

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DARLENE MCCLINTON, personal
10 representative of the ESTATE OF KEITH
11 MCCLINTON,

12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA,
15 Defendant.

CASE NO. C14-0825 JCC

ORDER APPROVING
SETTLEMENT FOR MINOR CHILD
K.M. AND DISBURSEMENT OF
FUNDS

16 This matter comes before the Court on Plaintiff's "Petition to Approve Settlement for
17 Minor Child K.M. and For Disbursement of Funds" (the "Petition") (Dkt. No. 26). Having
18 thoroughly considered the parties' briefing and the relevant record, the Court hereby
19 APPROVES the settlement and ORDERS the following:

- 20
- 21 1. The proposed settlement as set forth in the Settlement Guardian Ad Litem Report
22 (the "Report") (Dkt. No. 26-1) is approved;
 - 23 2. Because this action was brought pursuant to the Federal Tort Claims Act,
24 plaintiff's attorney fees are limited to 25% of the total settlement. 28 U.S.C. §
25 2678. The Court hereby approves the costs incurred as outlined in the Report and
26 the payment of an attorney fee that totals 25% of the total settlement;

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- 1 3. Payment of attorney fees and costs shall be allocated between K.M. and the
2 Plaintiff in proportion to the amount of the total settlement allocated to K.M. and
3 the remaining statutory beneficiaries of the estate;
- 4 4. The Settlement Guardian Ad Litem’s fees and costs as outlined in the Report are
5 found to be reasonable, are approved, and should be paid out of the amount of the
6 total settlement allocated to K.M.;
- 7 5. The Court approves and adopts the Guardian Ad Litem’s recommendation that
8 settlement funds allocated to K.M. and approved by the Court be placed into a
9 trust that includes both a cash and a structured settlement component and that the
10 trust be established and supervised by the Washington state probate court;
- 11 6. The Court directs Plaintiff and the Settlement Guardian Ad Litem to act promptly
12 to secure the approval of the trust referred to in this order and in the Report and—
13 in the event that settlement proceeds are paid before the trust is approved in state
14 court—the Court orders plaintiff’s counsel to retain the settlement proceeds
15 allocated to K.M. in its trust account pending creation and approval of the trust;
- 16 7. Counsel for the minor child shall, within 30 days of the creation and approval of
17 the trust, file a Proof of the Approval of the Trust for K.M., as evidence that the
18 Court’s Order Approving Settlement for Minor Child K.M. and Disbursement of
19 Funds has been carried out;
- 20 8. The Guardian Ad Litem is discharged upon completion of the
21 requirements stated above.

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1 DATED this 9 day of September 2015.
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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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