

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

DAWN and GREG BROWN,)
as parents and next of)
friends of A.B., a minor,)
)
Plaintiffs,)
)
v.)
)
DOLGENCORP, LLC,)
a corporation,)
)
Defendant.)

CIVIL ACTION NO.
1:12cv735-MHT
(WO)

JUDGMENT

In accordance with the memorandum opinion entered this date, it is the ORDER, JUDGMENT, AND DECREE of the court that judgment is entered as follows:

(1) Because the proposed settlement by and between plaintiffs Dawn and Greg Brown, as parents and next best friends of A.B., a minor, and defendant Dolgencorp, LLC, a corporation is within the economic best interest of said minor child, considering all aspects of the claim, including questions regarding the liability of defendant Dolgencorp, LLC, a corporation, the court approves the

settlement as being within the economic best interest of A.B.

(2) All claims of the Brown plaintiffs, as parents and next best friends of A.B., a minor, are dismissed with prejudice with the parties to bear their own cost of court. Upon payment of the sums at issue, all claims of the Brown plaintiffs, as parents and next best friends of A.B., a minor, against defendant Dolgencorp, LLC, a corporation and its respective agents, representatives, employees, distributors, divisions, subsidiaries, insurers, successors and assigns are forever dismissed, released, and discharged as relates in any way to claims arising directly, indirectly or in any way from the incident of June 1, 2012, in Coffee County, Alabama, involving the minor A.B.'s tongue becoming stuck in a water bottle, that was distributed and sold by defendant Dolgencorp, LLC, a corporation, as is more particularly described in the complaint on file in this action.

(3) The Brown plaintiffs, as parents and next best friends of A.B., a minor, and their attorneys are to satisfy any valid and outstanding liens or subrogation interests, which are or may be applicable to this settlement amount. The Alabama Medicaid Agency has asserted a subrogation claim in this case and counsel for the Brown plaintiffs, as parents and next best friends of A.B., a minor, has negotiated a settlement of this subrogation claim in the amount of \$ 2,000.00. Accordingly, any subrogation claim asserted by The Alabama Medicaid Agency is fully and completely satisfied by payment from the Brown plaintiffs, as parents and next best friends of A.B., a minor, in the amount of \$ 2,000.00 and any future claims for reimbursement are forever dismissed, released, and discharged by payment of this sum.

(4) The court further approves reimbursement of litigation expenses, incurred by counsel for the Brown plaintiffs, as parents and next best friends of A.B., a

minor, to be taken from the settlement amount in the amount of \$ 1,016.72. The court further approves an attorney fee to be taken from the settlement amount on behalf of The Law Offices of Thomas P. Willingham, P.C. in the amount of \$ 1,483.28. The court finds that these amounts are fair and reasonable under the circumstances of this case.

(5) The court further approves that the sum of \$ 3,000.00 is to be paid to the Brown plaintiffs, as parents and next best friends of A.B., a minor, for the benefit of the minor, pursuant to 1975 Ala. Code § 26-2A-6.

(6) The court further orders that within 30 days of the entry of this judgment, defendant Dolgencorp, LLC, a corporation is to pay to the Brown plaintiffs' counsel's trust account, Law Offices of Thomas P. Willingham, P.C. Client Trust Account, the amount of \$ 7,500.00. The Brown plaintiffs' counsel is then directed and authorized to issue dispersals as follows:

(A) \$ 2,500.00 Check payable to The Law Offices of Thomas P. Willingham, P.C. for reimbursement of expenses occurred in representation of the Brown plaintiffs, as parents and next best friends of A.B., a minor, and as attorney fee in this matter.

(B) \$ 2,000.00 Check payable to The Alabama Medicaid Agency in satisfaction of its claim.

(C) \$ 3,000.00 Check payable to the Brown plaintiffs, as parents and next best friends of A.B., a minor.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 11th day of September, 2013.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE