

**By Jo Ciavaglia**

**Staff writer**

**November 30, 2011**

### **Pennsbury admits liability in 2007 bus-crash lawsuit**

The Pennsbury School District has admitted its school bus driver caused a 2007 accident that injured 20 students, including one who lost her left leg, one day before the start of a civil trial in the case.

Ashley Zauflik, now 21, was standing on a crowded sidewalk outside the high school's east campus in Falls when the runaway school bus struck her and dragged her under a tire and onto the street. She suffered the most serious injuries, including an above-the-knee amputation.

In an order filed Tuesday, the Pennsbury School District agreed that its longtime bus driver, John McCleary, caused the bus accident after he mistakenly applied the accelerator pedal, instead of the brake, when he shifted the bus into gear.

The civil trial against Pennsbury School District is scheduled to begin Wednesday before Judge Robert Mellon to determine the amount of damages that Zauflik and her parents will receive. The jury was seated Tuesday and the trial is expected to last four days.

Other defendants named in the initial suit have been dismissed, including McCleary, and four companies involved in the design and manufacture of the bus and its braking and acceleration systems, said attorney [Tom Kline](#), who represents Zauflik and her parents.

Efforts to reach Pennsbury attorney David Cohen for comment were unsuccessful; Cohen confirmed with The Associated Press that the district accepts liability for Zauflik's injuries.

The district has offered a total of \$500,000 to settle the eight bus-accident claims, including Zauflik's. The district claims its exposure is limited to that amount, according to a pretrial memorandum filed in the case. The Zaufliks have declined to accept the offer.

In 2009, the National Transportation Safety Board issued a report that blamed McCleary for the accident, finding the probable cause as "pedal misapplication by the driver." The NTSB's conclusions were consistent with Falls Police Department findings in March 2007, which blamed the accident on "unintentional acceleration," after McCleary confused the gas and brake pedals.

The crash occurred after McCleary started bus No. 42 outside the high school and it lurched forward and careened wildly, speeding forward for about a quarter of a mile before crashing into a stone retaining wall. The bus was part of the district's substitution fleet.

The suit charged the Pennsbury School District with negligence, claiming the district failed to properly care for and maintain the bus and "failed to remove bus No. 42 from service after it was involved in a sudden acceleration accident in 1994." The driver in that incident reported the acceleration pedal stuck. No one was injured and the cause of the accident remained undetermined.

McCleary has never wavered in his claim that he didn't mix up the pedals. He was placed on unpaid leave and resigned from the district in January 2010, district spokeswoman Ann Langtry said. He is listed as a potential witness in the civil case.

In the lawsuit, Kline states Zauflik suffered 21 "severe and permanent" injuries in the crash. Her last surgery for a scar and other repairs was in September 2007, Kline said.

Her attorneys have reports from five "damage experts" who are expected to testify about her lingering physical and psychological problems.

Zauflik was initially fitted with a prosthetic leg, which she used briefly, but found it uncomfortable and difficult to use. For most of the past four years, she has used crutches and a wheelchair to get around.

She is expected to testify Thursday, Kline said.

Zauflik finished an online course at Bucks County Community College earlier this year in medical billing and coding. She lives at home with her parents and has been unable to find "meaningful" employment, according to the suit.