

08-1623-CD
Scott Bouch et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SCOTT BOUCH, Administrator of the
ESTATE OF HEATHER L. BOUCH

Petitioner

CIVIL DIVISION

No. 08-1623-CD

PETITION FOR APPROVAL OF THE
WRONGFUL DEATH/SURVIVAL ACTION
OF HEATHER L. BOUCH, DECEASED

Filed on behalf of:
Petitioner, Scott Bouch

Counsel of record for this party:

GREGORY S. OLSAVICK, ESQUIRE
PA I.D. No. 34620

Email: golsavick@edgarsnyder.com

Firm No. 1605

EDGAR SNYDER & ASSOCIATES, LLC
2900 Old Route 220
Altoona, PA 16602
(814) 942-3699

FILED
AUG 28 2008
William A. Shaw
Prothonotary/Clerk of Courts
1CC
Orig. to CIA

CM

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FILED *Att. pd.*
m/3:07 PM *\$45.00*
AUG 28 2008

William A. Shaw *1CC Att.*
Prothonotary/Clerk of Courts
EW

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SCOTT BOUCH, Administrator of the
ESTATE OF HEATHER L. BOUCH,

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FILED
9/9/08
SEP 03 2008

William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty Olsavick

ORDER

AND NOW, to wit, this 2nd day of September, 2008, in consideration of the Petition for Approval of Settlement of the Wrongful Death/Survival Action in regard to Heather L. Bouch, deceased, it is hereby Ordered, Adjudged, and Decreed that the bodily injury liability limits in the amount of Fifteen Thousand (\$15,000.00) Dollars to be paid by GEICO Insurance Company is hereby approved. It is further Ordered that the underinsured motorists liability limits in the amount of Twenty-five Thousand (\$25,000.00) Dollars to be paid by Erie Insurance Company is also approved. The total Wrongful Death/Survival Action settlement is Forty Thousand (\$40,000.00) Dollars.

1. It is further Ordered that the apportionment of said settlement in the amount of Forty-Thousand (\$40,000.00) Dollars shall be apportioned as follows:

Wrongful Death Action	\$36,000.00
Survival Action	\$ 4,000.00
For a total of:	\$40,000.00

2. Attorney fees to the law firm of Edgar Snyder & Associates, LLC in the amount of Thirteen Thousand Three-Hundred Thirty-three and 33/100 (\$13,333.33) Dollars are

approved. The reimbursement of costs in the amount of One Thousand Seven-hundred Fifty-seven and 09/100 (\$1,757.09) Dollars are also hereby approved.

3. The lien payment in the amount of One-Thousand One-Hundred Ninety-seven and 62/100 (\$1,197.62) to DCM Services, LLC is also hereby approved.

4. Further, it is hereby approved that the attorney fees, reimbursement costs and lien payment totaling Sixteen Thousand Two-hundred Eighty-Eight and 04/100 (\$16,288.04) Dollars shall be apportioned as follows:

For the Wrongful Death Action: \$14,660.00

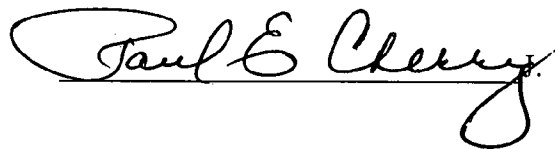
For the Survival Action \$ 1,628.04

For a total of: \$16,288.04

5. It is further Ordered that Twenty-three Thousand Seven Hundred Eleven and 96/100 (\$23,711.96) Dollars shall be distributed to Scott Bouch, Administrator of the Estate of Heather L. Bouch.

6. It is further Ordered that Scott Bouch, as Administrator of the Estate of Heather L. Bouch, deceased, shall be the person authorized to execute all necessary documents to settle the bodily injury settlements involved herein.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul E. Cherry". The signature is written in black ink and is positioned below the text "BY THE COURT:". The signature is somewhat stylized, with a large, looping initial "P" and a long, sweeping underline.

