

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:15-cv-00584-FDW-DSC

LEGACY DATA ACCESS, LLC,)
)
 Plaintiff,)
)
 vs.)
)
 MEDIQUANT, INC.,)
)
 Defendant.)
)
 _____)

ORDER

THIS MATTER is before the Court on the parties’ “Consent Motion to Establish Qualified Settlement Fund and Appoint Administrator.” (Doc. No. 152). The parties’ Consent Motion requests the Court enter an order establishing a qualified settlement fund pursuant to Internal Revenue Code § 468B and Treasury Regulation § 1.468B-1. The Court ordered the parties to brief their motion and specifically “addressing why the relief they seek is appropriate and necessary in the circumstances of this case and distinguishing this case from other cases involving parties with an unsatisfied judgment.” (Doc. No. 153). Defendant Mediquant, Inc. timely filed a brief in response to the Court’s order.

Having reviewed Defendant’s brief, statutes, regulations, secondary sources, and other publications by the Internal Revenue Service, the Court GRANTS IN PART and DENIES IN PART “Consent Motion to Establish Qualified Settlement Fund and Appoint Administrator.” (Doc. No. 152). The Court authorizes the establishment of a fund, account, or trust, subject to the continuing jurisdiction of this Court, for the case Legacy Data Access, LLC v. Mediquant, Inc., Docket Number 3:15-cv-00584. See Treas. Reg. 1.468B-1(c)(1). Finding it unnecessary, the

Court declines the parties' invitation to opine on the implications of the establishment of such fund, account, or trust under the Internal Revenue Code.

IT IS THEREFORE ORDERED that:

1. The Court authorizes the establishment of a fund, account, or trust, subject to the continuing jurisdiction of this Court, for the case Legacy Data Access, LLC v. Mediquant, Inc., Docket Number 3:15-cv-00584.
2. Garretson Resolution Group, Inc. is appointed as the administrator ("Administrator") of such fund, account, or trust.
3. The Administrator shall have authority to conduct any and all activities necessary to administer such fund, account, or trust.
4. The Administrator is authorized, upon final distribution of all monies paid into such fund, account, or trust, to take appropriate steps to wind it down. The Administrator may then move for discharge from this Court's jurisdiction.
5. The Court may order the parties or the Administrator to report to the Court.

IT IS SO ORDERED.

Signed: July 16, 2018



Frank D. Whitney
Chief United States District Judge

