FILED ^{cc}
of 2:15 P.M.
MAR 23 2006
A. M. Magee
CR

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 3/23/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

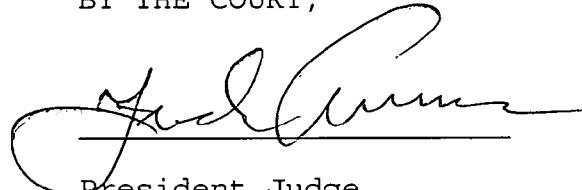
KATHLEEN YOUNG and DENNIS YOUNG, :
individually and as parents and :
natural guardians of :
CHRISTOPHER YOUNG, a minor :
:

VS. : NO. 06-234-CD
:
JENNIFER YOUNG :
:

O R D E R

AND NOW, this 25th day of April, 2006, this being the date set for hearing on the Petition for Court Approval of Settlement relative a minor; the minor and the minor's parents proceeding without counsel; the Court being satisfied that additional information is necessary relative any stacking of Plaintiffs' automobile insurance and availability of underinsurance coverage in order for the Court to appropriately review the matter, it is the ORDER of this Court and the request of the Petitioner that the matter be continued for approximately one (1) month. The Court Administrator shall cause the petition to be rescheduled consistent with the Court's availability.

BY THE COURT,



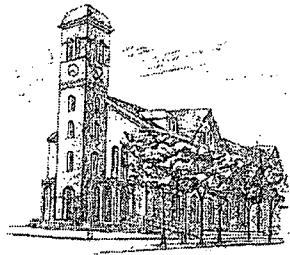
President Judge

FILED

09:59 AM
APR 27 2006cc
M. Magee

William A. Shaw
Prothonotary/Clerk of Courts
J. Young
883 Five Points Road
LaJoye, PA 15753

CR



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

DATE: 4/27/00

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

KATHLEEN YOUNG and DENNIS YOUNG, Individually and as parents
And natural guardians of CHRISTOPHER YOUNG, A minor
vs. No. 06-234-CD
JENNIFER YOUNG

ORDER

AND NOW, this 28TH day of April, 2006, it is the ORDER of the Court that hearing held April 25, 2006 on the Petition for Court Approval of Settlement relative a minor; in the above captioned matter has been continued and scheduled for the 22nd day of May, 2006 at 1:30 P.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania. One-half (1/2) hour has been allotted for this matter.

FILED

APR 28 2006

6/4/06/2
William A. Shaw

Prothonotary/Clerk of Courts

CERT TO *CD*

MICHAEL MAGEE

+

JENNIFER YOUNG
883 FIVE POINTS ROAD
LAJOSIE, PA 15753

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and
DENNIS YOUNG, individually and
as parents and natural guardians of
CHRISTOPHER YOUNG, a minor,
Plaintiffs

vs.

JENNIFER YOUNG,
Defendant

: No. 06-234-C.D.
: Type of Pleading: Praeclipe for
: Entry of Appearance
: Filed on Behalf of: Plaintiffs
: Attorney of Record for this Party:
: A. Ted Hudock, Esquire
: Supreme Court No. 17304
: Professional Building
: 200 S. Findley Street
: P.O. Box 536
: Punxsutawney, PA 15767-0536
: (814) 938-3041

FILED ^{NO cc}
MAY 10 2006
MAY 11 2006
copy to
William A. Shaw
Prothonotary/Clerk of Courts
CJA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
vs. : No. 06-234-C.D.
JENNIFER YOUNG, :
Defendant :
:

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE HONORABLE, THE PROTHONOTARY OF SAID COURT:

Kindly enter my appearance as the attorney of record on behalf of the Plaintiffs
in the above-captioned matter.


A. Ted Hudock, Esquire
Attorney for Plaintiffs

Dated: May 10, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
: No. 06-234-C.D.
vs. :
: :
JENNIFER YOUNG, :
Defendant :
:

CERTIFICATE OF SERVICE

I, the undersigned, A. Ted Hudock, Esquire, attorney for Plaintiffs Kathleen K. Young and Dennis Young, individually and as parents and natural guardians of Christopher Young, a minor, in the above-captioned matter, hereby certify that I have this 10th day of May 2006, caused a true copy of the Praeclipe for Entry of Appearance to be served upon the Defendant's attorney in the above-captioned matter, by mailing the same first class United States Mail, postage prepaid, addressed to Michael B. Magee, Esquire, Evey, Black, Dorezas, Magee, Levine, Rosensteel & Mauk, LLP, 401-03 Allegheny Street, P.O. Box 415, Hollidaysburg, PA 16648.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of May, 2006.


