

**COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

In Re: Estate of Shawn Donte Williams, Minor

ORDER

AND NOW, this ____ day of _____, 2011, upon consideration of the Petition for Allocation and Distribution, it is hereby ORDERED and DECREED that Petitioner is authorized to allocate the gross settlement sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) as follows:

- | | | |
|----|----------------------|--------------|
| 1. | Wrongful Death Claim | \$165,652.61 |
| 2. | Survival Claim | \$ 41,413.15 |

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

- | | | |
|----|--|--------------|
| 1. | To: James D. Famiglio, Esquire
and
Stuart A. Carpey, Esquire
For Costs | \$2,934.24 |
| 2. | To: James D. Famiglio, Esquire
and
Stuart A. Carpey, Esquire
For Counsel Fees | \$140,000.00 |
| 3. | The Wrongful Death Claim in the sum of \$41,413.15 shall be paid as follows: | |
| a. | To: Shawn Donte Williams, Son (as provided hereunder) | |

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificates, from federally insured banks or savings institutions having offices in Delaware County, in the sum of \$165,652.61, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificates shall be titled to the name of the co-guardians of the estate of the minor and shall be restricted as follows:

Not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or otherwise alienated before the date of the minor's eighteenth birthday, except on Order of Court, except for payment of state and federal taxes on the interest earned by the minor's estate or on Order of Court.

4. The Survival Claim in the sum of \$41,413.15 shall be paid to Shawn R. Wheeler, Administrator of the Estate of Shawn Williams, Deceased; provided, however, that counsel shall not distribute any funds to the said Administrator until additional security as may be required by the Register of Wills of Philadelphia County pursuant to 20 Pa. C.S. § 3323(b)(3) is posted, and further provided that any funds payable to decedent's sole heir (as provided hereunder), Shawn Donte Williams, shall be placed in a federally insured bank account and counsel is hereby authorized to execute all documentation necessary to purchase saving certificates, from federally insured banks or savings institutions having offices in Philadelphia County, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificates shall be titled to the name of the minor and shall be restricted as follows:

Not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or otherwise alienated before the date of the minor's eighteenth birthday, except on Order of Court, except for payment of state and federal taxes on the interest earned by the minor's estate or on Order of Court.

Within sixty (60) days from the date of this final Order, counsel shall file with this Honorable Court an Affidavit from counsel certifying compliance with this Order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the requisite restrictions.

By the Court:

J.

**COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

In Re: Estate of Shawn Donte Williams, Minor : No.

PETITION FOR ALLOCATION AND DISTRIBUTION

TO THE HONORABLE JUDGES OF THE SAID COURT:

The Petition of Shawn R. Wheeler, Administrator of the Estate of Shawn Williams, Deceased, by his attorneys, Stuart A. Carpey, Esquire, and James D. Famiglio, Esquire respectfully requests:

1. Petitioner is Shawn R. Wheeler, who was appointed Administrator of the Estate of Shawn Williams, Deceased on September 1, 2009, by the Register of Wills of Philadelphia County. A copy of the Decree of the Register is attached hereto as Exhibit "A."

2. The Plaintiff's decedent died on September 1, 2009, as a result of hanging himself while incarcerated at the Philadelphia Detention Center.

3. Notice of the institution of the action as required by 20 Pa. R.C.P. § 2205 was given to the following individuals:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
Shawn R. Wheeler	108 Radnor Street Road Wayne, Pennsylvania 19087	Father
Shawn Donte Williams	2135 South Daggett Street Philadelphia, PA 19142	Son

4. Petitioner has served a copy of this Petition on the intestate heirs of Plaintiff's decedent (as provided in 20 Pa. C.S. § 2101 *et seq.*) who are as follows:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
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Shawn Donte Williams 2135 South Daggett Street Son
 Philadelphia, PA 19142

5. Petitioner has served a copy of this Petition on the following parties who may have a possible interest:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
Shawn R. Wheeler	108 Radnor Street Road Wayne, Pennsylvania 19087	Father
Shawn Donte Williams	2135 South Daggett Street Philadelphia, PA 19142	Son

6. Decedent died intestate.

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

8. No lien or claim has been asserted against the Estate by the Pennsylvania Department of Public Welfare. See Exhibits "B," "C," "D," and "E" which are letters from the Pennsylvania Department of Public Welfare confirming same.

9. A Complaint under Civil Action No.: 11-2430 was filed against various Defendants, including the City of Philadelphia, Prison Health Services, Inc., and MHM Correctional Services, Inc., as well as individuals employed by those Defendants.

10. A second Complaint under Civil Action No.: 11-5477 was filed against various Defendants, including the City of Philadelphia, Prison Health Services, Inc., and MHM Correctional Services, Inc., as well as individuals employed by those Defendants.

11. By Order dated December 5, 2011, the above two actions were consolidated, and certain Defendants were dismissed, with the remaining Defendants being as follows:

City of Philadelphia, Prison Health Services, Inc., MHM Services, Inc., t/a Mental Health Management, Inc., Bruce Herdman, Joyce Adams, Adrian Christmas, Eugene Thompson, Arthur J. Blackman, Louis Giorla, Clyde Gainey, Reginald Hammond, and William Conpra.

12. The following settlement has been reached for both civil actions and approved by Order of the Honorable Edmond V. Ludwig, dated December 8, 2011, which is attached hereto as Exhibit "F."

\$350,000.00 settlement with all of the remaining Defendants by means of a global settlement.

13. Counsel has incurred the following expenses for which reimbursement is sought:

To: James D. Famiglio, Esquire
and
Stuart A. Carpey, Esquire

<u>Description</u>	<u>Cost</u>
Delaware County Register of Wills	\$163.00
Montgomery Insurance Services, Inc. - \$10,000.00 Bond	100.00
Court Administrator's Office	700.00
Medical Examiner's Office – Autopsy & Toxicology Report	30.00
Medical Records	85.28
Parking and Transportation	67.00
Sir Lancelot Courier – Delivery Services	87.44
Cimino Investigation	680.00
Professional Duplicating/Photocopying	842.02
Postage and Federal Express	<u>179.50</u>
TOTAL REIMBURSEMENT COSTS	<u>\$2,934.24</u>

14. Counsel requests counsel fees in the amount of \$140,000.00 which represents forty (40%) percent of the net proceeds of the settlement based upon the fee agreement signed by petitioner.

15. Petitioner requests allocation of the net proceeds of the settlement (after deduction of costs and attorney's fees) as follows:

- a. Wrongful Death Claim 80% - \$165,652.61
- b. Survival Claim 20% - \$ 41,413.15

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

Defendant was unemployed at the time of the accident. Pecuniary losses were minimal and the amount offered is fair compensation given disputed liability. Decedent's earning ability was limited and any earnings would have been consumed by decedent's maintenance. Decedent's provable pain and suffering was minimal.

17. The allocation of the wrongful death claim damages and the survival claim damages has been approved by the Pennsylvania Department of Revenue which is attached hereto as Exhibit "G," which is a letter from the Pennsylvania Department of Revenue dated November 7, 2011 confirming same.

18. Pursuant to the Wrongful Death Statute 42 Pa. C.S.A. § 8301, the beneficiaries of the Wrongful Death Claim, and the proportion of their interest, are as follows:

<u>Name</u>	<u>Amount Due</u>
Shawn Donte Williams, minor	100%

WHEREFORE, Petitioner requests that he be permitted to distribute the settlement funds recited above, and that the Court enter an Order of Distribution as follows:

- a. To: Stuart A. Carpey, Esquire
and
James D. Famiglio, Esquire
Reimbursement of Costs – (as set forth in Paragraph 13) \$ 2,934.24
- b. To: Stuart A. Carpey, Esquire
and
James D. Famiglio, Esquire
Counsel Fees \$140,000.00
- c. Wrongful Death Claim
To: Shawn Donte Williams, Son \$165,652.61
- d. Survival Claim
To: Shawn Wheeler as Administrator of the Estate of

Shawn Williams to be distributed to the decedent's sole heir,
Shawn Donte Williams, minor, in accordance with
42 Pa. C.S.C. Sec. 8302, after payment of taxes and costs
of the administration of the estate \$ 41,413.15

TOTAL: **\$350,000.00**

Law Office of James D. Famiglio, P.C.

Kreithen, Baron & Carpey, P.C.

By: _____

James D. Famiglio, Esquire
Attorney I.D. No.: 51101
Sproul Road at Williamsburg Drive
Broomall, PA 19008
(610)359-9220
Co-counsel for Petitioner

By: _____

Stuart A. Carpey, Esquire
Attorney I.D. No.: 49490
100 W. Elm Street, Suite 310
Conshohocken, PA 19428
(610) 834-6030
Co-counsel for Petitioner

Date: _____

**COURT OF COMMON PLEAS OF
DELAWARE COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

In Re: Estate of Shawn Donte Williams, Minor:

NOTICE

To: Mr. Shawn R. Wheeler
108 Radnor Street Road
Wayne, PA 19087

To: Shawn Donte Williams, Minor
c/o Ms. Crystal Fleming (parent and natural guardian)
2135 South Daggett Street
Philadelphia, PA 19142

YOU ARE HEREBY NOTIFIED THAT, Shawn R. Wheeler, Administrator of the Estate of Shawn Williams, Deceased will file on _____, 2011, a Petition for Allocation and Distribution to Approve a Settlement of a Wrongful Death Survival Action. A copy of that Petition is enclosed.

If you object to the proposed allocation and distribution, you must submit your written objections or response to the Petition on or before _____, 2011 to the following address:

Orphan's Court
Delaware County Courthouse
201 W. Front Street
Media, PA 19063

I hereby certify that the within Notice has been mailed to the above named individual on the date set forth above.

Law Office of James D. Famiglio, P.C.

Kreithen, Baron & Carpey, P.C.

By: _____
James D. Famiglio, Esquire
Attorney I.D. No.: 51101
Sproul Road at Williamsburg Drive
Broomall, PA 19008
(610)359-9220
Co-counsel for Petitioner

By: _____
Stuart A. Carpey, Esquire
Attorney I.D. No.: 49490
100 W. Elm Street, Suite 310
Conshohocken, PA 19428
(610) 834-6030
Co-counsel for Petitioner

Date: _____