

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JUDITH ANN SLOTE, Individually and as)
Next Friend to Infants **P.A.K.** and **R.D.S.**,)
))
and))
))
J.M.R., an Infant, by his Next Friend)
CHRISTIANE ZORNES,)
))
Plaintiffs,)

vs.)

LIBERTY LIFE INSURANCE COMPANY)
and **WILTON REASSURANCE LIFE**)
COMPANY OF NEW YORK,)
))
Defendants.)

Case No. 08-4154-CV-C-NKL

**ORDER APPROVING SETTLEMENT BETWEEN PLAINTIFFS
AND DEFENDANT WILTON REASSURANCE LIFE COMPANY
OF NEW YORK; AND ORDERING DISTRIBUTION**

NOW ON this 16th day of January, 2009, the cause is called on plaintiffs’ Motion for Approval of Settlement and for Distribution. Comes plaintiffs in person and by counsel and comes defendant Wilton Reassurance Life Company of New York (“Wilton”) by counsel. John Thomas Reed, being a person entitled to sue or join in this action as the widower of the deceased Shawnda Slote Reed and the father of infant defendant J.M.R., although duly served and in actual notice of this hearing, —appears not. The parties announce a tentative settlement in the amount of \$30,000.00, which Wilton proposes to pay to the plaintiffs on behalf of all persons entitled to share in the proceeds as the result of the claim against Wilton for the wrongful death of Shawnda Slote Reed. The parties waive trial by jury, and oral and documentary evidence is adduced, and upon due consideration thereof, the Court having been fully advised in the premises, it is hereby ORDERED,

ADJUDGED, and DECREED that the cause of action against Wilton and claim for injuries, damages, and losses, and for the wrongful death of Shawnda Slote Reed, deceased, be settled for the total consideration of \$30,000 and the settlement in this sum is hereby found reasonable and in the best interests of the minor plaintiffs. The settlement in this sum is approved.

It is the further finding of this Court that the minor plaintiffs P.A.K., R.D.S. and J.M.R. are the sole surviving children of Shawnda Slote Reed; that plaintiff Judith Ann Slote is the sole surviving parent of Shawnda Slote Reed, and that plaintiffs, along with Shawnda Slote Reed's widower John Thomas Reed, are the sole persons entitled to sue or join in this action for the death of Shawnda Slote Reed, deceased.

The Court approves the release, settlement and indemnity agreement between plaintiffs and Wilton.

Plaintiffs have filed with the Court the Notice of Hearing for Approval of Proposed Settlement and To Determine Distribution of Settlement Proceeds, which Notice was served on John Reed on December 19, 2008 by certified mail. The Court hereby finds that plaintiffs have satisfied the requirement of Section 537.080, RSMo. that they notify John Reed of the settlement and of the hearing to approve the settlement and distribution of the settlement proceeds.

On evidence adduced, the Court finds that the following persons should share in the proceeds in the following amounts, to wit:

To Judith Ann Slote, as Next Friend and conservator of P.A.K., the sum of \$10,000.00;

To Judith Ann Slote, as Next Friend and conservator of R.D.S., the sum of \$10,000.00;

To Christiane Zornes, as Next Friend and conservator of J.M.R., the sum of \$10,000.00.

The \$30,000.00 settlement check is to be made payable to the F. Randall Waltz, III, Trust Account (counsel's Missouri Lawyer's IOLTA trust account with Central Bank in Jefferson City,

Missouri). Plaintiffs' attorney, F. Randall Waltz, III, is to be paid from the total amount of the settlement proceeds, for his attorney fees, the amount of \$10,000.00, and for actual and necessary costs and expenses, the amount of \$278.38, for a total amount to F. Randall Waltz, III in the amount of \$10,278.38. The Court hereby finds and determines that those amounts for fees and costs are reasonable. The Court further finds that the net distribution of these settlement proceeds from Wilton for the three individual infant defendants P.A.K., R.D.S., AND J.M.R.is and shall be in the amount of \$6,573.87 each.

It is further hereby ORDERED, ADJUDGED, and DECREED that Wilton shall be and is hereby forever discharged, free from any liability of whatever kind or nature for the injuries and death of Shawnda Slote Reed, deceased, and that plaintiffs' claim against Wilton is dismissed with prejudice.

Plaintiffs' claim against Liberty Life Insurance Company is not dismissed.

IT IS SO ORDERED

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: January 16, 2009
Jefferson City, Missouri