

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DAWN CUMMINGS, Individually</b>	:	<b>CIVIL ACTION NO. 1:07-CV-1886</b>
<b>and as Administratrix of the Estate</b>	:	
<b>of WALTER CUMMINGS,</b>	:	<b>(CONSOLIDATED)</b>
	:	
<b>Consolidated Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>DANIEL GARCIA and PRIME, INC.,</b>	:	
	:	
<b>Consolidated Defendants</b>	:	

**ORDER**

AND NOW, this 28th day of April, 2011, upon consideration of the report (Doc. 110) of the Magistrate Judge recommending that the court enter a sixty (60) day settlement order due to the settlement reached between the parties, and upon further consideration of the Petition for Approval and Apportionment of Settlement Funds (Doc. 109) filed by plaintiff on April 26, 2011, wherein plaintiff states that defendants have offered \$275,000 to settle the above-captioned matter, and plaintiff has agreed to accept that sum, and the court finding that the terms of the agreement are reasonable and fair and in the best interests of all parties, it is hereby ORDERED that:

1. The Report and Recommendation of the magistrate judge (Doc. 110) is ADOPTED.
2. The Petition for Approval and Apportionment of Settlement Funds (Doc. 109) is GRANTED.

3. Dawn Cummings, Individually and as Administratrix of the Estate of Walter Cummings, shall be permitted to sign all necessary checks and other documentation to complete the settlement.
4. Apportionment of the settlement proceeds of \$275,000 shall be as follows:
  - a. The sum of \$151,788.91 shall be paid to the beneficiaries of the wrongful death claim and survivorship action as follows:
    - i. The sum of \$91,073.35 shall be paid to the beneficiaries of the wrongful death claim.
    - ii. The sum of \$60,715.56 shall be paid to the beneficiaries of the survivorship action.
  - b. The sum of \$91,666.66 shall be paid to Powell Law, as attorney's fees.
  - c. The sum of \$31,544.43 shall be paid to Powell Law, as reimbursement of costs, per the schedule set forth at Docket Entry No. 109, Exhibit 6.
5. The action is dismissed without prejudice to the right of either party, upon good cause shown, to reinstate the action within sixty (60) days if the settlement is not consummated.
6. The Clerk of Court is directed to CLOSE the case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge