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Pa. high court to hear \$14M Pennsbury school bus case

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Pennsylvania's highest court has agreed to hear an appeal involving a damage cap that effectively reduces to \$500,000 a \$14 million jury award to a Falls woman who lost a leg as a teenager after she was hit by a Pennsbury school bus.

Tom Kline, the lead attorney representing Ashley Zauflik, was notified Thursday that the state's Supreme Court will look at all the issues involving the constitutionality of the case including legal issues the court previously ruled on in the 1980s involving the state's cap on



Zauflik

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damage awards involving government entities.

Among the issues in Zauflik's appeal are whether the \$500,000 cap on damages is unconstitutional in that it violates equal protection for all citizens and whether the cap infringes on the court's power to rule on jury verdicts, Kline said.

Pennsbury officials were not immediately available for comment on the appeal decision.

Zauflik, now 24, was the most seriously injured of 20 students hit by an out-of-control bus outside Pennsbury High School's East campus in January 2007.

She lost her left leg above the knee and sustained other injuries.

She sued the Pennsbury School District, and a Bucks County jury sided with her in 2011. With interest, the total award is nearly \$16 million. The county judge who oversaw the civil case, though, later reduced the award to \$500,000 citing the liability cap.

Pennsylvania law limits the amount of civil damages awards against local governments and school districts to \$500,000 per incident.

Last year, a state appellate court upheld the damage cap that Kline says, reduced by 96 percent the original verdict. The three-member Commonwealth Court noted that courts have upheld the state cap

previously and placed responsibility for changing the law with the state Legislature, not the courts.

Kline called it a major step that the state's high court has agreed to look at the appeal. It has previously upheld the law limiting civil liability for state and local governments in 1981 and 1986.

To bring a case before the Supreme Court at least three of its seven members must agree to review the case, Kline said. Among the issues the justices will look at is whether the jury award reduction is unconstitutional, Kline said.

"Every issue we have cared about is now under review," Kline said.

Her attorneys argue that had Zauflik been injured in a school district that

outsourced transportation services to a private bus company, she likely would recover the entire original jury award.

Kline also has long contended that Pennsbury could tap a \$10 million excess liability policy in place at the time of the accident to cover most of the original verdict. The district has argued the policy covers claims that fall outside the parameter of the state cap, such as a federal civil award.

No court date has been set for the case, but Kline anticipates that arguments and a decision could take place this year.

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