

**Injuries:**

Laceration, facial wounds.

**Plaintiffs Counsel:**

Thomas J. Newell, Philadelphia, Thomas Newell, Attorney at Law.

**Defense Counsel:**

None.

**Comment:**

Family members reached a prelitigation structured settlement after a pit bull bit an 11-year-old girl during a family gathering.

According to the minor's compromise petition, the defendants' insurance company, State Farm Fire & Casualty Co., offered immediate payments of \$50,000 in attorney fees, \$1,117 in medical subrogation and \$148,882 to Pacific Life & Annuity Services. Pacific Life then funded the purchase of a structured settlement annuity that would pay a total of \$177,106 over the course of five years once the child turns 18.

On Sept. 16, a Bucks County court approved the petition's payment plan that begins on January 11, 2020. It doles out \$25,000, \$30,000, \$32,106, \$40,000, and \$50,000, in order, for the five years.

According to the plaintiff's attorney, Thomas Newell, by having the insurance company pay the annuity services company directly, the payments disbursed by the annuity company are tax-free.

On May 31, 2013, defendants Dean Shakespeare and Laura Wasylak hosted a family gathering at their home in Fleetwood. The plaintiffs, Felix and Rachel Mummolo, brought their daughter to the family gathering. Within minutes of her arrival, Falyn Mummolo was bit on the face by the defendants' pit bull, according to the petition. Falyn was then taken to St. Joseph's hospital where she was treated for a six-centimeter laceration on her nose and dog bite wounds to her left brow and lip, the petition said.

Newell said Falyn's doctor opined that the scar might be permanent, even with further treatments.

According to the petition, the plaintiffs determined that organizing the settlement funds in a structured settlement annuity was in the best interest of both parties. Newell also noted that both parties agreed that it would be in the child's best interest to handle the case prelitigation.

"When you represent a child and the defendants are family members," Newell said, "you are aware this legal plane has another level."

Newell said he was glad to resolve the case prelitigation to avoid putting Falyn through the traumatic ordeal a second time.

"Dynamics are important," Newell said, "but they cannot take the place of the right number for a case."

Falyn is now 13 years old and has no serious medical complications.