

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

DONNA KAY BALES, Independent )  
Executor of the Estate of Jack A. Bales, )  
deceased, )

Plaintiff, )

v. )

UNITED STATES OF AMERICA, )

Defendant. )

Case No. 08-cv-1106

**ORDER & OPINION**

Before the Court is Plaintiff's Motion to Dismiss Pursuant to Settlement (Doc. 32) and Memorandum in Support (Doc. 33). On May 5, 2008, this case was brought by the Estate of Jack Bales against the United States Postal Service alleging that negligence of the part of a Postal Service employee resulted in the wrongful death of Jack Bales. (Doc. 1). On May 26, 2010, this Court entered judgment in favor of Plaintiff and against Defendant in the amount of \$2,251,954.71. (Doc. 29).<sup>1</sup> On June 17, 2010, Defendant filed a Motion to Alter or Amend Judgment (Doc. 30) to which Plaintiff responded on June 30, 2010 (Doc. 31). While Defendant's Motion was pending, the parties informed the Court that they had reached a settlement regarding damages and were awaiting approval by the

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<sup>1</sup> This judgment represented damages in the amount of \$1,750,000 for the loss of Jack Bales' society and services to Jack Bales' widow, Mildred Bales, \$500,000 for the loss of Jack Bales' society and services to Jack Bales' son, Randy Bales, \$500,000 for the loss of Jack Bales' society and services to Jack Bales' daughter, Donna Bales, and \$64,943.39 in medical expenses to Jack Bales' estate. The entire judgment was reduced by 20% to account for Jack Bales' contributory negligence. (Doc. 33).

United States Department of Justice. Plaintiff now reports that the Department of Justice approved the parties' settlement agreement on November 5, 2010. (Doc. 33).

Pursuant to Federal Rule of Civil Procedure 41(a)(2), an action may be dismissed at Plaintiff's request upon terms that the Court considers proper. Accordingly, Plaintiff's Motion to Dismiss is GRANTED and the action is DISMISSED WITH PREJUDICE, with each party to bear its own fees, costs and expenses. IT IS SO ORDERED.

CASE TERMINATED.

Entered this 17th day of November, 2010.

s/ Joe B. McDade  
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JOE BILLY McDADE  
United States Senior District Judge