

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
LEWIS T. BABCOCK, JUDGE**

Civil Action No. 90-cv-01071-LTB

ROBERT E. HILL, individually, and as parent and  
next friend of Tasha R. Hill, a minor; and  
CYNTHIA G. HILL, individually, and as parent and  
next friend of Tasha R. Hill, a minor,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

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**INTERIM ORDER**

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This matter is before me on the Guardian ad Litem's Amended Motion for (A) Construction of the Irrevocable Reversionary Inter Vivos Medical Care Trust for the Care of Tasha R. Hill, to Recognize that Audrey Hill, as the Mother of Tasha R. Hill, is Entitled to Compensation for Providing Personal Attendant Care; (B) Allowance of Attorneys' Fees; and (C) Request for Expedited Briefing and for a Resolution of this Motion Before May 11, 2009 [Docket # 545], the Government's Memorandum in opposition [Docket # 552]; and the Guardian ad Litem's Reply [Docket 553].

This case concerns Tasha R. Hill ("Tasha"), who—while still an infant—was negligently treated at the Evans Army Community Hospital on October 17, 1988. In 1994, this Court entered judgment against the Government in the amount of \$13,528,400.00, approximately three million dollars of which included future lost earning capacity, non-economic damages, and physical impairment and disfigurement damages. After payment of attorney fees and costs, the

balance of the three million dollars was placed into the Tasha R. Hill Trust. Following an appeal to the Tenth Circuit, the parties entered into a settlement and Reversionary Trust concerning the remaining damages award that was approved by this Court on May 23, 1997. The Reversionary Trust includes approximately ten million dollars in “life care damages” that will revert to the Government upon Tasha’s death.

As noted by the Guardian ad Litem, Tasha’s biological mother—Cynthia Hill—passed away in January 2007. Tasha’s father, Robert E. Hill, has since remarried and his new wife, Audrey Hill, has formally adopted Tasha under the laws of Tennessee. Robert Hill is presently a defendant in a capital murder case that is scheduled to go to trial on May 11, 2009. The Guardian ad Litem requests the Court enter an order finding Audrey Hill to be a “parent” for purposes of the Reversionary Trust or modifying the Reversionary Trust such that Audrey Hill will be recognized as Tasha’s parent, or, in the alternative, enter an order finding the Trustee can hire Audrey Hill as an independent care giver under Paragraphs 4(c)(iv) and 5(j) of the Reversionary Trust. Although the issues raised in the motion and the Government’s response are complex, I agree with the Guardian ad Litem that time is of the essence in this matter in order to ensure Tasha is provided with a consistent level of proper care. Accordingly—pending further orders of this Court resolving all issues raised in the Guardian ad Litem’s motion and the Government’s response—I enter the following INTERIM ORDER:

1. If the Trustee directly employs Audrey Hill as Tasha’s care giver pursuant to Paragraphs 4(c)(iv) and/or 5(j) of the Reversionary Trust, the Trustee may compensate Audrey Hill at the same rate currently paid to Robert Hill under the trust, calculated on a pro rata basis for each day Robert Hill is unwilling or unable to provide for Tasha’s personal care;

2. The payment to Robert Hill shall be reduced by an amount equal to the amount paid to Audrey Hill;

3. This Interim Order shall remain in effect for twelve months, or until otherwise ordered by the Court.

Dated: May 8, 2009.

BY THE COURT:

s/Lewis T. Babcock  
Lewis T. Babcock, Judge