

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Ephraim Slaton and Gwendolyn Tolliver,)
as Personal Representatives of the Estate)
of Matthew Green, Jr., decedent,)
)
Plaintiffs,)
)
v.)
)
Tyrone Jenkins, Ronnie Smith, Ronaldo)
Myers, and Richland County,)
)
Defendants.)
_____)

Civil Action No. 3:13-01881-~~IMC~~SVH

**ORDER FOR APPROVAL OF
SETTLEMENT AND DISBURSEMENT OF
SETTLEMENT FUNDS**

This matter is before the Court by Petition/Plaintiffs Ephraim Slaton and Gwendolyn Tolliver, as the duly appointed Personal Representatives of the Estate of Matthew Green, Jr., requesting that this Court approve the settlement and disbursement of settlement proceeds in this case. Upon review of the Petition, this Court finds that this case involved complex issues of negligence requiring the assistance of out of state experts.

This Court has had the opportunity to fully discuss with Ephraim Slaton and Gwendolyn Tolliver all aspects of the case, including - whether they were satisfied with the settlement, and whether they were satisfied with the services rendered by their attorneys, the Law Offices of Elliott & Phelan, LLC, The Cochran Firm, The Law Firm of Carl B. Grant and Braswell Law Firm, PA. Ephraim Slaton and Gwendolyn Tolliver indicated that they understood and were fully satisfied with the terms of the settlement and that they were completely satisfied with the services of their attorneys.

With regard to the above-mentioned civil action, C. Carter Elliott, Jr, Lauren V. Knight, Shean Williams, Gary Andrews, Carl B. Grant, and Jerry Braswell represent the Plaintiff's Estate; and Daniel Plyler and William Davidson represent the Defendants Ronnie Smith, Ronaldo Myers, and Richland County. The Defendants are self-insured.

This Court has been informed that a settlement agreement has been reached with all Defendants regarding the pending State claims asserted on behalf of the Plaintiffs.

This Court finds that the Petitioners have negotiated with the Defendants for the purpose of settling these disputed claims and after careful consideration of all issues have agreed to the Settlement Agreement as follows: Five Hundred and Seventy Five Thousand (\$575,000.00) Dollars is to be paid by Defendant Richland County to the Petitioners/Plaintiffs. In exchange, the Petitioners/Plaintiffs will execute consent orders dismissing all claims arising out of the incidents involving Mr. Green which occurred during the above mentioned time frame, and will execute Releases with all of the Defendants.

After hearing the facts of this case, this Court finds and agrees that the proceeds should be apportioned by and between the survival and wrongful death causes of action as follows:

- a. \$287,500.00 as payment towards the survival cause of action
- b. \$287,500.00 as payment towards the wrongful death cause of action

In exchange, the Petitioners/Plaintiffs will execute consent orders dismissing all claims arising out of the death of Mr. Green.

This Court finds that the Personal Representatives have retained legal counsel on behalf of the Estate who are the Law Offices of Elliott & Phelan, LLC, The Cochran Firm, The Law Firm of Carl B. Grant and Braswell Law Firm, PA. In this regard, the Personal Representatives

have entered into a written attorney's fee agreement with these offices agreeing to a contingency fee of Forty (40%) percent plus the payment of all costs expended to prosecute this case. The total costs incurred to date are \$44,406.78.

This Court finds that the attorney's fees and costs (as shown on the Settlement Statement presented to the Court) are reasonable.

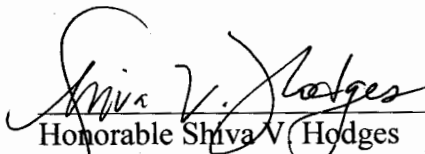
Further, the settlement in this case (3:13-01881-~~3116~~SVH) does not prevent, preclude or affect the ability of the Estate of Matthew Green, Jr., or any of the statutory beneficiaries to the Estate of Matthew Green, Jr., to bring any and all available claims and/or actions against Correct Care Solutions, LLC- to include those causes of action in the civil case *Ephraim Slaton and Gwendolyn Tolliver, as Personal Representatives of the Estate of Matthew Green Jr., decedent vs. Correct Care Solutions, LLC* (C/A. 3:15-627-JMC), currently pending Federal Court (Columbia Division).

This Court finds that the Estate of Matthew Green Jr. is currently open and pending in the Probate Court for Robeson County, under File Number: 2011-E872. Based upon information presented to the Court it appears that the decedent (Matthew Green, Jr.) was not married at the time of his death and had no children. Ola Bell Slaton is the natural mother of the decedent.

This Court finds that all funds received by the Estate shall be distributed with the approval of the Robeson County Probate Court taking into consideration Estate costs, reimbursement costs, personal representative fee and any outstanding claims. Based on information presented to this Court there are presently no claims or liens affecting the Estate. However, if any liens do exist the Plaintiffs will be responsible for satisfying these liens from the proceeds of the settlement.

Now it is hereby Ordered, Adjudged and Decreed that this settlement is fair and reasonable under the circumstances presented to this Court. Further, the settlement is approved as set forth in the Petition, Order and Releases to be executed by the Petitioners/Plaintiffs. Further, this Court finds that the attorney's fees and litigation costs are reasonable and, further, that they are allowed to be immediately disbursed with the remaining net funds to be held in trust pending the proper determination of the issues cited above.

AND IT IS SO ORDERED.


Honorable Shiva V. Hodges
~~Presiding Magistrate Judge~~
U.S. Magistrate Judge
District of South Carolina

Columbia, South Carolina
June 8, 2015