

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|---------------------------|---|-------------------|
| DIRK ASKEW and BEULAH |) | |
| ASKEW, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | No. 4:12CV152 HEA |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

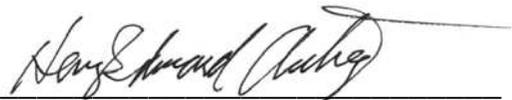
OPINION, MEMORANDUM AND ORDER

This matter is before the Court on remand from the Eighth Circuit Court of Appeals. In its May 26, 2015 Opinion, the Court ordered this Court to “first should specify what amount of future economic damages are future medical damages, in accordance with § 538.215.1. Once that amount is specified, the court should determine what portion, if any, will be paid in a lump sum, and what portion will be placed in a reversionary trust for periodic payment to Askew.”

The Court awarded \$4,000,000 as future economic costs. From this, is deducted the non-medical future income loss of \$1,205,061, leaving \$2,794,939. Proportionate attorney’s fees in the amount of 25% (\$698,735), should be deducted from this amount, as well as one half of the total trial costs expended, (\$58,900), leaving \$2,037,235 for future medical costs.

Since the entry of the judgement, certain medical needs have been incurred: \$37,403 immediate first time expenses for assistive equipment, \$53,000 wheelchair access van, \$200,000, for a total to be deducted from the future medical expenses of \$290,403, leaving \$1,746,832 to be placed into a reversionary trust for 28 years, Plaintiff's life expectancy at the time of trial. Thus, each year a total of \$62,387 shall be paid from the reversionary trust. Since two LONG years have passed since the entry of the judgment, an additional lump sum of \$124,774 shall be paid immediately, leaving \$1,622,058 to be placed into a reversionary trust, to be invested and held in such a way as to pay out in annual amounts of \$62,387 per year, and upon the death of Plaintiff Dirk Askew, the remainder to revert to the United States Treasury.

Dated this 27th day of May 2016.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE