

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF WEST VIRGINIA

ELIZABETH JEAN NAGY,

Plaintiff,

vs.

METROMEDIA COMPANY, ET AL.

Defendants,

vs.

VHV ASPHALT CARE,

Third-Party Defendant.

CIVIL ACTION NO. 5:10CV64

**ORDER GRANTING PLAINTIFF AND THIRD-PARTY DEFENDANT'S MOTION FOR
THE ESTABLISHMENT OF A TRUST ACCOUNT TO HOLD SETTLEMENT FUNDS
PENDING MEDICARE LIEN RESOLUTION**

On a previous day came the Plaintiff and Third-Party Defendant, VHV Asphalt Care, Inc., ("VHV") by and through their respective counsel and moved this Court for the establishment of a trust account to hold settlement funds pending medicare lien resolution. Having reviewed the Motion, the Court hereby **FINDS** as follows:

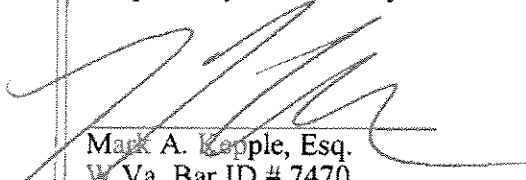
1. On September 29, 2010, the matter was ordered to mediation. At mediation, the matter settled.
2. The defendants obtained settlement checks and submitted them to plaintiff's counsel where she has agreed to hold them in her client trust account.
3. Counsel for the third-party defendant and plaintiff are ORDERED establish a separate, interest bearing trust account at United Bank in Weirton, West Virginia, in the name of the plaintiff, her attorney, and the third-party defendant's attorney to hold the settlement funds from the third-party defendant until such time as the Center for Medicare and Medicaid Services offers its Final Lien Demand. It is ORDERED that no disbursements would be made from this account until further order from this Court or until Medicare has offered its final lien demand determination. From this account (and if necessary from other settlement funds), the Medicare

lien will be satisfied and discharged.

ENTER this 3rd day of January, 2011.

/s/ Frederick P. Stamp, Jr.
Judge Frederick P. Stamp, Jr.

Respectfully submitted by:



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