

Bucks County Courier Times

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Just more than 10 months after Ashley Zauflik lost her left leg in a bus crash outside the Pennsbury High School East campus, a lawsuit was filed in Bucks County Court in Doylestown Wednesday morning on behalf of the teenager and her parents, Paul and Marguerite of Fairless Hills.

The suit names as defendants the Pennsbury School District, bus driver John McCleary and four companies involved in the design and manufacturing of the bus and its braking and acceleration systems.

The civil lawsuit, filed by high-profile Philadelphia personal injury attorney [Tom Kline](#), claims Zauflik suffered 21 “severe and permanent” injuries in the Jan. 12 crash — from the loss of her left leg to “past and future embarrassment and disfigurement.”

Wednesday night Kline said the lawsuit was an attempt to hold several people and companies accountable for a combination of factors he said led to the crash.

He said his legal team would take sworn testimony from several officials and look at documentation of potentially similar bus accidents. However, he said he has not yet been given access to the school district’s vehicle maintenance and service records.

“We’ve got to dig further,” he said. Kline said the suit seeks financial compensation for Zauflik’s medical bills as well as pain and suffering and other injuries. No specific financial amount is in the suit.

“It’s an amount that needs to be set by a jury in the future,” he said.

The crash took place at about 2:20 p.m., when McCleary started bus No. 42 outside the Falls high school and the bus lurched forward and careened wildly, speeding forward for about a quarter mile before crashing into a stone retaining wall.

Zauflik, a 17-year-old Pennsbury junior at the time of the crash, is now a senior who is being home-schooled. She was one of 20 students, including three bus passengers, who were injured during the incident.

Investigations by the Falls police and the National Transportation Safety Board found the crash was caused by driver error, due to “unintentional acceleration.” McCleary wasn’t criminally charged.

The lawsuit claims that bus No. 42, a 1995 model built by Thomas Built Buses Inc. of North Carolina, was defective in its design and manufacture. The suit also claims the bus’s braking system, designed and

manufactured by Bendix Commercial Vehicle Systems of Ohio, was defective, along with the acceleration or throttle control, designed by Williams Controls Inc. of Oregon.

The suit charges Thomas Built and parent company, Freightliner LLC of Oregon, Bendix and Williams, with strict liability, breach of warranties and negligence.

Efforts to reach spokespeople for all four companies Wednesday afternoon were unsuccessful.

The suit charges the Pennsbury School District with negligence, claiming the district failed to properly care for and maintain the bus and “failed to remove Bus 42 from service after it was involved in a sudden acceleration accident in 1994.”

Pennsbury spokeswoman Ann Langtry declined to comment on the lawsuit since it is a matter of litigation.

The suit charges McCleary with negligence, claiming that he “failed to maintain control [of the bus]” and “failed to prevent Bus 42 from leaving the roadway” and “failed to stop Bus 42 before striking pedestrians including [Zauflik].”

Efforts to reach McCleary for comment Wednesday were unsuccessful. He has declined to comment on the crash in the past.

The community has rallied behind Zauflik and McCleary with several fundraising efforts. The driver was suspended with pay while the district conducted its own investigation of the crash.

Zauflik, who recently underwent more surgery on her leg, wants to return to Pennsbury during her senior year, according to William Goldman Jr., a family attorney.