

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION**

BECKY MATHENY, individually and as,)
surviving spouse of Ronald Matheny,)
Deceased,)

Plaintiff,)

v.)

Case No. 3:06-0565

TENNESSEE VALLEY AUTHORITY,)

Defendant/Third-Party Plaintiff)
Counter Defendant, ,)

v.)

THOMAS LAWRENCE and)
JOHNNA LAWRENCE,)

Third-Party Defendant/Counter)
Plaintiff .)

PROPOSED ORDER AND JUDGMENT

In accordance with the Plaintiffs' Motion to Allocate Available Damages and For Entry of Judgment on Post-Judgment Interest (Doc. 122), Tennessee Valley Authority's Response to the Motion to Allocate Available Damages And For Entry Of Judgment On Post-Judgment Interest (Doc. 123), and Plaintiffs' Response to the Court's Order of February 5, 2010 (Doc. 125), the Court hereby enters judgment as follows:

1. Plaintiffs Becky Matheny, Thomas Lawrence and Johnna Lawrence are collectively awarded judgment in the principal amount of \$420,000.00 against Tennessee Valley Authority, representing the damages available in light of the opinion of the United States Court of Appeals for the Sixth Circuit. Based upon the agreement of the Plaintiffs, and with the

consent and agreement of the Tennessee Valley Authority, that amount and the post-judgment interest on that amount is hereby allocated among the Plaintiffs by granting Ms. Matheny 93.3% of the available damages and by granting Thomas Lawrence and Johnna Lawrence 6.7% of the available damages.

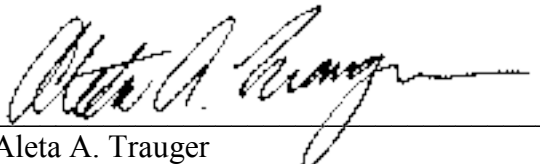
2. In accordance with Paragraph 1, Becky Matheny is awarded a judgment in the amount of \$391,860.00, representing her 93.3% share of the available damages, plus post-judgment interest through February 15, 2010 in the amount of \$28,525.76, for a total of **\$420,385.76**. Ms. Matheny is further awarded post-judgment interest in the amount of \$37.20 per day for each day after February 15, 2010, until the date on which the judgment is satisfied.

3. In accordance with Paragraph 1, Thomas Lawrence and Johnna Lawrence are awarded a judgment in the amount of \$28,140.00, representing their 6.7% share of the available damages, plus post-judgment interest through February 15, 2010 in the amount of \$2,048.47, for a total of **\$30,188.47**. Thomas and Johnna Lawrence are further awarded post-judgment interest in the amount of \$2.67 per day for each day after February 15, 2010, until the date on which the judgment is satisfied.

This Order shall constitute a final judgment within the meaning of Federal Rule of Civil Procedure 54.

It is so ORDERED.

Entered this 16th day of February, 2010.


Aleta A. Trauger
United States District Judge

APPROVED FOR ENTRY:

NEAL & HARWELL, PLC

By: /s/ W. David Bridgers
Philip N. Elbert, No. 9430
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One Nashville Place, Suite 2000
150 Fourth Avenue North
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THE PERRY FIRM

By: /s/ Jon Perry
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Counsel for Plaintiff Becky Matheny

/s/ Mark Mizell
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136 Fourth Avenue South
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*Counsel for Counter Plaintiffs
Thomas Lawrence and Johnna Lawrence*

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of February, 2010 a copy of this document was served upon the following:

- | | | |
|-------------------------------------|----------|--|
| <input type="checkbox"/> | Hand | Thomas A. Robins, Esq. |
| <input type="checkbox"/> | Mail | Tennessee Valley Authority |
| <input type="checkbox"/> | Fax | General Counsel Office |
| <input type="checkbox"/> | Fed. Ex. | 400 W. Summit Hill Dr. |
| <input type="checkbox"/> | Email | Knoxville, TN 37902-1499 |
| <input checked="" type="checkbox"/> | EFS | tarobins@tva.gov |

Counsel for Defendant and Cross Plaintiff TVA

/s/ W. David Bridgers