

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MAI ROQUEMORE-DONALD,  
as Personal Representative of the  
ESTATE OF NICKIE DONALD,

Plaintiff,

Case No. 2:08-cv-12025

v.

Hon. Denise Page Hood

E.R EXPRESS and PAVEL KARKHU,

Defendants.

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**AMENDED**  
**ORDER APPROVING SETTLEMENT, COSTS AND ATTORNEY FEES AND**  
**DISTRIBUTION OF SETTLEMENT PROCEEDS**

On January 12, 2010, Plaintiff Mai Roquemore-Donald, as Personal Representative of the Estate of Nickie Donald, Deceased, filed a Motion to Distribute Settlement Proceeds pursuant to MCLA 600.2922. The settlement amount, reimbursement of attorney costs and fees had been approved by the Court at a hearing on December 17, 2009. A Guardian Ad Litem, Eric A. Braverman, was appointed by the Court who issued his report relative to the interests of the minor child on January 24, 2010. The Court accepts the report of the Guardian Ad Litem.

Another attorney, Jason A. Waechter, was hired by the mother of the minor child to represent the interests of the minor child during the course of the litigation. Mr. Waechter filed a Response to the Plaintiff's Motion to Distribute Settlement Proceeds/Report of Guardian Ad Litem, on February 3, 2010. In his response, Mr. Waechter detailed the benefits of his involvement to the minor child and requested attorney fees under his Retainer Agreement with the mother of the minor child, and detailed the needs of the minor child. Plaintiff suggested in his motion that the matter of Mr. Waechter's fees be taken up with the

Probate Court. Pursuant to counsel's letter of April 6, 2010, the Probate Court will resolve the attorney fees issue.

The Court, therefore, based upon the documents before it and the representations made at the hearing had on this matter on February 10, 2010, finds that the following distribution is in the best interest of the Estate and the minor child, and enters the following order:

IT IS ORDERED that the Motion for Disbursement of Funds of Settlement Proceeds (Doc. No. 48, filed January 12, 2010) is **GRANTED** as set forth below;

IT IS FURTHER ORDERED that the settlement of Nine Hundred Thirty-One Thousand Dollars (\$931,000.00), proposed by the parties is approved after the Court having found that this settlement is in the best interest of the Estate;

IT IS FURTHER ORDERED that the proceeds of the above-cited settlement be distributed as follows:

- a. \$44,137.20 to Fieger, Fieger, Kenney & Johnson, P.C. said sum representing reimbursement for attorney costs expended in prosecuting this matter;
- b. \$295,620.93 to Fieger, Fieger, Kenney & Johnson, P.C. said sum representing attorney fees payable pursuant to the contingency fee agreement between Fieger, Fieger, Kenney & Johnson, P.C. and Plaintiff;
- c. \$6,000.00 to Howard T. Linden, Esq. for probate attorney fees for the Estate
- d. \$1,500.00 to Eric Braverman, Guardian Ad Litem fees.

Distribution of net proceeds herein, which after deduction of the above cited costs, attorney fees and liens total \$583,741.87 as to the Estate of Nickie Donald, Deceased as follows:

- |    |  |               |
|----|--|---------------|
| a. | Mai Roquemore-Donald (wife of deceased)    | \$262,683.85* |
| b. | Nickie Allen Donald, Jr. (Son of deceased) | \$ 58,374.19  |

- c. Louise Donald (mother of deceased) \$ 29,187.09
- d. Savonna Roquemore (step-daughter of deceased) \$ 58,374.19
- e. Tauana Donald (sister of deceased) \$ 29,187.09
- f. Sabree Bijon Nelson (minor daughter of deceased)

i. A structured settlement annuity shall be purchased for the minor, Sabree Bijon Nelson, at the cost of \$100,935.46. The check will be issued directly from defendants to the insurance company purchasing the annuity. The structured settlement annuity payment schedule is as follows:

Annual payments of \$20,000.00 beginning at age 18 (11/1/2011):

- Age 19 - \$20,000.00
- Age 20 - \$20,000.00
- Age 21 - \$20,000.00
- Age 22 - \$20,000.00
- Age 23 – the balance of said funds.

ii. Cash payment to a conservatorship account for Sabree Bijon Nelson in the amount of \$40,000.00.

\*\$5,000 will be retained by the Fieger Firm for 30 days for any additional costs.

IT IS FURTHER ORDERED that the funeral and burial expenses of the Decedent have been paid.

IT IS FURTHER ORDERED that no monies shall be awarded to the Estate of Nickie Donald on account of conscious pain and suffering of the decedent.

s/Denise Page Hood

Denise Page Hood

United States District Judge

Dated: April 14, 2010

**Proof of Service**

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 14, 2010, by electronic and/or ordinary mail.

s/William F. Lewis

Kim Grimes, Case Manager Supervisor, Acting in the absence of William Lewis, Case Manager to Judge Hood