

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

THERESA DOE, parent and legal guardian for
M.D., a minor,

Plaintiff,

v.

GRAYS HARBOR COUNTY, a municipality;
GERALD MURPHY, GREG REYNVAAN,
and JOHN and JANE DOES, in their individual
capacity,

Defendants.

No. 3:17-cv-05186 RBL

(Proposed) ORDER APPROVING MINOR
SETTLEMENT ON BEHALF OF MINOR
CHILD, M.D.

THIS MATTER having come before the Court on the unopposed Plaintiff's Motion for Approval of Minor Settlement on Behalf of Minor Child, M.D.; the Court having reviewed the pleadings and records on file herein; and the Court being fully advised:

IT IS HEREBY ORDERED

(1) That the settlement offer outlined in the parties' Settlement Agreement and Release is granted and the settlement is approved;

(2) Defendants or their indemnifier, Washington Counties' Risk Pool (hereinafter "Insurer") shall structure \$25,000 of the settlement to fund future periodic payments (a/k/a Structured Settlement) to M.D. (also "Payee") as follows:

Period Certain Annuity - \$8,339.37 payable annually, guaranteed for 3 year(s), beginning on 07/21/2019, with the last guaranteed payment on 07/21/2021.

(Proposed) ORDER APPROVING MINOR SETTLEMENT ON
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2098.7 kh316001

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
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Furthermore, Insurer shall execute a “Qualified Assignment” in compliance with IRC 104(a)(2) and Section 130 of the Internal Revenue Code of 1986, as amended, to Pacific Life and Annuity Services, Inc. (“Assignee”) of the future periodic payments obligation approved above. The Assignee shall fund the obligation for the periodic payments by the purchase of annuity contract from Pacific Life Insurance Company. (*Rated A+ 15 by AM Best – 2nd Highest Rating Available/Superior*). The Assignee shall be substituted as obligor of such payments for Novartis Corporation, which shall be released from any further obligation to make said future periodic payments. Assignee shall be the sole owner of the annuity contract. None of the periodic payments (including the Claimant’s or Payee’s rights to such payments), or any portion thereof, may be accelerated, deferred, increased or decreased, anticipated, sold, assigned, pledged or encumbered by the Payee (or by any other person who becomes a recipient of periodic payments pursuant to the terms of the Qualified Assignment Agreement or by operation of law).

(3) That the Guardian Ad Litem, Jo-Hanna Read, is authorized to execute releases of the minor’s claim;

(4) Defendants or their insurer will pay the Guardian Ad Litem’s fees in the amount of \$1,500.00;

(5) That payment to ACLU of Washington a total of \$7,703.53 for expert fees and other litigation costs is approved;

(6) That the GAL is authorize to disburse the remaining settlement proceeds as follows:

(a) \$1,000 to be made available immediately, to be spent on clothing at M.D.’s mother’s discretion;

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(b) \$399.00 to be made available immediately, to be spent on a driver's education course for M.D.;

(c) \$10,897.00 to be placed in a blocked account until M.D. reaches 18.

DATED this ____ day of _____, 2017.

Ronald B. Leighton
United States District Court Judge

Presented by:

MacDONALD HOAGUE & BAYLESS

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ACLU of Washington

By: s/Nancy Talner
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed this document entitled
(Proposed) Order Approving Minor Settlement on Behalf of Minor Child, M.D. with the
Clerk of the Court using the CM/ECF system which will send notification of such filing to the
following persons:

Counsel for Defendants:

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DATED this 9th day of November, 2017, at Seattle, Washington.

s/Terri Flink
Terri Flink, Legal Assistant