

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FRANK B. IACOVANGELO,
Public Administrator, Monroe County,
As Administrator of the Estate of
MARIA VIERA,

Plaintiff,

- v -

CORRECTIONAL MEDICAL CARE,
INC., *et. al.*,

Defendants.

Civil Action No. 6:13-cv-6466
(CJS)

ORDER

IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion for court approval of wrongful death settlement is GRANTED;
2. Frank Iacovangelo, as Public Administrator for the Estate of Maria Viera, is authorized to accept the sum of Twenty-Nine Thousand Dollars (\$29,000.00) in full satisfaction for personal injuries sustained by decedent Maria Viera in this action. The Public Administrator is further authorized to execute and deliver to the Defendants a release for all claims asserted, or that could have been asserted, in this litigation;
3. The application of the Plaintiff's attorney for attorney's fees and expenses is GRANTED. Plaintiff's attorney is awarded \$3,799.17 in reimbursement for litigation expenses, and \$5,857.83 in attorneys' fees, pursuant to the terms of the Public Administrator's retainer with the Plaintiff's attorney. All issues relative to distribution and proceedings before the Monroe County Surrogate's Court will be handled by the Public Administrator, whose fees will be set by the Surrogate's Court. The Plaintiff's counsel will not seek any further attorney's fees from the Estate in the event his assistance is needed for proceedings before the Surrogate's Court.
4. The remaining share of the settlement, \$19,343.00, shall be paid to the Estate of Maria Viera, the distribution of which is referred to the Monroe County Surrogate's Court for disposition;
5. The entirety of the settlement proceeds of \$29,000.00 will be paid to the Estate and Plaintiff's counsel within 60 days of the date of this order. A check for \$ 9,657.00 will be paid to the Plaintiff's counsel for attorney's fees. A check for \$19,343 will be paid to the Estate of Maria Viera, care of Frank Iacovangelo, Public Administrator for Monroe County. Any payments to be

made from the Estate besides the payment of attorney's fees and expenses to Plaintiff's counsel shall be approved by the Monroe County Surrogate's Court; and

6. Jurisdiction is retained over this matter to enforce the terms of the settlement agreement.

IT IS SO ORDERED:

Dated: DEC. 21, 2016

Charles J. Siragusa
The Honorable Charles J. Siragusa
Senior United States District Judge