

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

TAMMY JOHNSTON,)
Individually and as Next)
Friend and Legal Guardian)
of H.M.W., a minor child,)
)
Plaintiff,)
)
v.)
)
U-HAUL INTERNATIONAL, INC.,)
a Corporation, et al.,)
)
Defendant.)

CIVIL ACTION NO.
3:11cv981-MHT
(WO)

OPINION

On May 30, 2013, this lawsuit came before the court for a hearing on a motion for compromise of claims, seeking consideration and approval of the full and final settlement of the claims of plaintiff Tammy Johnston on behalf of the minor H.M.W. against defendants U-Haul International, Inc., Sovran Acquisition Limited Partnership (d/b/a Uncle Bob's Self Storage), CJR Enterprises, Inc. (d/b/a Two Men and a Truck), and Katherine Miller (as administrator of the estate of Irene Katherine Miller). The court's consideration and

approval is necessary because the settlement involves H.M.W., a minor child. Pursuant to the court's order, H.M.W.'s interests are represented by guardian ad litem Karen Mastin Laneaux. Based on the filings and the representations made in open court, the court will approve the settlement.

This case arises out of a two-car accident. According to the allegations in the complaint, on January 21, 2011, then 10-year-old H.M.W. was a passenger in a car with her grandparents and a cousin when the car was struck by a vehicle with an attached U-Haul trailer. H.M.W. and her cousin were pulled from the car but the grandparents perished in the wreckage. H.M.W. contends that the vehicle that struck her lost control due in part to it having a U-Haul trailer attached that was too large for the type of car and that trailer being excessively loaded in an unsafe manner. H.M.W. suffered both physical and mental injuries.

Under the terms of the proposed settlement, H.M.W will receive \$ 371,250 from U-Haul and Sovran, \$ 375,000 from CJR, and \$ 22,000 from the estate of Miller. Her gross recovery will be, in total, \$ 768,250. From that, after costs and attorney's fees (at a rate of 40 % after costs) are deducted, H.M.W. will be left with a recovery of \$ 447,088.97.

The court has reviewed the filings in this case and is familiar with the background of this lawsuit. The court received testimony and evidence related to liability, the injuries sustained by H.M.W., and the cost of H.M.W.'s medical care. The court concludes that the liability of the defendants is in dispute, as is the extent of the damages from the accident. The court also heard testimony from H.M.W.'s grandmother (Johnston), H.M.W.'s mother, and the guardian ad litem, all of whom stated that they believe the settlement is in H.M.W.'s best interests.

The court is satisfied that the terms and provisions of this settlement are understood and agreed to by all parties. Based on the record and testimony, as set forth above, the court finds that all the terms and provisions of the proposed settlement are in the best interests of the minor child H.M.W. and are fair, just, and reasonable under the circumstances of this case. Therefore, the court will approve the proposed settlement agreement.

An appropriate judgment will be entered granting the pending motion for compromise of claims and approving and adopting the proposed settlement as to H.M.W.

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

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE