

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

C.D., a Minor, by and)
Through her Mother and)
Next Friend, Cynthia)
Davenport,)
)
Plaintiff,)
)
v.)
)
COCA-COLA REFRESHMENTS)
USA, INC.,)
)
Defendant.)

CIVIL ACTION NO.
2:14cv952-MHT
(WO)

JUDGMENT

In accordance with the opinion entered this date,
it is the ORDER, JUDGMENT, and DECREE of the court as
follows:

- (1) The parties' proposed settlement is approved.
- (2) Judgment is entered in favor of plaintiff C.D.,
a minor, by and through her mother and next friend,
Cynthia Davenport, and against defendant Coca-Cola
Refreshments USA, Inc. Plaintiff C.D. shall have and

recover from defendant Coca-Cola Refreshments USA, Inc. the sum of \$19,000.00.

(3) Defendant Coca-Cola Refreshments USA, Inc.'s motion to allow settlement funds to be deposited in the court (doc. no. 44) is granted.

(4) Upon defendant Coca-Cola Refreshments USA, Inc.'s payment of the full amount of the settlement funds into the court, the clerk of the court shall disburse the funds as follows:

(A) The clerk of the court shall pay the sum of \$10,030.74 to Gathings Law Firm for an attorney's fee and expenses.

(B) The clerk of the court shall pay the sum of \$ 667.54 to Gathings Law Firm to be disbursed to Medicaid on plaintiff C.D.'s behalf. Gathings Law Firm shall promptly pay this sum to Medicaid to cover the cost of plaintiff C.D.'s subrogation lien.

(C) Pursuant to 1975 Ala. Code § 26-2A-6, the clerk of the court shall pay to Cynthia Davenport, as parent, next friend, and custodial guardian of

plaintiff C.D., immediately the sum of \$ 2,301.72 and the sums of \$ 2,000.00 per year for each of the following three years. As to the amount remaining after the initial payment, the clerk of the court shall hold and invest this remainder for the benefit of plaintiff C.D. until all funds have been disbursed according to this periodic payment plan.

(D) Cynthia Davenport, the mother of plaintiff C.D., is instructed to use all amounts paid to her for only the health, support, education, and maintenance of plaintiff C.D.

(E) A guardian ad litem fee of \$ 1,100.00 is awarded and taxed as costs against defendant Coca-Cola Refreshments USA, Inc.

(F) Upon payment of all the settlement funds into the court, (i) defendant Coca-Cola Refreshments USA, Inc. shall have been discharged of its obligations under the settlement; (ii) defendant Coca-Cola Refreshments USA, Inc. shall also have been discharged of, and released from, any further liability to

plaintiff C.D. arising out of the accident made the basis of this lawsuit; and (3) all claims that were or possibly could have been asserted in this action by plaintiff C.D. against defendant Coca-Cola Refreshments USA, Inc. shall have been merged into this judgment and forever barred.

(5) Defendant Coca-Cola Refreshments USA, Inc. is to pay to the guardian ad litem, Hon. Karen Laneaux, her fee of \$ 1,100.00.

No costs are taxed.

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 15th day of June, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE