

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 12-cv-01435-REB-CBS

DAVID LaRIVIERE and LAURA LaRIVIERE, as Guardians and Next Friends of O.L. a minor,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

FINAL JUDGMENT

This **Final Judgment** is entered pursuant to Fed. R. Civ. P. 58(a) and in accordance with the **Order Granting Petition To Settle Bodily Injury Claim of O.L. [#31]** entered by Judge Robert E. Blackburn on January 23, 2013, which order is incorporated herein by this reference.

THEREFORE, IT IS ORDERED as follows:

1. That **Plaintiff's Submission of Proposed Order Approving the Proposed Bodily Injury Settlement for the Minor Plaintiff O.L.; or in the Alternative Request for Status Conference To Be Set Requesting a Hearing for Approval [#30]**, filed January 11, 2013, is **GRANTED IN PART** and **DENIED IN PART** as follows:

- a. That the motion is **GRANTED** insofar as it seeks approval of the settlement reached by the parties; and
- b. That the motion is **DENIED AS MOOT** to the extent it seeks a status conference to set a hearing on the matter;

2. That David LaRiviere and Laura LaRiviere, as guardians and next friends of O.L., are **AUTHORIZED** to settle O.L.'s bodily injury claim for the present value sum of Seventy Thousand Seven Hundred Fifty and 00/100 dollars (\$70,750.00) for the minor child, O.L., to be paid by Home Depot USA, Inc., on behalf of and to release Home Depot USA, Inc., from said claim, and to dispose of the net proceeds of the settlement as follows:

a. An immediate payment of \$70,750.00 by Home Depot USA, Inc. which shall be made payable in two checks:

(1) \$37,575.03, payable to MetLife Tower Resources Group, Inc., to provide the periodic payments to O.L. (Payee), to be made according to the Schedule of Payments as follows (the "Periodic Payments"):

(a) \$10,000.00 guaranteed lump sum payable on 10/09/2027;

(b) \$20,000.00 guaranteed lump sum payable on 10/09/2029;

(c) \$33,260.00 guaranteed lump sum payable on 10/09/2033;

(2) Assignment: Home Depot USA, Inc.'s, obligation to make the periodic payments described herein shall be assigned to MetLife Tower Resources Group, Inc., through a Qualified Assignment and funded by an annuity contract issued by Metropolitan Life Insurance Company, rated A+XV by A.M. Best. To fund the periodic payments, Home Depot USA, Inc., will issue a check in the amount of \$37,575.03, payable to MetLife Tower Resources Group, Inc.;

b. \$33,174.97, payable to David LaRiviere and Laura LaRiviere as parents and next friends of O.L., a minor child, and their attorneys, Anderson, Hemmat &

McQuinn, LLC, allocated as follows:

- (1) Attorney's Fees: \$22,666.67 (33.33333% of \$68,000);
- (2) Costs: \$2,400.48;
- (3) Medical Bills: \$6,107.82; and
- (4) Amount to Guardians: \$2,000.00;

3. That on completion of the payments of the above amounts, or, with respect to only the future periodic payments listed above and execution of the Qualified Assignment Agreement, Home Depot USA, Inc., **SHALL BE DISCHARGED** from any claim that said minor and/ or her parents had or might have against it; and

4. That this action is **DISMISSED**.


DATED at Denver, Colorado, this 6TH day of February, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk

APPROVED BY THE COURT:


Robert E. Blackburn
United States District Judge