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Jury awards \$14 million for loss of leg due to bus

By Bill Reed
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A Bucks County jury awarded \$14 million Monday to a former Pennsbury High student who lost her left leg when she was run over by a school bus in 2007.

The jury of eight women and four men voted unanimously to award 21-year-old Ashley Zauflik \$2.9 million for past and future medical costs and \$11.1 million for pain, suffering, and disfigurement.

Minutes after the verdict, the Fairless Hills woman stood on her right leg and hugged relatives, friends, and her lead attorney, Thomas Kline, while she smiled through tears.

But there's no guarantee that she will collect the full verdict because of a \$500,000 state cap limiting the general liability for school districts and municipalities. The verdict will probably be appealed by the school district in the next few days, Kline said, and Judge Robert J. Mellon will institute the cap amount. At that point, Kline said, he will take the case to a higher court to challenge the cap.

"We're on the road to the Superior Court and the Supreme Court of Pennsylvania," Kline said after the four-day civil trial. "There's no more worthy a case than a youngster, an innocent victim in a schoolyard accident, decided by a conservative jury. They considered the verdict down to the pennies."

Pennsbury's lawyer, David Cohen, has declined to discuss the case throughout the trial.

The district did not take responsibility for the accident until last week, on the eve of the trial, stipulating that its bus driver had mistakenly stepped on the gas pedal instead of the brake. Zauflik was the most seriously injured of the eight students who have claims against the district, and the \$500,000 covers all of them.

Armed with the jury's finding of the facts and the award, Kline challenged the Pennsbury school board "to do what is right and just and fair." It could start, he said, by agreeing to pay for a high-tech artificial leg that the district's only witness, Richard Riley, recommended.



MATT ROURKE / Associated Press
Police investigate after the school bus accident at Pennsbury High School that injured eight students in 2007. Ashley Zauflik was run over, and she suffered the worst injuries.

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A life-care planner who testified for Zauflik recommended **\$14M award for woman hit by bus** the same prosthesis, equipped with a micro-sensor, at a cost of \$2 million for the next 56 years, her life expectancy. Riley projected the lifetime cost of prostheses at \$1.5 million.

Cohen, in his closing arguments, told the jurors to award the \$1.5 million if they thought Zauflik would wear the prosthesis.

The jury awarded a lot more - \$338,580.49 for the 40 days of her original hospitalization and all other costs to date, which both sides had agreed to, and \$2.6 million for future medical costs, virtually equaling the amount recommended by the life-care planner.

For noneconomic damages, they awarded \$11.1 million for pain and suffering, embarrassment, and humiliation, loss of enjoyment of life, and disfigurement.

"Assessing pain is hard," Kline told the jury in his closing arguments. "A 20,000-pound school bus ran over her . . . crushing her while conscious, while alive. You have to put a value on things no one would volunteer for."

He reminded the jury of the mental anguish Zauflik has suffered: Asking in the school yard whether she was going to die, asking hours after the accident whether she would walk again, not believing her amputation was real, and suffering a breakdown and depression.

"See, then, her pretty smile - see what's there," Kline said. "And ask what it really would cost us to be Ashley."

After the verdict, Kline called on the school board to "come out of hiding" and reach a more reasonable payment than the \$500,000 cap provides.

"This is a wake-up call for the cap. These cases don't come along very often - once in a lifetime," said Kline, who has been a lawyer for 32 years. "The school district is insured for this kind of incident, and the insurance is for more than \$500,000."

School Board President Allan Weisel said he had no comment on ongoing litigation.

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