A. Ted Hudock, Esquire
Attorney for Plaintiffs

CA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and
DENNIS YOUNG, individually and
as parents and natural guardians of
CHRISTOPHER YOUNG, a minor,
Plaintiffs

vs.

JENNIFER YOUNG,
Defendant

: No. 06-234-C.D.
:
: Type of Pleading: Petition for
: Continuance
:
: Filed on Behalf of: Plaintiffs
:
: Attorney of Record for this Party:
: A. Ted Hudock, Esquire
:
: Supreme Court No. 17304
:
: Professional Building
: 200 S. Findley Street
: P.O. Box 536
: Punxsutawney, PA 15767-0536
:
: (814) 938-3041

FILED

MAY 18 2006

William A. Shaw

Prothonotary/Clerk of Courts (6K)

3 cent to MTR

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
: No. 06-234-C.D.
vs. :
: :
JENNIFER YOUNG, :
Defendant :
:

PETITION FOR CONTINUANCE

**TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE OF
SAID COURT:**

AND NOW, comes A. Ted Hudock, Esquire, attorney for the Plaintiffs in the above-captioned matter, and respectfully petitions Your Honorable Court as follows:

1. Your Petitioner is A. Ted Hudock, Esquire, whose office address is 200 South Findley Street, P.O. Box 536, Punxsutawney, PA 15767-0536.
2. Your Petitioner is the attorney of record for Kathleen K. Young and Dennis Young, individually and as parents and natural guardians of Christopher Young, a minor, Plaintiffs in the above-captioned matter, having entered his appearance on May 11, 2006.
3. Pursuant to a Petition for Court Approval of Settlement filed on February 21, 2006, a hearing was held before Your Honorable Court on April 25, 2006, at which time

the Court continued the matter in order that additional information could be developed relative to potential stacking of benefits and availability of underinsurance coverage and to provide the Plaintiffs an opportunity to retain legal counsel.

4. Said hearing was subsequently rescheduled to be held before Your Honorable Court on Monday, May 22, 2006, at 1:30 P.M.

5. Your Petitioner is respectfully requesting a further continuance of said matter for the following reasons:

a) Since Your Petitioner was not retained until such time as a Contingent Fee Agreement was entered into under date of May 5, 2006, additional time is reasonably necessary to properly research underlying legal issues involving stacking of benefits, potential exclusions therefrom and potential underinsurance claims inasmuch as the Plaintiffs insured three separate vehicles under two separate policies of automobile insurance through State Farm Mutual Automobile Insurance Company;

b) Subsequent to the hearing held on April 25, 2006, the Plaintiffs learned of a Subrogation Claim asserted on behalf of Highmark Blue Shield in connection with health insurance benefits it paid on behalf of the minor Plaintiff in excess of first party limits provided pursuant to the Plaintiffs' automobile insurance, and Your Petitioner has not yet been provided with either the amount of the subrogation claim or any details related thereto;

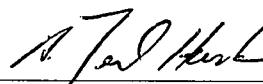
c) Your Petitioner, therefore, has not had sufficient opportunity to determine the potential impact upon any settlement created by said subrogation claim; and

d) Your Petitioner needs a reasonable opportunity to determine the appropriateness of filing a modification to the Petition for Court Approval of Settlement and will also need to file pleadings relative to approval of any settlement of the Highmark subrogation claim and approval of counsel fees.

6. Your Petitioner has contacted the office of Michael B. Magee, Esquire, the attorney representing State Farm Insurance in the above-captioned matter, and he does not oppose the prayer of the instant Petition.

7. It is reasonably believed and, therefore, averred that the grant of a continuance would be in the best interest of the minor Plaintiff.

WHEREFORE, it is respectfully prayed that Your Honorable Court grant a continuance of the hearing heretofore scheduled to be held on May 22, 2006 in the above-captioned matter.