FILED

SEP 03 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/3/08

☒ 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

SCOTT BOUCH, Administrator of the
ESTATE OF HEATHER L. BOUCH,

Petitioner

) CIVIL DIVISION
)
) No.
)
)
)
)
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)
)

**PETITION FOR APPROVAL OF THE WRONGFUL DEATH/SURVIVAL ACTION OF
HEATHER L. BOUCH**

AND NOW, comes the Petitioner, Scott Bouch, Administrator of the Estate of Heather L. Bouch, by and through his attorneys, Edgar Snyder & Associates, LLC and Gregory S. Olsavick, Esquire, for approval of settlement of the bodily injury liability settlement coverages arising from the Wrongful Death/Survival Action of Heather L. Bouch, deceased.

1. On June 14, 2007, at approximately 10:10 p.m., decedent Heather L. Bouch, was a restrained driver, operating her 1995 Mercury Grand Marquis in a northerly direction on SR 53 in Beccaria Township, Clearfield County, PA. At the same time, Defendant Ronald Mack, was operating his 1995 Ford F-150 in a southerly direction on SR 53 in Beccaria Township, Clearfield County, PA. Defendant Mack traveled off the roadway onto the western berm, struck a guiderail and re-entered the roadway, traveling in to the northbound lane, striking the Bouch vehicle on the driver's front side. Upon impact, the Mack vehicle flipped onto its roof coming to rest in the northbound lane of SR53 facing north. The Bouch vehicle also came to rest facing north in the northbound lane of SR53. There were two passengers in the Bouch vehicle at the time of the accident – Daniel Stiver, a front seat passenger and Andrew Vanatta, a rear seat passenger.

2. When the Pennsylvania State Police arrived at the scene of the accident, they found Daniel Stiver and Andrew Vanatta self-extricated and standing near the Bouch vehicle. Decedent Heather L. Bouch was found in her vehicle with her upper torso face down facing toward the front passenger door and her lower torso pinned under the steering wheel.

3. Heather L. Bouch was pronounced dead at the scene by Deputy Clearfield County Coroner, Michael Polachek, at 11:15 p.m. A copy of the Death Certificate for Heather L. Bouch is attached hereto as Exhibit "A".

4. At the time of death, Heather L. Bouch was 31 years old. Heather L. Bouch died without any children.

5. The Register of Wills of Clearfield County, Pennsylvania granted Letters of Administration to Scott Bouch, husband of Heather L. Bouch, on June 25, 2007 at No. 1707-0348. A copy of the Short Certificate- Letters of Administration is attached hereto as Exhibit "B".

6. Counsel for the Petitioner has received the bodily injury liability limits of Fifteen Thousand (\$15,000.00) Dollars from GEICO Insurance, who insured the vehicle of the Defendant driver, Ronald Mack, at the time of the within accident.

7. Counsel for the Petitioner has also received Underinsured Motorists liability limits of Twenty-five Thousand (\$25,000.00) from Erie Insurance, who insured the Bouch vehicle at the time of the within accident.

8. The total Wrongful Death/Survival Action settlement in this matter is Forty Thousand (\$40,000.00) Dollars.

9. Therefore, it is proposed that the Forty-Thousand Dollars (\$40,000.00) settlement monies be apportioned to the Estate of Heather L. Bouch as follows:

For the Wrongful Death Action: \$36,000.00

For the Survival Action: \$ 4,000.00

For a total of: \$40,000.00

10. To the knowledge of Petitioner's counsel, there is an outstanding lien in the amount of One-Thousand One Hundred Ninety-seven and 62/100 (\$1,197.62) owing DCM Services, LLC. A copy of the lien documentation is attached hereto as Exhibit "C".

11. On June 20, 2007, the law firm of Edgar Snyder & Associates, LLC was retained on a 33 1/3% contingency fee basis to prosecute the Wrongful Death and Survival action claims on behalf of Heather L. Bouch, deceased. In addition, the law firm of Edgar Snyder & Associates, LLC is entitled to be reimbursed for any and all costs expended to prosecute the claims of the Estate. A copy of the signed Power of Attorney/Fee Agreement is attached hereto and marked as Exhibit "D".

12. Attorney's fees applicable to the settlement for the Wrongful Death/Survival Actions of Heather L. Bouch, deceased, are Thirteen Thousand Three Hundred Thirty-three and 33/100 (\$13,333.33) Dollars. Costs payable to the law firm of Edgar Snyder & Associates, LLC total One Thousand Seven Hundred Fifty-seven and 09/100 (\$1,757.09) Dollars.

13. It is requested that the attorney's fees and costs be apportioned as follows:

For the Wrongful Death Action: \$14,660.00

For the Survival Action \$ 1,628.04

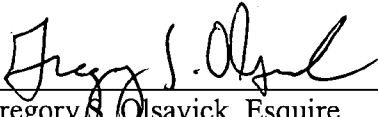
For a total of: \$16,288.04

14. The amount to be distributed to Scott Bouch as Administrator of the Estate of Heather L. Bouch from the within settlement amounts to Twenty-three Thousand Seven Hundred Eleven and 96/100 (\$23,711.96) Dollars.

WHEREFORE, counsel for the Petitioner respectfully requests that this Honorable Court approve the bodily injury liability settlement and the underinsured motorists settlement, the attorney's fees and costs and the apportionment and distribution as set forth in this Petition.

Respectfully submitted: /

EDGAR SNYDER & ASSOCIATES, LLC.

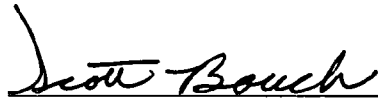


Gregory S. Olsavick, Esquire
Pa. I.D. 34620
Attorney for Petitioner

VERIFICATION

I hereby verify that the foregoing averments of fact are true and correct and based upon my personal knowledge, information and belief. I understand that these averments of fact are made subject to the penalties of 18 Purdons Consolidated Statutes Section 4904 relating to unsworn falsification to authorities.

Date: 8-28-08 -



Scott Bouch
Administrator of the Estate of
Heather L. Bouch, deceased

WARNING: IT IS ILLEGAL TO ALTER THIS COPY OR
TO DUPLICATE BY PHOTOSTAT OR PHOTOGRAPH.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH VITAL RECORDS

LOCAL REGISTRAR'S CERTIFICATION OF DEATH



CERT. NO. T 6118171

June 16, 2007

Date of Issue of This Certification

Name of Decedent HEATHER L. BOUCH
Sex Female Social Security No. 180 - 56 - 7773 Date of Death June 14, 2007

Date of Birth March 30, 1976 Birthplace Philipsburg, Pennsylvania

Place of Death Highway SR 0053 (53 Boulevard) Clearfield Beccaria Twp. Pennsylvania
Facility Name County City, Borough or Township

Race White Occupation Housewife Armed Forces? (Yes or No) NO

Marital Status Married Decedent's Mailing Address 1118 Town Road Mahaffey PA 15757
Number Street City or Town State

Informant Scott Bouch Funeral Director Daniel J. Gibbons

Name and Address of Funeral Establishment Gibbons Funeral Home, 1085 Main St., Coalport, PA 16627

Part I: Immediate Cause Interval Between Onset and Death

(a) Base of Skull Fracture Imm.

(b) Motor Vehicle Accident

(c)

(d)

Part II: Other Significant Conditions

Manner of Death Describe how injury occurred:

Natural ☐ Homicide ☐ Two vehicle- motor vehicle crash

Accident ☒ Pending Investigation ☐

Suicide ☐ Could not be Determined ☐

Name and Title of Certifier Michael J. Polachek, Jr. Deputy Coroner (M.D., D.O., Coroner, M.E.)

Address P.O. Box 217, Hawk Run, PA 16840

This is to certify that the information here given is correctly copied from an original certificate of death duly filed with me as Local Registrar. The original certificate will be forwarded to the State Vital Records Office for permanent filing.

June 16, 2007

Date Received by Local Registrar

EXHIBIT

A

tabbles

John L. Gurner
Local Registrar of Vital Records

639 Union Street

Street Address

Coalport

City, Borough, Township

17-180

District No. 16627

SHORT CERTIFICATE – Letters Of Administration

Certificate of Appointment of Administrator

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 25th day of June, 2007 Letters Of Administration on the Estate of HEATHER L. BOUCH, deceased, were granted unto SCOTT BOUCH, Administrator 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: June 14, 2007
File #: 1707-0348
Social Security No.: 180-56-7773

Given under my hand and seal of office this 25th
day of June in the year of our Lord, 2007



Register of Wills

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 2008



418065

DCM SERVICES, LLC

4150 OLSON MEMORIAL HIGHWAY, SUITE 200
MINNEAPOLIS, MINNESOTA 55422-4811

TELEPHONE 763-852-8620

FAX 877-326-8784

TOLL-FREE 877-326-6758

Hours (CST): 7:00 am – 9:00 pm M – TH
7:00 am – 5:00 pm F
8:00 am – 12:00 pm S

January 1, 2008

Account No
****7959

Unpaid Balance
\$1197.62

Reference No
4201434

Dear Sir or Madam:

Our company represents MAIN STREET ACQUISITION CORP. HSBC. We have learned that HEATHER L BOUCH, who was a valued customer, has passed away. Please accept condolences from our client and our company.

As indicated above, there is an unpaid balance on this account. Please accept this letter as a Notice of Claim on behalf of our client.

This letter is sent to you solely in your capacity as personal representative of the Estate of HEATHER L BOUCH. Please call our office toll free at 1-877-326-6758 to discuss resolution of this matter and payment on this account. If you are not the personal representative, please contact us with the name and address of the personal representative or attorney who is handling the estate.

Cordially,
DCM Services, LLC

IMPORTANT NOTICE

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

NOTICE: SEE REVERSE SIDE FOR IMPORTANT INFORMATION -Side 1 of 2-

Detach Lower Portion and Return with Payment

IONBAL0017001


DCM Services, LLC
4150 Olson Memorial Highway, Suite 200
Minneapolis, MN 55422-4811
ADDRESS SERVICE REQUESTED


Reference #: 4201434 Client ID: CRGY32
Unpaid Balance: \$1197.62
Checks Payable to: MAIN STREET ACQUISITION CORP.
HSBC


Amount Enclosed:

\$

January 1, 2008

0411285 0082088 4201434-7001


The Estate of HEATHER L BOUCH
GREGORY OLSABVICK
EDGAR SNYDER ASSOCIATES S
ALTUNA PA 16601-


DCM Services LLC
4150 Olson Memorial Highway Suite 200
Minneapolis MN 55422-4811






POWER OF ATTORNEY

I, the undersigned, do appoint the law firm of EDGAR SNYDER & ASSOCIATES to institute and maintain an action against Any and All responsible parties and any other person, firm or corporation who may be responsible for damages sustained on _____, 20____, and/or to effect an amicable settlement of claim, with my consent from all sources of recovery.

I agree that out of whatever sum secured from any responsible person, entity or insurance carrier, my attorneys shall receive 33 1/3 % of the total settlement as their fee, said fee to be calculated prior to deduction of costs and expenses, and shall also be reimbursed their costs and expenses, if the matter is resolved prior to filing a lawsuit or demanding arbitration. In the event that a lawsuit is filed or arbitration proceedings are demanded, my attorneys shall receive forty (40%) percent of the total sum secured from any responsible person, entity or insurance carrier as their fee, said fee to be calculated prior to deduction of costs and expenses, and shall also be reimbursed their costs and expenses.

I understand that my attorneys will have no claim for any fee, costs or expenses if no money is recovered by means of settlement, litigation or arbitration for me.

I recognize that my attorneys reserve the right to withdraw from my case if, after investigation, they determine that there is no merit to the claim.

I hereby acknowledge receipt of a duplicate copy of this Power of Attorney.

x Scott E. Bouch (SEAL)

____ (SEAL)

Date: 6-20-07



poa.pf