

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CAROLE M. APA, Individually and as Administrator  
of the Estate of Courtney Apa, Deceased,

Plaintiff,

v.

PSA HEALTHCARE,

Defendant.

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**DECISION AND ORDER**

11-CV-941S

This action was commenced on behalf of an estate and alleges that Defendant's negligence caused severe and serious injury to the decedent. Plaintiff Carole M. Apa, estate administrator, has filed an Application to Settle the action under Local Rule of Civil Procedure 41(a)(2).

This Court has considered Plaintiff's application and the papers filed in support and finds that no hearing is required. The Court further finds that the proposed settlement is in the best interests of the estate and distributee(s). In so finding, the Court considered (1) the circumstances giving rise to the claim, (2) the nature and extent of damages, (3) the terms of the settlement and amount of attorney's fees and other disbursements, (4) Plaintiff's statement of why she believes this settlement is in the best interests of the estate, and (5) all other matters addressed in the estate representative's petition and the attorney's affirmation. See Local Rule 41(a)(2). Plaintiff's motion is therefore granted and this settlement approved.

IT HEREBY IS ORDERED, that Plaintiff's Application to Settle (Docket No. 24) is GRANTED.

FURTHER, that the proposed settlement is APPROVED.

FURTHER, that the estate representative is directed to apply to Erie County Surrogate's Court, State of New York, for an order of distribution of the net proceeds of the settlement pursuant to Section 5-4.4 of New York's Estate Powers and Trusts Law.

FURTHER, that this action is dismissed with prejudice, with each party to bear its own costs and attorney's fees.

FURTHER, that the Clerk of Court is directed to close this case.

SO ORDERED.

Dated: June 5, 2012  
Buffalo, New York

s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court