A. Ted Hudock, Esquire

Attorney for Plaintiffs

VERIFICATION

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



A. Ted Hudock

Date: May 18, 2006

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

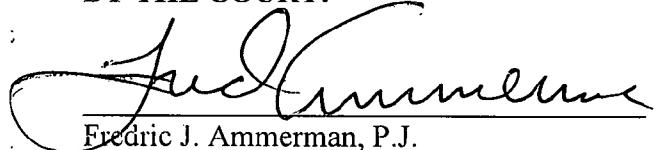
KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
vs. : No. 06-234-C.D.
: :
JENNIFER YOUNG, :
Defendant :
:

ORDER OF COURT

AND NOW, this *18th* day of May, 2006, upon consideration of the foregoing Petition, upon motion thereon by A. Ted Hudock, Esquire, and it appearing that there is no opposition to the same;

IT IS HEREBY ORDERED that the Hearing heretofore scheduled to be held on Monday, May 22, 2006 at 1:30 P.M. is hereby continued until further Order of Court.

BY THE COURT:


Fredric J. Ammerman, P.J.

FILED

MAY 18 2006

William A. Shaw *(68)*
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and
DENNIS YOUNG, individually and
as parents and natural guardians of
CHRISTOPHER YOUNG, a minor,
Plaintiffs

vs.

JENNIFER YOUNG,
Defendant

: No. 06-234-C.D.
: Type of Pleading: Affidavit
: of Service
: Filed on Behalf of: Plaintiffs
: Attorney of Record for this Party:
: A. Ted Hudock, Esquire
: Supreme Court No. 17304
: Professional Building
: 200 S. Findley Street
: P.O. Box 536
: Punxsutawney, PA 15767-0536
: (814) 938-3041

FILED

MAY 18 2006
0191401wn
William A. Shaw
Prothonotary/Clerk of Courts
60
3 CERT TO ATTF

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
vs. : No. 06-234-C.D.
JENNIFER YOUNG, :
Defendant :
.

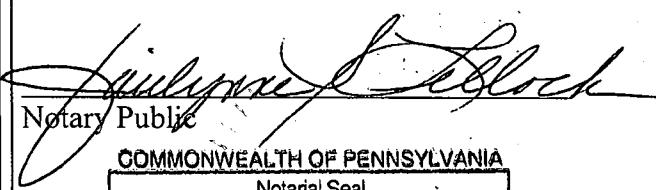
AFFIDAVIT OF SERVICE

I, A. Ted Hudock, Esquire, hereby certify that a true and correct copy of the Petition for Continuance, together with Order of Court thereon was mailed this 18th day of May, 2006, by United States first-class mail, postage prepaid, to Defendant's attorney, Michael B. Magee, Esquire, at Evey, Black, Dorezas, Magee, Levine, Rosensteel & Mauk, LLP, 401-03 Allegheny Street, P.O. Box 415, Hollidaysburg, PA 16648.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18th day of May, 2006.


A. Ted Hudock, Esquire
Attorney for Plaintiffs

Sworn to and subscribed before me
this 18th day of May, 2006.


Jacilynne S. Lellock
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Jacilynne S. Lellock, Notary Public
Punxsutawney Boro, Jefferson County
My Commission Expires Nov. 20, 2009

Member, Pennsylvania Association of Notaries

CA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and
DENNIS YOUNG, individually and
as parents and natural guardians of
CHRISTOPHER YOUNG, a minor,
Plaintiffs

vs.

JENNIFER YOUNG,
Defendant

: No. 06-234-C.D.
: Type of Pleading: Modified Petition
: for Approval of Settlement in Which
: a Minor has an Interest
: Filed on Behalf of: Plaintiffs
: Attorney of Record for this Party:
: A. Ted Hudock, Esquire
: Supreme Court No. 17304
: Professional Building
: 200 S. Findley Street
: P.O. Box 536
: Punxsutawney, PA 15767-0536
: (814) 938-3041

FILED ^{ICC}
NOV 10 2007 *Atty Hudock*
FEB 27 2007 *GR*

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
: No. 06-234-C.D.
vs. :
: JENNIFER YOUNG, :
Defendant :
:

**MODIFIED PETITION FOR APPROVAL OF
SETTLEMENT IN WHICH A MINOR HAS AN INTEREST**

**TO THE HONORABLE FREDRIC J. AMMERMAN, PRESIDENT JUDGE
OF SAID COURT:**

AND NOW, come the Plaintiffs and by their attorney, A. Ted Hudock, Esquire, respectfully petition Your Honorable Court as follows:

1. Your Petitioners are Dennis Young and Kathleen N. Young, erroneously referred to as Kathleen K. Young in the caption and a prior pleading, individually and as parents and natural guardians of Christopher Young, a minor born on January 5, 1990.
2. On February 21, 2006, a Petition for Court Approval of Settlement was filed on behalf of Your Petitioners, and a hearing was set for April 25, 2006.
3. On said date Your Honorable Court entered an Order to the effect that the

matter be continued so that additional necessary information could be obtained, *inter alia*, relative to the possibility of the stacking of benefits and availability of underinsurance coverage.

4. Subsequently, Your Petitioners retained the services of the undersigned, and there has been a sufficient opportunity to conduct necessary legal research concerning the issues and to further negotiate the liability claim, as well as a subrogation claim advanced by Highmark Blue Shield, the health insurance carrier of Your Petitioners.

5. Except as modified herein, the averments of the prior Petition for Court Approval of Settlement are incorporated herein by reference.

6. At the time originally set for hearing, State Farm Insurance, the liability insurance carrier, had offered a structured settlement which would have cost that company total annuity premiums of \$90,000.00.

7. Counsel for Your Petitioners has conducted extensive research and has determined that a stacking of benefits and/or a potential underinsurance claim are not feasible due primarily to the household or family vehicle exclusion, set forth in Your Petitioners' policy of insurance, which has been upheld by the appellate courts.

8. In light of the same, counsel for Your Petitioners has been able to negotiate

a tentative settlement with State Farm Insurance of \$100,000.00, representing the limits of the liability coverage. A copy of the proposed Release concerning this claim is attached hereto, made a part hereof and marked Exhibit "A."

9. In addition thereto, subsequent to the date originally scheduled for hearing, counsel was notified as to Highmark Blue Shield's subrogation claim, and on June 23, 2006, counsel was notified that that claim was in the amount of \$45,538.66, representing health care benefits paid on the injured minor's behalf which were in excess of the first party medical benefits which were paid to the limit of the policy.

10. Counsel for Your Petitioners has been able to negotiate the subrogation claim, and Highmark Blue Shield has agreed to accept fifty percent of its original claim, inclusive of a twenty-five percent fee to which counsel is entitled relative to such claim recovery. A copy of the tentative subrogation agreement correspondence from the law firm representing Highmark Blue Shield is attached hereto, made a part hereof and marked Exhibit "B."

11. Your Petitioners and their legal counsel have entered into a Contingent Fee Agreement under date of May 5, 2006, a copy of which is attached hereto, made a part hereof and marked Exhibit "C."

12. Also attached hereto, made a part hereof and marked Exhibit "D" is an

itemized breakdown as to the calculation of the fee requested by counsel pursuant to the provisions of said Contingent Fee Agreement.

13. Your Petitioners are making no claims against the proposed settlement proceeds for reimbursement of any out-of-pocket expenses or mileage allowance, which claims would otherwise amount to a sum in excess of \$5,500.00.

14. Your Petitioners reasonably believe and, therefore, aver that settlement of both the liability and subrogation claims as set forth in the within Petition is in the best interest of their minor son.

WHEREFORE, it is respectfully prayed that Your Honorable Court approve the terms of said settlement, approve the counsel fees and expenses, if any, respectfully requested by counsel and authorize the execution of the Release in favor of State Farm in the form attached hereto.



A. Ted Hudock, Esquire
Attorney for Petitioners

Release

Barcode Only

38-K702-112

For the Sole Consideration of

One hundred thousand andxx/100 (\$100,000.00) Dollars

Dennis Young, Kathleen Young, Jennifer Young and

State Farm Insurance

heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or, who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all injuries, known and unknown, both to person and property, which have resulted or may in the future develop from an accident which occurred on or about the 30th day.

of **June**, (year) **2005** at or near **Rt. 36, Patton, PA**

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident.

Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

In Witness Whereof,

In presence of:

Witness _____ Signed X _____

EXHIBIT "A"

THE LAW FIRM OF
AINSMAN, LEVINE & DREXLER, LLC

330 Grant Street, Suite 220 • Pittsburgh, PA 15219 • 412.338.9030 fax 412.338.9167

February 15, 2007

VIA FACSIMILE ONLY

Ted Hudock, Esquire
P. O. Box 536
Punxsutawney, PA 15767-0536

RE:	Patient:	Christopher Young
	Member ID:	1025285490010
	Group No.:	01284401
	Accident Date:	6/30/2005

Dear Mr. Hudock:

Highmark Blue Shield has agreed to reduce their lien by 50%, which includes your fee of 25%. They will accept \$22,769.33 in full and final satisfaction of their subrogation claim.

Please make your check in the amount of \$22,769.33 payable to Ainsman, Levine & Drexler, LLC and forward it to our office. Our tax id # is 61-1433710. Thank you for your cooperation in this matter.

Very truly yours,

AINSMAN, LEVINE & DREXLER, LLC

Billie Jo Cronin
Billie Jo Cronin
Subrogation Specialist

EXHIBIT "B"

CONTINGENT FEE AGREEMENT

Rule 1.5(c) of the Pennsylvania Rules of Professional Conduct, as applicable to the practice of law by attorneys, provides as follows:

"A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (d) or other law. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the lawyer in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated. Upon conclusion of a contingent fee matter, the lawyer shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination."

THIS AGREEMENT, made this 5th day of May, 2006, by and between **DENNIS C. YOUNG** and **KATHLEEN N. YOUNG**, husband and wife, of 883 Five Points, LaJose, PA 15753, individually and as parents and natural guardians of **CHRISTOPHER ALLEN YOUNG**, a minor child, and **CHRISTOPHER ALLEN YOUNG**, individually, Parties of the First Part, hereinafter referred to as Clients, and A. Ted Hudock, Esquire, of Professional Building, 200 South Findley Street, P.O. Box 536, Punxsutawney, PA 15767-0536, Party of the Second Part, hereinafter referred to as Attorney.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that

for and in consideration of the mutual covenants and promises contained herein, the Parties hereto hereby agree as follows:

1. The Clients hereby employ the Attorney to negotiate a settlement, institute, conduct, superintend and prosecute to final determination by suit or action, if necessary, a claim against Jennifer M. Young, and/or her insurance carrier and/or any other responsible party or parties, arising out of the following circumstances: personal injuries sustained by Christopher Allen Young as a result of a motor vehicle collision which occurred on or about June 30, 2005, at approximately 3:10 P.M., prevailing time, on PA Route 36 in Elder Township, Cambria County, PA.
2. The Attorney shall meet with the Clients as necessary in pursuing such claim, promptly forward copies of all legal documents and relevant correspondence, consult with and obtain the approval of the Clients prior to negotiating any final settlement and attend any court proceeding necessary to approve any settlement and any attorney fees payable hereunder.
3. Actual expenses incurred by the Attorney in the business of the Clients, including, but not limited to, filing costs, service costs, costs of medical records or reports, copying charges, telephone expenses, postage, expert witness investigation and testimony fees, private investigating fees and costs and stenographic fees and costs, shall be borne by the Clients.

4. The fees of the Attorney shall be contingent as follows and shall be computed on the basis of any gross recovery, rather than upon any net recovery after deduction of expenses:

- (a) 25% percent of the gross recovery if the Clients' case is settled before trial. Said settlement fee shall not apply, however, to any portion of the present value of the settlement offered by State Farm to the Clients prior to their being represented by the Attorney, which settlement offer was not accepted by the Court per Order under date of April 25, 2006. The swearing of the jury, if a jury trial, or the calling of a witness, or introduction of evidence, if a trial without a jury, shall constitute the dividing line between settlement before and after trial. Appearance for argument or the submission of a brief before the court in reference to a question of law raised on the pleadings shall be equivalent to trial;
- (b) 35% percent of the gross amount recovered if the case is tried, as defined in subparagraph (a) hereof; and
- (c) 40% percent of the gross amount recovered if the case is appealed beyond the local trial court having original jurisdiction.

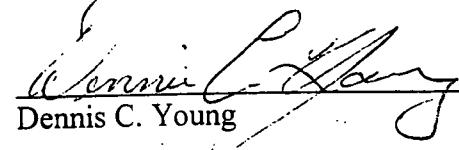
5. To the extent that the Attorney is able to recover any fees in connection with any subrogation interest claimed by any health insurance provider against the proceeds of any recovery and protected by the Attorney, the Attorney shall equally split such fees with the Clients.

