

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 13-cv-01865-RM-KLM

THERESA PETEKEIWICZ,

Plaintiff,

v.

CORPORAL TROY STEMBEL, in his official and individual capacities; and
TERRY WATTS, in his official and individual capacities; and
TOWN OF CASTLE ROCK,

Defendants.

ORDER ESTABLISHING SPECIAL NEEDS TRUST

This matter is before the Court on the Unopposed Plaintiff's Motion to Establish Special Needs Trust filed by Plaintiff on October 16, 2015. (ECF No. 77.) Having reviewed the motion, and being otherwise fully informed, the Court hereby ORDERS as follows:

1. A Special Needs Trust is hereby established, pursuant to 42 U.S.C. 1396(d)(4)(A), for the purpose of maintaining Theresa Petekeiwicz's eligibility for public benefits, including but not limited to Social Security Income and Medicaid benefits. Plaintiff's counsel is directed to file an executed copy of the trust instrument with the Court within 30 days of the issuance of this Order which establishes the Special Needs Trust and names Theresa Petekeiwicz as beneficiary. The trust instrument shall conform in all respects to the requirements set forth under 42 U.S.C. § 1396p(d)(4)(A), C.R.S. §§ 15-14-412.7, 15-14-412.8, and 15-14-412.9, and all relevant guidance released by the Health Care Finance Administration.

2. The establishment of the Special Needs Trust does not make any determination regarding the eligibility to any public benefits for which Theresa Petekiewicz may or could receive; the Court reserves jurisdiction of such issues to any government agency which provides such benefits.

3. The trustee of the Special Needs Trust shall not be required to post bond.

4. A copy of this Order shall be served on all interested parties and counsel of record within 7 days of the issuance of this Order.

DATED this 12th day of November, 2015.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE
United States District Judge