

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF ALABAMA**

<b>JOEL PAUL LAROUSSE, <i>et al.</i>,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
<b>v.</b>	)	<b>CASE NO.: 18-80-CG-N</b>
	)	
<b>EDWARD LEE HAMMOND, JR., <i>et al.</i>;</b>	)	
	)	
<b>Defendants.</b>	)	

**APPROVAL AND FINAL ORDER**

This matter came before the Court on the parties' notice of settlement (Doc. 38) and the parties' request for a Pro Ami hearing (Doc. 43). A hearing was held on July 23, 2018, in which all parties were represented by counsel and attorney Richard E. Shields, having been appointed as *Guardian ad Litem*, appeared on behalf of the minors, Joseph Drue Larousse, and Layton Seth Fausak. Based on the evidence and argument presented at the Pro Ami hearings, including the Guardian Ad Litem's conclusion that the settlements were in the best interest of the minors, as well as the Court's review of the submissions made to the Court at the hearing, which included a copy of the settlement agreement for each minor plaintiff, the Court is convinced that the amount of the settlement and the settlement terms are fair, reasonable and just, and that the settlement is in the best interest of the minors. The Court also finds that the fees requested by the attorneys are reasonable under the factors set forth in *Peebles v. Miley*, 439 So.2d 137 (Ala. 1983) and other authority, and that they have been duly earned by counsel. Lastly, the Court finds that the requested Guardian Ad Litem fees are reasonable.

Accordingly, it is hereby ordered as follows:

1. The Joint Petition for Approval of Pro Ami Settlement is hereby made a part of the findings by this Court and approved as being conservative of and in the best interests of the minors, Joseph Drue Larousse, and Layton Seth Fausak.

2. Joel Paul Larousse, as Father and Next Friend of Joseph Drue Larousse, a Minor, be and is hereby authorized and ordered to execute receipt and release agreements in the form and substance approved by counsel of record for the parties and as contemplated in the parties Joint Petition for Approval of Pro Ami Settlement, and such indemnifying release when executed shall be valid and binding on all parties according to its terms.

3. Brenda Larousse, as Mother and Next Friend of Layton Seth Fausak, a Minor, be and is hereby authorized and ordered to execute receipt and release agreements in the form and substance approved by counsel of record for the parties and as contemplated in the parties Joint Petition for Approval of Pro Ami Settlement, and such indemnifying release when executed shall be valid and binding on all parties according to its terms.

4. The Court finds that the Defendants have denied liability. It is the finding of the Court that there are serious legal issues, factual issues, and conflicting testimony concerning liability as to create substantial and real issues as to whether the Defendants would be found liable to the Plaintiffs for the matters and things charged against the Defendants in the pleadings. It is therefore the finding of the Court that the Defendants have expressly denied liability and, further, that nothing contained in this Order will operate as an admission, acceptance, adjudication, or judgment of liability upon the Defendants, their agents

or representatives.

5. The Court hereby orders State Farm Insurance Company to deliver a check in the amount of \$10,000.00, and Western World Insurance Company to deliver a check in the amount of \$2,000.00 on behalf of the minor Joseph Drue Larousse, made payable to the Greene & Phillips and Joel Paul Larousse as Next Friend of Joseph Drue Larousse and Greene & Phillips is hereby ordered to make the following disbursements on behalf of Joseph Drue Larousse:

- a. Greene & Phillips, LLC, is to be paid \$4,000.00 for attorney's fees, as well as \$228.25 for expenses rendered on behalf of the minor.
- b. Hall Therapy Services is to be paid \$130.00 for services/treatment rendered to the minor, Joseph Drue Larousse.
- c. Providence Hospital is to be paid \$60.00 for services/treatment rendered to the minor, Joseph Drue Larousse.
- d. Blue Cross and Blue Shield of Alabama is to be paid \$1,216.12 for services/treatment rendered to the minor, Joseph Drue Larousse.
- e. The Court hereby orders the remaining \$6,365.63 to be paid to Joel Paul Larousse to hold as custodian for minor Joseph Drue Larousse until said minor reaches the age of majority pursuant to the provisions of the Alabama Uniform Transfer to Minors Act, §35-5A-1, *et seq.*

6. The Court hereby orders State Farm Insurance Company to deliver a check in the amount of \$2,500.00, and Western World Insurance Company to deliver a check in the amount of \$1,000.00 on behalf of the minor Layton Seth Fausak, made payable to the Greene & Phillips and Brenda Larousse as Next Friend of Layton Seth Fausak and Greene & Phillips is hereby ordered to make the

following disbursements on behalf of Layton Seth Fausak:

- a. Greene & Phillips, LLC, is to be paid \$1,100.00 for attorney's fees, as well as \$95.00 for expenses rendered on behalf of the minor, Layton Seth Fausak.
- b. Providence Hospital is to be paid \$60.00 for services/treatment rendered to the minor, Layton Seth Fausak.
- c. Blue Cross and Blue Shield of Alabama is to be paid \$83.65 for services/treatment rendered to the minor, Layton Seth Fausak.
- d. The Court hereby orders the remaining \$2,161.35 to be paid to Brenda Larousse to hold as custodian for minor Layton Seth Fausak until said minor reaches the age of majority pursuant to the provisions of the Alabama Uniform Transfer to Minors Act, §35-5A-1, *et seq.*

7. Plaintiffs will be responsible to see to the satisfaction of payment of any and all medical bills incurred and/or subrogation claims or liens for medical bills incurred as a result of this incident out of the said proceeds from the judgment awarded.

8. Defendants shall pay the Guardian ad Litem fee of \$575.00, to Richard E. Shields, Esq., for which, together with the Order entered herein, execution may issue.

**DONE and ORDERED** this 26th day of July, 2018.

/s/ Callie V. S. Granade  
SENIOR UNITED STATES DISTRICT JUDGE