

08-1008-CD
Dylan Fremer al vs Garrett Orcutt al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DYLAN FREMER, a minor, by and through
JODEE L. GLUNT, and RONALD FREMER,
his parents and natural guardians,

Petitioners,

vs.

GARRETT ORCUTT, GARY ORCUTT, and
NATALIE ORCUTT,

Respondents.

Civil Division

No. 08-1008-CD

**PETITION TO COMPROMISE AND SETTLE
A MINOR'S CLAIM**

Filed on behalf of:

Petitioners

Counsel of Record for this party:

Raymond J. Conlon
Pa. I.D. #49495
E-mail: conlon@conlontarker.com

CONLON TARKER, P.C.
108 East Diamond Street
Butler, PA 16001

(724) 285-7700
(724) 285-6700 fax

FILED *No cc*
M7/10/08 *Att'y pd.*
JUN 02 2008 *\$95.00*
CM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DYLAN FREMER, a minor, by and through
JODEE L. GLUNT, and RONALD FREMER,
his parents and natural guardians,

Petitioners,

vs.

GARRETT ORCUTT, GARY ORCUTT, and
NATALIE ORCUTT,

Respondents.

PETITION TO COMPROMISE AND SETTLE A MINOR'S CLAIM

And now comes the Petitioner, Dylan Fremer, a minor, by and through Jodee L. Glunt and Ronald Fremer, his parents and natural guardians, and files the following Petition to Compromise and Settle a Minor's Claim and in support thereof, avers as follows:

1. Jodee L. Glunt and Ronald Fremer are the parents and natural guardians of Dylan Fremer, a minor. Dylan's date of birth is August 15, 1991.
2. On September 29, 2007, Dylan Fremer was shot in the right eye with a BB gun owned by the Respondent Garrett Orcutt.
3. At the time of the shooting, Garrett Orcutt was a minor who resided with his parents, Gary Orcutt and Natalie Orcutt in Dubois, Clearfield County, Pennsylvania.
4. After the minor Petitioner was shot in the eye with a BB gun, he was transported to the DuBois Medical Center with complaints of right eye pain. A diagnosis of corneal abrasion, hyphema, eyelid lacerations, and subconjunctival hemorrhage were reached.

5. The minor petitioner was referred to a specialist on October 1, 2007 for treatment of his vitreous hemorrhage.

6. As a result of his injury, the minor has diminished vision in his right eye and is forced to wear corrective lenses.

7. The Petitioners retained the undersigned counsel to explore all potential claims available to them arising out of this negligent shooting.

8. Counsel has successfully negotiated a settlement with the Respondents' homeowners' insurance carrier, State Farm Insurance Company, and has secured a settlement offer of \$96,500.00 out of the available \$100,000.00 policy limits to resolve all claims against the Respondents and State Farm Insurance Company.

9. The Petitioners have entered into a Contingent Fee Agreement with Conlon Tarker, P.C. providing for a fee of 33 percent plus reimbursement of costs advanced to be paid out of any settlement proceeds recovered on behalf of the Petitioners.

10. All of the minor Petitioner's medical bills have been paid and the Petitioners are on notice of a claim for subrogation from the Petitioner's health care provider, Coventry Health Care, in the amount of \$1,342.91.

11. Coventry Health Care, by and through its representative, ACS Recovery Services, has agreed to reduce its lien to \$1,100.00.

12. Jodee L. Glunt and Ronald Fremer, as parents and natural guardians of Dylan Fremer, are requesting that the settlement proceeds, less attorney's fees, costs advanced, and payment of the Coventry Health Insurance subrogation lien, be placed into a structured settlement annuity so as to maximize the financial benefit to the minor Petitioner.

13. A proposal of this structured settlement is attached hereto as Exhibit A and shows the following payments:

- a. \$10,000.00 guaranteed lump sum payable on August 15, 2009;
- b. \$15,000.00 guaranteed lump sum payable on August 15, 2012;
- c. \$25,000.00 guaranteed lump sum payable on August 15, 2016;
- d. \$47,000.00 guaranteed lump sum payable on August 15, 2021;

14. The Petitioner requests that this Honorable Court approve the settlement of all claims against the Respondents arising out of the September 29, 2007 incident and that the \$96,500.00 settlement proceeds be distributed as follows:

- a. Payment in the amount of \$31,984.19 to Conlon Tarker, P.C. for legal fees of \$31,845.00 and reimbursement of costs advanced in the amount of \$139.19;
- b. Payment in the amount of \$1,100.00 to ACS Recovery Services, for payment of the Coventry Health Care subrogation lien; and
- c. \$63,415.81 paid directly into the structured settlement annuity as set forth in attached Exhibit A.

15. Counsel for the Petitioners believes this settlement is reasonable and fair under the circumstance and should be approved by this Honorable Court.

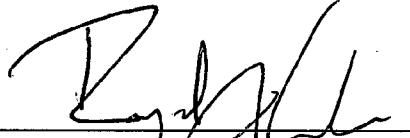
16. The Petitioners also believe this settlement is fair and reasonable under the circumstances and should be approved by this Honorable Court.

17. The Petitioners request that the Court permit them to execute a full and final release with the Respondents and its insurance carrier, State Farm Insurance Company, thereby releasing them from any and all liability as a result of the injuries Dylan Fremer sustained in the shooting incident of September 29, 2007.

WHEREFORE, the Petitioners respectfully request this Honorable Court to approve the settlement of this matter and the distribution of the proceeds as set forth above.

Respectfully submitted,

Conlon Tarker, P.C.



Raymond J. Conlon, Esquire
Attorney for Petitioners

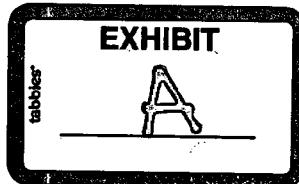


AN **NFP** COMPANY

4 Gateway Center, Suite 425 Pittsburgh, PA 15222
Tel: 412-263-2228 Fax 412-263-2288 Toll Free: 800-229-2228
www.settlementconsultants.com

Individually Designed Settlement
Dylan Fremer
D/O/B 8/15/91

| BENEFIT | COST | GUARANTEED YIELD |
|------------------------------------|--------------------|--------------------|
| <u>Guaranteed Lump Sums</u> | | |
| \$ 10,000 at Age 18 (08/15/2009) | 9,800.00 | 10,000.00 |
| \$ 15,000 at Age 21 (08/15/2012) | 13,055.00 | 15,000.00 |
| \$ 25,000 at Age 25 (08/15/2016) | 17,135.00 | 25,000.00 |
| \$ 47,000 at Age 30 (08/15/2021) | 23,425.81 | 47,000.00 |
| | \$63,415.81 | \$97,000.00 |



The enclosed figures are for illustrative purposes only and should not be construed as a contract. All figures are subject to approval by the life insurance carrier prior to contract issuance. Please contact our office to verify figures prior to court approval as the figures are time sensitive and vary upon funding dates.

VERIFICATION

I, Jodee L. Glunt, have read the foregoing Petition To Compromise and Settle a Minor's Claim. The statements therein are correct to the best of my personal knowledge, information and belief.

I make this statement and verification subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

5-23-08
DATE



JODEE L. GLUNT, parent and natural
guardian of Dylan Fremer, a minor

VERIFICATION

I, Ronald Fremer, have read the foregoing Petition To Compromise and Settle a Minor's Claim. The statements therein are correct to the best of my personal knowledge, information and belief.

I make this statement and verification subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

May 25, 08
DATE

Ronald Fremer
RONALD FREMER, parent and natural
guardian of Dylan Fremer, a minor

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DYLAN FREMER, a minor, by and through
JODEE L. GLUNT, and RONALD FREMER, his
parents and natural guardians,

Petitioners,

vs.

GARRETT ORCUTT, GARY ORCUTT, and
NATALIE ORCUTT,

Respondents.

ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2008, it is
hereby ORDERED, ADJUDGED and DECREED, that the Petition to Compromise and Settle a
Minor's Claim is hereby granted. Settlement in the amount of \$96,500.00 is approved, and
the settlement proceeds shall be distributed as follows:

- a. Payment in the amount of \$31,984.19 to Conlon Tarker,
P.C. for legal fees of \$31,845.00 and reimbursement of costs
advanced in the amount of \$139.19;
- b. Payment in the amount of \$1,100.00 to ACS Recovery
Services, for payment of the Coventry Health Care subrogation
lien; and
- c. \$63,415.81 paid directly into the structured settlement
annuity.

It is further ordered that Jodee L. Glunt and Ronald Fremer are permitted to execute
a full and final release thereby releasing Garrett Orcutt, Gary Orcutt, and Natalie Orcutt, and
State Farm Insurance Company from any and all liability as a result of the injuries sustained
by the minor, Dylan Fremer on September 27, 2007.

BY THE COURT:

J.

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

DYLAN FREMER, a minor, by and through
JODEE L. GLUNT, and RONALD FREMER,
his parents and natural guardians,

Petitioners

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vs.

NO. 08-1008-CD

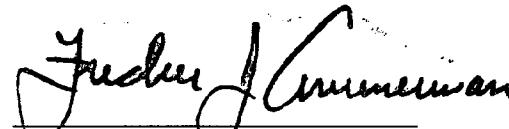
GARRETT ORCUTT, GARY ORCUTT and
NATALIE ORCUTT,
Respondents

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ORDER

NOW, this 4th day of June, 2008, the Court being in receipt of the Petition to Compromise and Settle a Minor's Claim filed by Raymond J. Conlon, Esquire, on behalf of the Petitioners, it is the ORDER of this Court that the hearing on the said Petition be and is hereby scheduled for the 25th day of July, 2008 at 11:30 a.m. in Courtroom No. 1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

0 11:27 A.M. 6/6
JUN 05 2008 3 C.C. Atty:
CONLON

William A. Shaw
Prothonotary/Clerk of Courts

60

FILED

JUN 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6-5-08

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:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DYLAN FREMER, a minor, by and through
JODEE L. GLUNT, and RONALD FREMER, his
parents and natural guardians, No. 08-1008-CD

Petitioners,

vs.

GARRETT ORCUTT, GARY ORCUTT, and
NATALIE ORCUTT,

Respondents.

FILED ^{3cc}

012-27-08
JUL 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

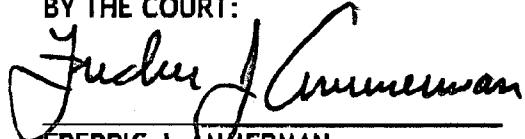
ORDER OF COURT

AND NOW, to-wit, this 25th day of July, 2008, it is
hereby ORDERED, ADJUDGED and DECREED, that the Petition to Compromise and Settle a
Minor's Claim is hereby granted. Settlement in the amount of \$96,500.00 is approved, and
the settlement proceeds shall be distributed as follows:

- a. Payment in the amount of \$24,264.19 to Conlon Tarker,
P.C. for legal fees of \$24,125.00 and reimbursement of costs
advanced in the amount of \$139.19;
- b. Payment in the amount of \$1,100.00 to ACS Recovery
Services, for payment of the Coventry Health Care subrogation
lien; and
- c. \$71,135.81 paid directly into the structured settlement
annuity.

It is further ordered that Jodee L. Glunt and Ronald Fremer are permitted to execute
a full and final release thereby releasing Garrett Orcutt, Gary Orcutt, and Natalie Orcutt, and
State Farm Insurance Company from any and all liability as a result of the injuries sustained
by the minor, Dylan Fremer on September 27, 2007.

BY THE COURT:


FREDRIC J. AMMERMAN

President Judge

ORIGINAL

FILED

JUL 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/28/08

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:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DYLAN FREMER, a minor, by and through
JODEE L. GLUNT, and RONALD FREMER,
his parents and natural guardians,

No. 08-1008-CD

vs.

GARRETT ORCUTT, GARY ORCUTT, and
NATALIE ORCUTT,

Respondents.

**PRAECLYPE TO SETTLE, END, AND
DISCONTINUE**

Filed on behalf of:
Petitioners

Counsel of Record for this party:

Raymond J. Conlon
Pa. I.D. #49495
E-mail: conlon@conlontarker.com

CONLON TARKER, P.C.
108 East Diamond Street
Butler, PA 16001

(724) 285-7700
(724) 285-6700 fax

FILED *ICC & I Cert
m/11/2008 to Atty
AUG 18 2008
W.A. Shaw*
of disc issued
Aug 18 2008
Conlon

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DYLAN FREMER, a minor, by and through No. 08-1008-CD
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PRAECIPE TO SETTLE, END, AND DISCONTINUE

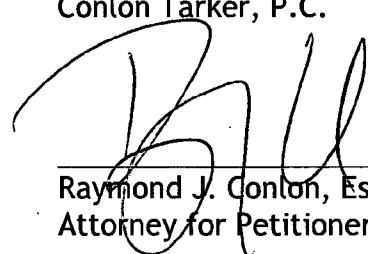
TO: William A. Shaw, Prothonotary

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

Respectfully submitted,

Conlon Tarker, P.C.

Raymond J. Conlon, Esquire
Attorney for Petitioners



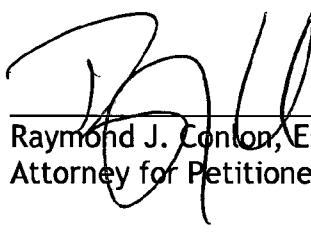
CERTIFICATE OF SERVICE

I hereby certify that a copy of the within document was served upon the individual named below on the 15 day of Aug, 2008 by first class, U.S. mail, postage prepaid.

Linda Shidel
State Farm Insurance Companies
Concordville Operations Center
P.O. Box 13
Concordville, PA 19331

Insurance Carrier for Respondents

Conlon Tarker, P.C.


Raymond J. Conlon, Esquire
Attorney for Petitioners

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPIES

**Dylan Fremer
Jodee L. Glunt
Ronald Fremer**

Vs.
**Garrett Orcutt
Gary Orcutt
Natalie Orcutt**

No. 2008-01008-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 August 18, 2008, marked:

Settled, ended and discontinued

Record costs in the sum of \$95.00 have been paid in full by Raymond J. Conlon Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 18th day of August A.D. 2008.



William A. Shaw, Prothonotary