

Each day plaintiff's attorneys throughout the Commonwealth fight diligently for the rights of their clients, ensuring that each client is awarded the fair and just compensation they so rightly deserve. However, what happens when the laws in place undermine the award granted to you by a jury of your peers? Recently the Pennsylvania Supreme Court granted allocatur to determine the constitutionality of this very question.

In *Zauflik v. Pennsbury School District*, Ashley Zauflik, a 17-year-old girl, was run over by a school bus owned and operated by Pennsbury School District. As a result of the accident, Miss Zauflik sustained debilitating injuries, including an above-the-knee amputation to her left leg. The School District admitted liability, and a jury trial was held solely on the issue of damages. Following deliberations, the jury awarded Miss Zauflik \$14 million dollars for past and future medical expenses, as well as for her pain and suffering.

Following the award, the School District filed post-trial motions requesting that the trial court mold the \$14 million verdict to \$500,000 – the statutory cap currently in place under the Political Subdivision Tort Claims Act ("Tort Claims Act"). The Tort Claims Act is a law enacted by the Pennsylvania Legislature that currently limits various government entities', including school districts, liability to at most \$500,000 per accident. This statutory cap applies regardless of an entity's liability or the magnitude of a plaintiff's injuries.

With its hands-tied by years of judicial precedent, the trial court, and subsequently the Commonwealth Court, allowed the verdict to be molded to \$500,000 – a mere 3.5 percent of what the jury determined Miss Zauflik was entitled to receive. In response, Miss Zauflik appealed the constitutionality of this decision, and the Pennsylvania Supreme Court has decided to hear her appeal.

The personal injury attorneys at Rosenn, Jenkins & Greenwald will continue monitoring the status of Miss Zauflik's appeal. In the meantime, if you or someone you love is injured as a result of a school district's or municipality's negligence, do not hesitate to contact our attorneys for a free and confidential consultation.