

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-451-BO

RAYMOND TARLTON, as guardian ad litem for)
HENRY LEE MCCOLLUM, *et al.*,)
)
Plaintiffs,)
)
v.)
)
TOWN OF RED SPRINGS, *et al.*)
)
Defendants.)

ORDER

The appropriate parties having agreed to the following in open court, the Court hereby memorializes its rulings from the bench made on December 14, 2017, at Raleigh, North Carolina.


1. J. Duane Gilliam shall remain in this matter as guardian of the estate of Leon Brown. Raymond Tarlton shall remain in this matter as guardian ad litem for Henry McCollum. Patrick Megaro, Jaime Halscott, and Scott Brettschneider shall remain as counsel of record for Leon Brown and Henry McCollum.

2. Plaintiffs having made a sufficient showing of the fairness and reasonableness of their settlement with defendants Town of Red Springs, Larry Floyd, and Paul Canady, Administrator C.T.A. of the Estate of Luther Haggins (Town of Red Springs defendants), the settlement in the amount of \$500,001 to Leon Brown and \$500,001 to Henry McCollum is APPROVED. *See* Local Civil Rule 17.1(b). The Town of Red Springs defendants shall make such amounts payable to both counsel of record and the guardians for Brown and McCollum. The terms of the settlement agreement relating to the release and dismissal of claims as set forth in ¶ 9(a) – (c) of the proposed order approving settlement [DE 175 at 5]

are ADOPTED. The fees for the Court's appointed expert to examine McCollum for competence, Dr. Corvin, shall be paid by the Town of Red Springs. The Court will take up the issue of attorneys' fees for plaintiffs' counsel arising out of the settlement with the Town of Red Springs defendants in a separate order after the filing of a motion by counsel.

Additionally, a hearing on the pending dispositive motions shall be held on January 23, 2018, at 2:00 p.m. at the United States Courthouse at 310 New Bern Avenue, Raleigh, North Carolina. The motion for reconsideration regarding the issue of McCollum's competence [DE 236] is DENIED. The motion to seal expert reports [DE 235] is GRANTED.

SO ORDERED, this 17 day of December, 2017.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE