

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

(1) JAENEAN JOHNSON,)

Plaintiff,)

v.)

Case No. CIV 12-033-JHP

(1) BP CORPORATION NORTH AMERICA,)
INC.; **(2) FIDELITY INVESTMENT**)

CORPORATION; **(3) METROPOLITAN LIFE**)
INSURANCE COMPANY, D/B/A METLIFE;)

(4) KRISTY A. MCKELLAR; **(5) MEGAN L.**)
MCKELLAR; **(6) SARAH J. MCKELLAR;**)

(7) ELIZABETH J. MCKELLAR,)

Defendants.)

AGREED JOURNAL ENTRY OF JUDGMENT

THIS MATTER COMING ON BEFORE THE COURT following Settlement Conference. Plaintiff Jaenean Johnson (“Johnson”) appearing by her attorney, Monte; Defendant BP Corporation North America, Inc.(“BP”) appearing by its attorney, Jimmy Goodman; Defendant Metropolitan Life Insurance, d/b/a Metlife (“Metlife”) appearing by its attorney, Renee DeMoss; Defendants Kristy A. McKellar (“Kristy”) appearing by her attorney, Jeff Belote; and Megan L. McKellar, Sarah J. McKellar, and Elizabeth J. McKellar (“McKellar Children”) appearing by their attorney, Patrick T. Layden.

On November 26, 2012, the parties appeared for settlement conference as previously ordered by the Court. Defendants, BP and Metlife having requested to be excused and agreeing to be bound by the terms of a settlement between the other parties, were excused and are bound by the terms of the settlement reached.

Johnson appeared in person and with her attorney, Monte Brown. Kristy appeared in person and with her attorney, Jeff Belote. The McKellar Children appearing through Elizabeth J. McKellar, now Pucket and with their attorney Patrick T. Layden.

The parties announce the terms of the settlement and request the Court to approve the same, more particularly:

1. The total amount of all payments/distributions to be made to Plaintiffs by Defendants BP and MetLife in this matter is \$491,772.46, which amount shall be distributed as ordered and set forth herein.

2. The McKellar Children shall receive the following:

a. BP shall distribute to them all “post decree” retirement benefits (benefits accumulated by Charles D. McKellar since his divorce with Kristy McKellar) held by BP, in the amount of \$47,899.00, as may be further agreed between them and BP;

b. BP shall distribute to them \$40,000.00 of the “pre decree” benefits (benefits accumulated by Charles D. McKellar before his divorce with Kristy McKellar) held by BP, as may be further agreed between them and BP;

c. MetLife shall distribute \$12,101.00 of the \$249,000 in life insurance benefits payable as a result of the participation of Charles D. McKellar, deceased, in BP Corporation North America, Inc. Employee Welfare Benefit Plan No. 734 (the “Plan” and the “Plan Benefits”), through the issuance of three separate checks, including: one, for \$4,034.00, payable to Megan L. McKellar and her attorney Patrick T. Layden, two, for \$4,034.00 payable to Sarah J. McKellar and her attorney Patrick T. Layden, and three, for \$4,033.00, payable to Elizabeth J. McKellar Pucket and her attorney Patrick T. Layden.

3. MetLife shall distribute the amount of \$236,899.00, representing the balance of the \$249,000 in Plan Benefits, to Johnson and her attorney Monte Brown.

4. Kristy shall receive and BP shall distribute to her the balance of the “pre decree” retirement benefits held by BP, in the amount of \$154,873.46, as may be further agreed between Kristy and BP.

5. Johnson shall receive the 2010 Nissan Pathfinder, free and clear of any claim by any of the parties herein.

6. Johnson shall be responsible to conclude the probate of the estate of Charles D. McKellar, deceased, pending in the District Court of Pittsburg County, Oklahoma.

7. The McKellar Children shall dismiss their appeal pending in the Supreme Court of Oklahoma.

8. Johnson and the McKellar Children shall release BP and Kristy from any further claim to the “pre decree” retirement benefits held by BP.

9. Megan L. McKellar, Sarah J. McKellar, and Elizabeth J. McKellar Pucket shall release Johnson from any further claim to the Plan Benefits, and Megan L. McKellar, Sarah J. McKellar,

and Elizabeth J. McKellar Pucket shall each release MetLife, B.P. and the Plan from any further claim to the Plan Benefits through the execution of separate written release documents.

10. Johnson shall release the McKellar Children from any further claim to the Plan Insurance Benefits, and Johnson shall release MetLife, B.P., and the Plan from any further claim to the Plan Insurance Benefits through the execution of a separate written release document.

11. Each party shall be responsible for their own attorney fees and costs incurred herein.

The Court having reviewed the terms of the settlement, finding it fair and equitable and without objection, enters the following order:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT
that:

1. The total amount of all payments/distributions to be made to Plaintiffs by Defendants BP and MetLife in this matter is \$491,772.46, to be distributed as follows.

2. BP is ordered to distribute to the McKellar Children, and their attorney all “post decree” retirement benefits (benefits accumulated by Charles D. McKellar since his divorce with Kristy McKellar) held by BP, in the amount of \$47,899.00, as may be further agreed between them and BP;

3. BP is ordered to distribute to the McKellar Children and their attorney \$40,000.00 of the “pre decree” benefits (benefits accumulated by Charles D. McKellar before his divorce with Kristy McKellar) held by BP, as may be further agreed between them and BP;

4. MetLife is ordered to distribute a portion of the Plan Benefits in the amount of \$4,034.00 through the issuance of a check payable to Megan L. McKellar and her attorney Patrick T. Layden; MetLife is ordered to distribute a portion of the Plan Benefits in the amount of \$4,034.00 through the issuance of a check payable to Sarah J. McKellar and her attorney Patrick T. Layden; MetLife is ordered to distribute a portion of the Plan Benefits in the amount of \$4,033.00 through the issuance of a check payable to Elizabeth J. McKellar Pucket and her attorney Patrick T. Layden, such distributions to cumulatively represent \$12,101.00 of the \$249,000 in total Plan Benefits.

5. MetLife is ordered to distribute Plan Benefits in the amount of \$236,899.00, representing the balance of the \$249,000 in total Plan Benefits, through the issuance of a check payable to Johnson and her attorney Monte Brown.

6. BP is ordered to distribute to Kristy and her attorney the balance of the “pre decree” retirement benefits held by BP in the amount of \$154,873.46, as may be further agreed between

Kristy and BP.

7. Johnson shall receive the 2010 Nissan Pathfinder, free and clear of any claim by any of the parties herein.

8. Johnson shall be responsible to conclude the probate of the estate of Charles D. McKellar, deceased, pending in the District Court of Pittsburg County, Oklahoma.

9. The McKellar Children shall dismiss their appeal pending in the Supreme Court of Oklahoma.

10. Johnson, Kristy and the McKellar Children shall release BP and one another with respect to all claims to BP retirement benefits, except as distributed in accordance with this judgment.

11. Megan L. McKellar, Sarah J. McKellar and Elizabeth J. McKellar Pucket shall release Johnson from any further claim to the Plan Benefits, and Megan L. McKellar, Sarah J. McKellar and Elizabeth J. McKellar Pucket shall release MetLife, B.P., and the Plan from any further claim to the Plan Benefits through the execution of separate written release documents.

12. Johnson shall release Megan L. McKellar, Sarah J. McKellar and Elizabeth J. McKellar Pucket from any further claim to the Plan Benefits, and Johnson shall release MetLife, B.P., and the Plan from any further claim to the Plan Benefits through the execution of a separate written release document.

13. Each party shall be responsible for their own attorney fees and costs incurred herein.

SO ORDERED THIS 19th day of March, 2013.


James H. Payne
United States District Judge
Eastern District of Oklahoma

APPROVED:

s/Monte Brown

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