

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-01960-PAB-KMT

LU CELIA KINARD,

Plaintiff,

v.

CYNTHIA ROTHROCK KINARD, individually and
as Administratrix of the Estate of Walter A. Kinard,

Defendant.

ORDER OF DISMISSAL AND DISBURSEMENT OF FUNDS

This matter is before the Court on the parties' Stipulation Regarding Settlement, Dismissal of Action, and Request for Disbursement of Funds in the Registry of the Court (the "Stipulation") [Docket No. 126]. The parties request that the Court adopt the "terms" of the Stipulation as an order of the Court. The parties fail to explain why the background facts of this case and the parties' settlement, other than those regarding the dismissal of this action and disbursement of funds, need to be included in this order.

In regard to the disbursement of funds, the parties stipulate that plaintiff's counsel, Frie, Arndt & Danborn, P.C., will deposit the amount disbursed to it in its trust account for appropriate disbursement and that no portion of that amount shall be considered as interest. Furthermore, in connection with the disbursement of funds to defendant, defendant submitted a completed IRS Form W-9 pursuant to D.C.COLO.LCivR 67.2D and has agreed to pay any necessary taxes on the interest

amount she receives as part of her disbursement.

The Court having reviewed the Stipulation, it is

ORDERED that the \$397,394.72, plus any interest which has accrued from the date of deposit until the date of disbursement, and less the Registry fee assessment (10% of interest accrued pursuant D.C.COLO.LCivR 67.2), shall be disbursed from the Registry of the Court and checks shall be mailed within ten (10) days of the date of this Order as follows:

- \$45,000 shall be paid to Frie, Arndt & Danborn, P.C., counsel for Plaintiff, Lu Celia Kinard, at 7400 Wadsworth Boulevard, Suite 201, Arvada, CO 80003.
- The remainder shall be paid directly to Defendant, Cynthia Rothrock Kinard, 1166 Tranter Avenue, Pittsburgh, PA 15220. The remainder amount will consist of the remaining principal of \$352,394.72, plus accrued interest, less the Registry fee assessment as of the date of disbursement.

It is further

ORDERED that this action is dismissed with prejudice, with each party to bear her own attorney's fees and costs, and shall be closed in its entirety.

DATED March 30, 2012.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge