

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS BORLE, Personal Representative
of the Estate of NANCY J. BORLE, Deceased,
and KEITH BORLE, Individually,

Plaintiffs,

VS.

Case No: 2:09-cv-14726

STANISLAW JAROSZ and AIR TIME ON
TIME EXPRESS,

Honorable Patrick J. Duggan
Magistrate Judge: Mark A. Randon

Defendants.

BY: ROBERT E. BERG, JR., P10713
Attorney for Plaintiffs
39850 Van Dyke Avenue, Suite 100
Sterling Heights, MI 48313
586/979-1992

BY: AARON D. WISELEY, P60464
Attorney for Defendants
2090 Celebration Dr., NE, Ste. 202
Grand Rapids, MI 49525
616/447-9610

**ORDER AUTHORIZING SETTLEMENT OF WRONGFUL DEATH CLAIM
AND PAYMENT OF ATTORNEY FEES**

At a session of said Court held in the City of Detroit,
County of Wayne, State of Michigan on:

April 14, 2010

PRESENT: HONORABLE: PATRICK J. DUGGAN
United States District Court Judge

This cause came on to be heard on the Petition of the Personal Representative of the
above Estate, and the Court having read and considered said Petition and being fully advised in

the premises, it is

ORDERED that the Personal Representative of the above Estate accept the sum of \$805,000.00 in settlement of the claim of said Estate against **Stanislaw Jarosz and Air Time On Time Express** and said Personal Representative is hereby authorized to enter into a Release; and it is

FURTHER ORDERED that said Personal Representative is authorized to pay attorney fees in accordance with the Contingent Fee Agreement attached hereto and made a part hereof.

s/Patrick J. Duggan

UNITED STATES DISTRICT COURT JUDGE

RETAINER AGREEMENT

1. The undersigned does hereby employ and retain **ROBERT E. BERG, JR.** to render legal services on my behalf against any person, firm, corporation, or any other entity liable to me in any way for any claims which I have against said person, firm, corporation, or entity arising out of an automobile accident that occurred on July 27, 2009.

2. For such professional services, I agree to pay **ROBERT E. BERG, JR.** twenty-five percent (25%) of any settlement prior to the institution of suit and/or twenty-five percent (25%) of any settlement, verdict, or recovery obtained after the institution of suit in this cause of action, as set forth in Michigan Court Rule 8.121.

3. The percentages referred to above shall be computed on the net sum recovered after deducting from the amount recovered all disbursements and expenses properly chargeable to the enforcement of the claim or prosecution of the action (by way of example, but not by limitation, filing fees, service fees, jury fees, motion fees, witness fees, judgment fees, deposition costs, investigation expenses, etc.) In computing the fee, the costs as taxed and any interest included in or upon the amount of the judgment shall be deemed part of the amount recovered.

4. **ROBERT E. BERG, JR.** has made no guarantees regarding the successful termination of said cause of action and all expressions relative thereto are matters of opinion only.

5. It is understood that any payment for services to **ROBERT E. BERG, JR.** is entirely contingent upon making a recovery for me on my behalf of money or property.

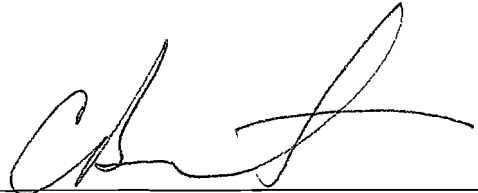
6. I do hereby agree with **ROBERT E. BERG, JR.** not to make any settlement unless he is present and receives his fair share in accordance with this agreement.

7. The undersigned acknowledges receipt of this agreement and acknowledges that they have read and understand the nature and contents of this agreement.

8. I do hereby bind myself, my heirs, my executors, or legal representatives to the terms and conditions set forth herein.

9. This Agreement does not apply to Appellate work as may become necessary. If Appellate work is required, arrangements for attorney fees will be negotiated at that time.

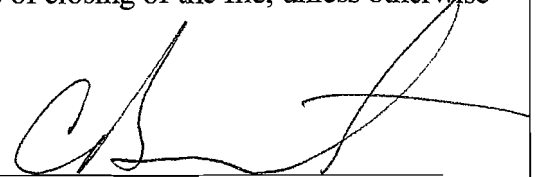
APPELLATE WORK IS NOT INCLUDED IN THIS FEE AGREEMENT and any Appeal would be subject to a separate fee agreement. ROBERT E. BERG, JR. is under no obligation to pursue an appeal unless both ROBERT E. BERG, JR. and the CLIENT agree to do so on terms that are acceptable to both.



CURTIS BORLE, Personal Representative
of the Estate of Nancy J. Borle, Deceased

DATED: 4-8-2010

Client acknowledges and grants permission to the law offices of **ROBERT E. BERG, JR.** to destroy their file, including but not limited to, medical records, deposition transcripts, pleadings and correspondence, three (3) years from the date of closing of the file, unless otherwise advised by the client, in writing.



CURTIS BORLE, Personal Representative
of the Estate of Nancy J. Borle, Deceased

DATED: 4-8-2010

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS BORLE, Personal Representative
of the Estate of NANCY J. BORLE, Deceased,
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TIME EXPRESS,

Honorable Patrick J. Duggan
Magistrate Judge: Mark A. Randon

Defendants.

BY: ROBERT E. BERG, JR., P10713
Attorney for Plaintiffs
39850 Van Dyke Avenue, Suite 100
Sterling Heights, MI 48313
586/979-1992

BY: AARON D. WISELEY, P60464
Attorney for Defendants
2090 Celebration Dr., NE, Ste. 202
Grand Rapids, MI 49525
616/447-9610

**PETITION FOR ORDER AUTHORIZING SETTLEMENT OF
WRONGFUL DEATH CLAIM**

Petitioner says:

1. Decedent died as a result of an automobile accident which occurred on July 27, 2009.
2. Petitioner **Curtis Borle** was duly appointed Personal Representative of the Decedent's Estate on August 31, 2009, (See Exhibit 1).
3. The law firm of Robert E. Berg, Jr., 39850 Van Dyke Avenue, Suite 100, Sterling

Heights, Michigan, was employed to pursue a wrongful death claim against **Stanislaw Jarosz and Air Time On Time Express** on behalf of the Estate.

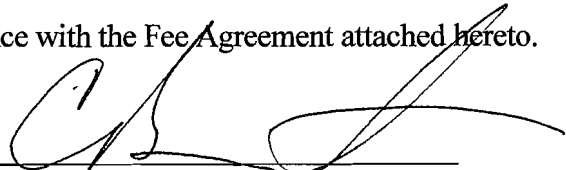
4. The insurer of the Defendants has made an offer of settlement in the amount of \$805,000.00.

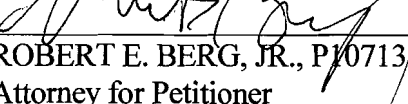
5. Such settlement would be in return for a Release of All Actions on behalf of the Estate and Keith Borle, Individually, but would not affect any claims that Keith Borle had for any First Party No-Fault Benefits, or against any other persons who might have had some responsibility for the injury and death of the Decedent.

6. Petitioner, after due consideration and investigation, and upon advice of counsel, deems it to be in the best interests of said Estate to enter into said settlement.

WHEREFORE, Petitioner prays that this Honorable Court enter an order authorizing and directing him to settle said claim for the sum of \$805,000.00, and to enter into a proper Release and to pay attorney fees and costs in accordance with the Fee Agreement attached hereto.

Dated: 4-08-2010


CURTIS BORLE, Personal Representative
of the Estate of Nancy J. Borle, Deceased

By: 
ROBERT E. BERG, JR., P/0713
Attorney for Petitioner
39850 Van Dyke Ave., Ste. 100
Sterling Heights, MI 48313
586/979-1992

STATE OF MICHIGAN}

}ss

COUNTY OF Macomb

On this 8th day of April, 2010, before me, a Notary Public, in and for said County, personally appeared Curtis Borle known to me to be the person who subscribed

the foregoing Petition and made oath that he is authorized to do so; that he has read said Petition and knows the contents thereof and that the same is true of his own knowledge, except as to the matters therein set forth upon information and belief, and as to those matters he believes them to be true.

JACQUELINE A. KOOK
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Apr 16, 2011
ACTING IN COUNTY OF Macomb

Jacqueline A Kook
Notary Public,
Macomb County, Michigan
My Commission Expires:
Acting in 4/15/2011 County, Michigan

STATE OF MICHIGAN PROBATE COURT COUNTY OF SANILAC	LETTERS OF AUTHORITY FOR PERSONAL REPRESENTATIVE	FILE NO. 09 30465 DE
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Estate of NANCY BORLE, Deceased

TO:

Name and address CURTIS BORLE 17307 33 Mile Rd. Armada, MI 48005	Telephone no. 586-933-3323
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You have been appointed and qualified as personal representative of the estate on Aug 8 1 2009 . You are authorized to perform all acts authorized by law unless exceptions are specified below. Date

- Your authority is limited in the following way:
 - You have no authority over the estate's real estate or ownership interests in a business entity that you identified on your acceptance of appointment.
 - Other restrictions or limitations are:

These letters expire: _____ Date
Aug 8 1 2009

Sandra J. Schlaud

 Judge (formal proceedings) / Register (informal proceedings) Bar no.
Sandra J. Schlaud
Probate Register

SEE NOTICE OF DUTIES ON SECOND PAGE

Mannino Martin/ By: Elizabeth A. Martin (P38592)
 Attorney name (type or print) Bar no.
39850 Van Dyke Ave., Suite 300
 Address
Sterling Heights, MI 48313 586-979-7755
 City, state, zip Telephone no.

