

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALEXANDER LUND, Individually,)	CASE NO. 8:13-cv-00144
)	
Plaintiff,)	
)	ORDER APPROVING
v.)	JOINT APPLICATION
)	FOR APPROVAL OF
MICHAEL MATTHEWS, M.D.,)	AGREEMENT TO SETTLE
)	
Defendants.)	

This matter comes before the Court upon the Joint Application for Approval of Settlement and Agreement to Settle of the parties pursuant to Neb. Rev. Stat. § 44-2833 (Reissue 1998), requesting approval of an agreement to compromise and settle all claims asserted in this action, to the extent such agreement includes payments to be made from the Excess Liability Fund under the Nebraska Hospital-Medical Liability Act. The parties, through one of the attorneys, have presented evidence that has been reviewed, *in camera*, setting forth the agreement of the parties and the agreement of the Nebraska Excess Liability Fund as to the terms and contributions of the proposed settlement.

Upon reviewing the evidence *in camera*, the court finds:

1. That Defendant in this action is and was at all times relevant to this action a health care provider duly qualified under the Nebraska Hospital-Medical Liability Act;
2. That Defendant's insurance company has agreed to participate in the proposed settlement to the extent provided by Neb. Rev. Stat. § 44-2833(1) (Reissue 1998);

3. That the Nebraska Excess Liability Fund has agreed to participate in the proposed settlement by contributing an amount which has been agreed upon by its representative, Plaintiff, and Defendant's insurance company, and which the court finds reasonable and proper; and


4. That the parties and the Nebraska Excess Liability Fund, as petitioners, have agreed to such settlement, subject to the approval of this court in accordance with the Nebraska Hospital-Medical Liability Act;

IT IS THEREFORE ORDERED:

A. That the proposed settlement agreement agreed upon by the parties and disclosed to the court *in camera* is hereby approved; and

B. That the Nebraska Excess Liability Fund, pursuant to the Nebraska Hospital-Medical Liability Act, is authorized to and shall pay the sum necessary to fulfill its obligation under the compromise settlement between the parties; and the director and/or his agents are authorized to execute any documents necessary to carry out such settlement.

DATED: August 13, 2014


By the Court

ND: 4817-9590-7100, v. 1