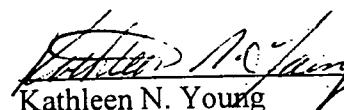
6. The parties hereto hereby expressly agree that they intend to be legally bound by the provisions hereof, and the same shall be binding upon and inure to the benefit of

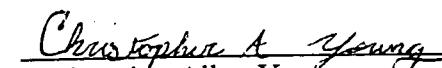
the parties' respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals this day and year first above written.

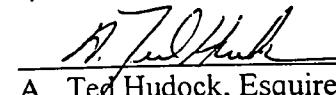
PARTIES OF THE FIRST PART:


Dennis C. Young (SEAL)


Kathleen N. Young (SEAL)


Christopher Allen Young (SEAL)

PARTY OF THE SECOND PART:


A. Ted Hudock, Esquire (SEAL)

CHRISTOPHER ALLEN YOUNG

**SETTLEMENT AND REMITTANCE STATEMENT
YOUNG VS. YOUNG
NO. 06-234-C.D.**

Proceeds of State Farm Liability Settlement:	\$100,000.00
Less Highmark Blue Shield Subrogation Claim	\$22,769.33
Less attorney fee per paragraph 4.(a) of Contingent Fee Agreement based upon State Farm settlement increase of \$10,000.00 (25% x \$10,000.00)	2,500.00
Less attorney fee per paragraph 5 of Contingent Fee Agreement based upon Highmark Blue Shield Subrogation Claim (1/2 x 25% x \$22,769.33)	2,846.16
Less reimbursement of out-of- pocket expenses to A. Ted Hudock, Esquire	70.80
	(\$28,186.29)
Net Settlement Payable:	\$71,813.71

EXHIBIT "D"

VERIFICATION

We verify that the statements made in this Modified Petition are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.


Dennis Young


Kathleen N. Young

Date: 2/24/07

013

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

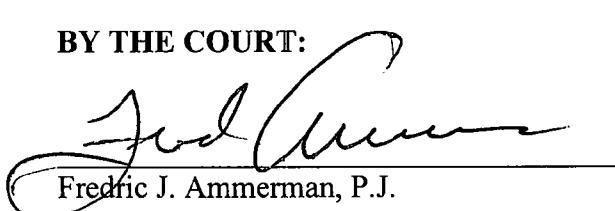
KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
: No. 06-234-C.D.
vs. :
: :
JENNIFER YOUNG, :
Defendant :
:

ORDER

AND NOW, this 28 day of February, 2007, upon presentation and
consideration of the foregoing Petition;

IT IS HEREBY ORDERED that a hearing thereon be scheduled to be held
on the 3rd day of April, 2007, at 9:00 o'clock A.M. in
the Main Courtroom of the Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:


Fredric J. Ammerman, P.J.

FILED

FEB 28 2007
074-00146
William A. Shaw
Prothonotary/Clerk of Courts

1 CENT T
ATT

DATE: 2-28-07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

FEB 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

CA
FILED 2cc
019-29701 Atty Hudock
APR 03 2007 (will serve)

William A. Shaw
Prothonotary/Clerk of Courts (LR)

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
: No. 06-234-C.D.
vs. :
: :
JENNIFER YOUNG, :
Defendant :
:

FINAL ORDER

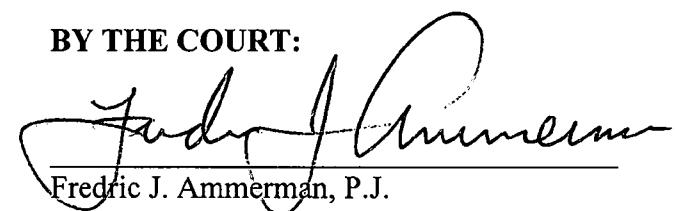
AND NOW, this 3rd day of April, 2007, upon the filing of
a Modified Petition for Approval of Settlement in Which a Minor has an Interest, upon
full hearing held thereon, upon motion of A. Ted Hudock, Esquire, Attorney for the
Petitioners, it further appearing that the Petitioners, the natural parents and guardians
of the minor child, and the minor child, himself, are in agreement with settlement as
prayed for in said Modified Petition, and it further appearing that settlement in the
manner proposed is in the best interest and welfare of said minor child;

IT IS HEREBY ORDERED AND DECREED that the above-captioned
matter be settled in the gross amount of One Hundred Thousand and 00/100ths
(\$100,000.00) Dollars and that the Plaintiffs be and are hereby authorized and

directed to execute a Release in favor of Dennis Young, Kathleen Young, Jennifer Young, the Defendant, and State Farm Insurance to that effect.

IT IS HEREBY FURTHER ORDERED AND DECREED that attorney's fees are hereby approved in accordance with the Exhibits attached to said Modified Petition, together with the costs set forth therein, including settlement and discontinuance thereof, and the net sum payable, following deduction of said fees and costs and the payment of the subrogation claim, shall be payable to the parties for deposit in an interest-bearing account in the name of Christopher Young and of the type and under the conditions set forth in Pa.R.C.P. No. 2039 such that no withdrawal can be made from any such account(s) until the minor attains majority, except as authorized by a prior Order of the Court.

BY THE COURT:



Fredric J. Ammerman
Fredric J. Ammerman, P.J.

FILED
09-29-04
APR 03 2007

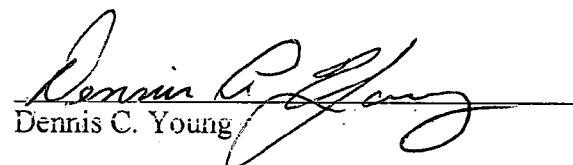
William A. Shaw
Prothonotary/Clerk of Courts
6W
1CC Atty H. D. D. C. K.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
: No. 06-234-C.D.
vs. :
: :
JENNIFER YOUNG, :
Defendant :
:

I, the undersigned, DENNIS C. YOUNG, of 883 Five Points, LaJose, PA 15753, being the natural father of CHRISTOPHER YOUNG and one of the named Plaintiffs on his behalf to the above-captioned matter, and being unable to attend the hearing scheduled to be held on Tuesday, April 3, 2007 without penalty of loss of wages, do hereby declare that I am in total concurrence with the prayer of the Modified Petition for Approval of Settlement in which a Minor has an Interest heretofore filed to the above-captioned matter, and do further hereby authorize and direct my wife, KATHLEEN K. YOUNG, the natural mother of said CHRISTOPHER YOUNG, a minor child, to appear for me and speak on my behalf at said hearing should the same be deemed advisable in the sound discretion of the Court.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 31st day of March, 2007.


Dennis C. Young

VERIFICATION

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

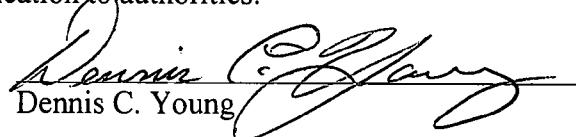

Dennis C. Young

Exhibit "A"

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and : No. 06-234-C.D.
DENNIS YOUNG, individually and :
as parents and natural guardians of : Type of Pleading: Proof of Deposit
CHRISTOPHER YOUNG, a minor, :
Plaintiffs : Filed on Behalf of: Plaintiffs
vs. : Attorney of Record for this Party:
: A. Ted Hudock, Esquire
: :
JENNIFER YOUNG, : Supreme Court No. 17304
Defendant :
: Professional Building
: 200 S. Findley Street
: P.O. Box 536
: Punxsutawney, PA 15767-0536
: :
: (814) 938-3041

FILED NO
APR 17 2007
2007
S

William A. Shaw
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
CIVIL ACTION - LAW

KATHLEEN K. YOUNG and :
DENNIS YOUNG, individually and :
as parents and natural guardians of :
CHRISTOPHER YOUNG, a minor, :
Plaintiffs :
vs. : No. 06-234-C.D.
: :
JENNIFER YOUNG, :
Defendant :
:

PROOF OF DEPOSIT

I, the undersigned bank officer, hereby certify that a deposit has been made in this institution in the name of Christopher Young, a minor. Said deposit is in the total amount of \$71,813.71, said account is fully insured, said account is interest-bearing at current rates and said account contains the restriction that no withdrawal can be made until Christopher Young attains eighteen (18) years of age, except as authorized by a prior Order of Court.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

13th day of April, 2007.

By: Nancy E. Duglasly, CSR
Signature and Title First Commonwealth Bank