

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

Monique S. Pressley as Personal)
 Representative of the Estate of Francia)
 Scott Burroughs,)
)
 Plaintiff,)
)
 v.)
)
 United States of America,)
)
 Defendant.)

Case No.: 4:16-cv-00086-RBH

**ORDER APPROVING WRONGFUL
DEATH SETTLEMENT**

This matter comes before the Court on Plaintiff's Motion for Approval of Wrongful Death Settlement. The Defendant to this action consents to the Motion. A hearing was held on August 29th, 2017. Present at the hearing was Attorney Robert Dodson who represents the Plaintiff and Attorney Christie Newman with the U.S. Attorney's Office who represents the Defendant. Monique S. Pressley, who was previously appointed by the Williamsburg County Probate Court as the Personal Representative for the Estate of Francia Scott Burroughs, was also present.

This is a medical malpractice/wrongful death/survival action brought under the Federal Tort Claims Act, 28 U.S.C. Section 1346. In her Complaint, the Plaintiff claims that Defendant, through its agents and/or employees committed malpractice in failing to timely and properly treat pneumonia at a medical facility known as HopeHealth. The Complaint alleges these acts and omissions occurred on March 20, 2014 and resulted in the death of Ms. Burroughs on March 25, 2014. While Defendant admits to providing medical care and treatment to the Plaintiff through its agents/employees, it denies the material allegations of malpractice and takes the position that the care and treatment was

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reasonable. It also claims its actions were not the proximate cause of Ms. Burrough's death.

After extensive discovery that included several depositions of both fact witnesses and expert witnesses, the parties mediated the case and reached a total settlement of \$225,000.00 for "all claims" related to the death of Ms. Burroughs. The parties propose to allocate the total \$225,000.00 in equal proportions to the wrongful death cause of action (\$112,500.00) and survival cause of action (\$112,500.00). Ms. Pressley has indicated that she agrees with these allocations and the Defendant does not oppose or object to these allocations.

Of the total \$225,000.00 mediated settlement, Mr. Dodson has sought attorney's fees of 25% of the gross recovery (\$56,250.00) based on a written fee agreement signed by him and Ms. Pressley and reimbursement of costs that total \$40,544.66. Ms. Pressley has indicated that she agrees to these payments and the Defendant does not oppose or object to these payments.

Upon full consideration of this matter, it appears to the Court that the settlement proposals outlined hereinabove and in the pending Motion are fair and just and in the best interest of the parties. Accordingly, it is

ORDERED, ADJUDGED AND DECREED that the settlement proposals set forth hereinabove and in the Plaintiff's Motion are approved, and that upon payment of the amounts set forth therein, the Plaintiff, as Personal Representative, is hereby authorized and directed to execute such documents as will affect a complete and final release of the Defendant, the Defendants' agents and/or employees from any and all claims or actions.

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I hereby find the settlement is fair and reasonable and is in the best interests of the statutory beneficiaries and the estate and do hereby approve the settlement.


The Honorable Robert Bryan Harwell
United States District Court Judge

August 29, 2017

Florence, South Carolina