

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BETH ANNE MILLER, Personal  
Representative of the ESTATE OF  
BETH ANN KELLY,

Case No. 12-cv-11684

Plaintiff,

Paul D. Borman  
United States District Judge

v.

MYLAN INC., ET AL.,

R. Steven Whalen  
United States Magistrate  
Judge

Defendant.  
\_\_\_\_\_ /

ORDER (1) ADOPTING MAGISTRATE JUDGE WHALEN'S FEBRUARY 8, 2017 REPORT  
AND RECOMMENDATION TO GRANT PLAINTIFF'S MOTION FOR APPROVAL OF  
AND AUTHORITY TO SETTLE WRONGFUL DEATH CLAIM (ECF NO. 56);  
(2) GRANTING PLAINTIFF'S MOTION FOR APPROVAL AND AUTHORITY (ECF NO.  
50) AND (3) DISMISSING THIS ACTION WITH PREJUDICE

In a Report and Recommendation issued on February 8, 2017, Magistrate Judge R. Steven Whalen recommended that this Court grant Plaintiff's unopposed motion for approval of and authority to settle this wrongful death action and dismiss the action with prejudice. ECF No. 56, Report and Recommendation. Having reviewed the Report and Recommendation and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court ADOPTS the Report and Recommendation, GRANTS the motion for approval and authority to settle (ECF No. 50) and specifically:

- 1) Approves and gives full authority to the Personal Representative to settle this wrongful death claim;
- 2) Gives full authority to the Personal Representative to sign releases and all related settlement paperwork for the settlement of this claim as it pertains to all Defendants;

3) Approves the settlement and orders the reimbursement and payment of partial litigation costs and expenses;

4) Approves and orders the distribution of the net remainder of the settlement proceeds, as set forth in Confidential Exhibit A (ECF No. 58, Sealed Confidential Exhibit A); and

5) DISMISSES this action against all Defendants WITH PREJUDICE.

IT IS SO ORDERED.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: March 3, 2017

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 3, 2017.

s/Deborah Tofil  
Case Manager