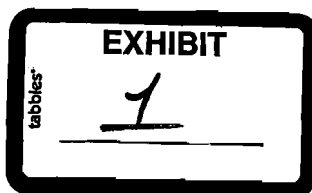
I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

Aug 8 1 2009
 Date

Sandra J. Schlaud

 Deputy register
Sandra J. Schlaud
Probate Register

Do not write below this line - For court use only



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Estate of Nancy J. Borle, Deceased

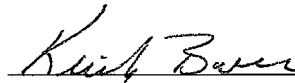
Case No: 2:09-cv-14726

WAIVER AND CONSENT

I, **KEITH BORLE**, being interested in the above Estate as a Plaintiff and as an Heir to the Estate, do hereby acknowledge that I have received a copy of the Petition for Authority to Distribute Proceeds of Wrongful Death Settlement authorizing settlement of a Wrongful Death Claim and praying for an Order of Distribution and Order Authorizing Payment of attorney fees and expenses. I regard the attorney fees and expenses in the amount of \$205,000.00 as fair and reasonable and I consent to the Order Authorizing Payment of Attorney Fees and Expenses in that amount as prayed for in said Petition, and I waive notice of hearing thereon. I consent to the Order of Distribution as prayed for in said Petition and I waive notice of hearing thereon.

I understand that I am not required to sign this Waiver and Consent form, but do so voluntarily.

Dated: 4-8-10, 2010



KEITH BORLE
8216 Vincent Road
Crosswell, MI 48422

ROBERT E. BERG, JR., P10713
Attorney for Petitioner
39850 Van Dyke Ave., Ste. 100
Sterling Heights, MI 48313
586/979-1992

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Estate of Nancy J. Borle, Deceased

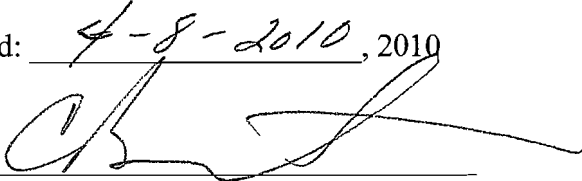
Case No: 2:09-cv-14726

WAIVER AND CONSENT

I, **CURTIS BORLE**, being interested in the above Estate as an Heir to the Estate and as Personal Representative, do hereby acknowledge that I have received a copy of the Petition for Authority to Distribute Proceeds of Wrongful Death Settlement authorizing settlement of a Wrongful Death Claim and praying for an Order of Distribution and Order Authorizing Payment of attorney fees and expenses. I regard the attorney fees and expenses in the amount of \$205,000.00 as fair and reasonable and I consent to the Order Authorizing Payment of Attorney Fees and Expenses in that amount as prayed for in said Petition, and I waive notice of hearing thereon. I consent to the Order of Distribution as prayed for in said Petition and I waive notice of hearing thereon.

I understand that I am not required to sign this Waiver and Consent form, but do so voluntarily.

Dated: 4-8-2010, 2010



CURTIS BORLE
17307 33 Mile Rd.
Armada, MI 48005

ROBERT E. BERG, JR., P10713
Attorney for Petitioner
39850 Van Dyke Ave., Ste. 100
Sterling Heights, MI 48313
586/979-1992

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Estate of Nancy J. Borle, Deceased

Case No: 2:09-cv-14726

WAIVER AND CONSENT

I, **CARRIE BORLE**, being interested in the above Estate as an Heir to the Estate, do hereby acknowledge that I have received a copy of the Petition for Authority to Distribute Proceeds of Wrongful Death Settlement authorizing settlement of a Wrongful Death Claim and praying for an Order of Distribution and Order Authorizing Payment of attorneys fees and expenses. I regard the attorney fees and expenses in the amount of \$205,000.00 as fair and reasonable and I consent to the Order Authorizing Payment of Attorney Fees and Expenses in that amount as prayed for in said Petition and I waive notice of hearing thereon. **I HAVE BEEN ADVISED THAT I AM AN HEIR TO THIS ESTATE AND THAT I WOULD BE ENTITLED IF REQUESTED TO RECEIVE FUNDS FROM THE DISTRIBUTION OF THE MONIES FROM THE WRONGFUL DEATH SETTLEMENT AND I AM KNOWINGLY AND VOLUNTARILY DECLINING TO ACCEPT THOSE FUNDS.**

I consent to the Order of Distribution as prayed for in said Petition and I waive notice of hearing thereon.

I understand that I am not required to sign this Waiver and Consent form but do so voluntarily.

Dated: 4-08-2, 2010

Carrie Borle
CARRIE BORLE
8216 Vincent Road
Crosswell, MI 48422

ROBERT E. BERG, JR., P10713
Attorney for Petitioner
39850 Van Dyke Ave., Ste. 100
Sterling Heights, MI 48313
586/979-1992