

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JANET GRAHAM, Administratrix of
the Estate of Edna Marie McNeely,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-00274

SUNIL KUMAR DHAR, M.D.,
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On February 5, and March 4, 2024 the court held hearings on the petition to settle the wrongful death claim against all defendants. At the hearing on February 5, 2024, the court heard from the plaintiff who informed the court that all the potential beneficiaries had consented to the settlement. Whereupon, by separate order, the court approved the settlement as requested by plaintiff.

As for distribution, plaintiff Janet Graham proposed that the settlement proceeds be distributed evenly between she and her siblings (Judy Chaffins, John McNeely, Joyce Chaffins, Tommy McNeely, Jr., and Ricky McNeely) and William Scarberry (the surviving heir of her sister Debra Scarberry). Plaintiff also informed the court that her siblings and Mr. Scarberry consented to the proposed distribution. The court concluded that

plaintiff's proposed distribution was fair and just. However, it was brought to the court's attention that the decedent's siblings and/or their representative(s) may not have received notice of the hearing. For that reason, the court deferred final approval of the proposed distribution and set a hearing for March 4, 2024, at 2:30 p.m., in Bluefield.

Appearing at the hearing on March 4, 2024, were: plaintiff, her siblings, Mr. Scarberry, decedent's sister Margaret Osborne, Ms. Osborne's children, and Lois Prater and Phyllis Hurley, the daughters of John Blankenship, decedent's brother who is now deceased. The court outlined the proposed distribution and no party objected thereto. Accordingly, the court determined that plaintiff's proposed distribution was fair and just and **APPROVED** it.

The Clerk is directed to send a copy of this Order to counsel of record and unrepresented parties. Counsel for plaintiff should forward a copy of the court's order to potential beneficiaries.

It is **SO ORDERED** this 5th day of March, 2024.

ENTER:



David A. Faber

Senior United States District Judge