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THE HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC W. SMITH and LORI B. SMITH,
individually and as guardians of Z.D.S. and
A.J.S., minors;

Plaintiffs,

v.

FELD ENTERTAINMENT, INC., a Delaware
Corporation, d.b.a. "Feld Motor Sports," d.b.a.
"Monster Jam";

Defendant.

NO. 3:09-cv-5790 RJB

**ORDER APPROVING MINOR
SETTLEMENTS**

NOTE ON MOTION CALENDAR:
July 20, 2010

ORDER

THIS MATTER having come before the above-entitled Court on minor Plaintiffs
A.J.S. and Z.D.S.'s Petition for Approval of Minor Settlements [Dkt. #21], and the Court
having reviewed the records and files herein and having considered the recommendation of
Settlement Guardian ad Litem Dan M. Albertson, it is hereby ORDERED:

- (1) The Petition for Approval of Minor Settlements [Dkt. #21] is hereby
GRANTED;
- (2) The proposed settlement on behalf of minor claimant A.J.S., which consists of
one lump sum payment in the amount of \$150,000.00 to Connelly Law Offices

1 for attorneys' fees and costs, and periodic payments as follows, is hereby
2 approved as reasonable:

3 \$2,500.00 per month, beginning 5/19/2021, 48 guaranteed payments
4 over 4 years/48 months (last payment will be 4/19/2025)

5 \$80,000.00 guaranteed lump sum payable on 5/19/2027

6 \$150,000.00 guaranteed lump sum payable on 5/19/2032

7 \$366,855.00 guaranteed lump sum payable on 5/19/2037

8 (3) The proposed settlement on behalf of minor claimant Z.D.S., which consists of
9 one lump sum payment in the amount of \$150,000.00 to Connelly Law Offices
10 for attorneys' fees and costs, and periodic payments as follows, is hereby
11 approved as reasonable:

12 \$2,500.00 per month, beginning 5/19/2021, 48 guaranteed payments
13 over 4 years/48 months (last payment will be 4/19/2025)

14 \$80,000.00 guaranteed lump sum payable on 5/19/2027

15 \$150,000.00 guaranteed lump sum payable on 5/19/2032

16 \$366,855.00 guaranteed lump sum payable on 5/19/2037

17 (4) Any periodic payments to be made after the death of the Payees shall be made
18 to the Estate of Payees. After the age of majority, Payees may submit a change
19 of beneficiary, in writing, to Assignee. No such designation, or any revocation
20 thereof, shall be effective unless it is in writing and delivered to Assignee. The
21 designation must be in a form acceptable to Assignee. The designation
22 approved by the Court at this time is the Estate of A.J.S. and the Estate of
23 Z.D.S;

- 1 (5) All amounts of these settlements are compensation for non-punitive damages
2 received "on account of personal physical injuries or physical sickness" within
3 the meaning of IRC § 104(a)(2).
- 4 (6) Defendant Feld Entertainment, Inc. and/or its insurer(s) may make a "qualified
5 assignment", within the meaning of IRC § 130(c), as amended, of their
6 obligation to make the periodic payments set forth above; the obligation may
7 be assigned to Allstate Assignment Company ("Assignee") and funded by an
8 annuity contract issued by Allstate Life Insurance Company, rated A+ by A.M.
9 Best Company;
- 10 (7) Neither the minor, nor his estate, nor any subsequent beneficiary or recipient of
11 any payments or any part of any payments under this structured settlement
12 shall have the right to accelerate, commute, or otherwise reduce to present
13 value or to a lump sum any of the payments or any part of the payments due
14 under this structured annuity settlement or this order;
- 15 (8) No payment under the structured settlement annuity contract or this order may
16 be transferred as defined in RCW 19.205.010(18), accelerated, deferred,
17 increased or decreased, anticipated, sold, mortgaged, pledged, or otherwise
18 encumbered in any manner by the minor or any other recipient of the payments
19 unless by later motion good cause has been shown to lift or modify these
20 restrictions;
- 21 (9) The total amount of the Smith Family's settlements, as well as the amount of
22 A.J.S. and Z.D.S.'s settlements in proportion to the settlements for claimants
23 Eric Smith and Lori Smith, is hereby approved as reasonable;

1 (10) Attorneys' fees in the amount of \$140,000.00 per minor claimant are hereby
2 approved as reasonable;

3 (11) The total advanced costs incurred by Connelly Law Offices and the allocated
4 amounts of \$10,000.00 per minor claimant are hereby approved as reasonable;

5 (12) The fees and costs of Settlement GAL Dan M. Albertson in the amount of
6 \$900.00, which are to be paid from Eric and Lori Smith's settlement proceeds,
7 are hereby approved as reasonable; and

8 (13) Mr. Albertson is hereby discharged as Settlement Guardian ad Litem in this
9 cause, as his work has now been concluded.

10 IT IS SO ORDERED.

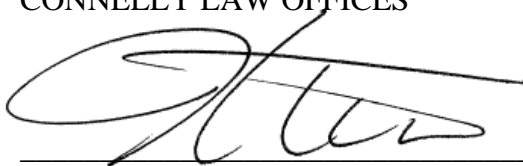
11 DATED and this 21st day of July, 2010.

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14 ROBERT J. BRYAN
United States District Judge

15 Presented by:

16 CONNELLY LAW OFFICES

17 

18 John R. Connelly, Jr., WSBA No. 12183
19 Nathan P. Roberts, WSBA No. 40457
Attorneys for Plaintiffs/Petitioners