

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY (S)
DEPUTY

STEPHANIE KINNAIRD and
RICKEY KINNAIRD,
Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

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Civil Action No. A-12-CA-59-LY

ORDER APPROVING SETTLEMENT

THIS MATTER has come before the Court for approval as to the reasonableness of a settlement between the United States of America and Plaintiffs Stephanie and Rickey Kinnaird. Plaintiffs Stephanie and Rickey Kinnaird appeared in person and through their counsel of record Jamal K. Alsaffar. Defendant United States of America appeared through counsel of record Assistant United States Attorney Zachary Richter.

The complete and precise terms and conditions of the settlement are set forth in the Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. §2677 ("Stipulation") and the Irrevocable Reversionary Inter Vivos Grantor Medical Care Trust For The Benefit of Stephanie Kinnaird ("Reversionary Trust"), which are attached as Exhibits A and B to the parties' Joint Motion for Court Order Approving Settlement. The Court has reviewed the Stipulation and Reversionary Trust and is fully informed of the specifics of the full and final terms and conditions of the settlement. The Court finds that the terms and conditions of this settlement as set forth in the Stipulation and Reversionary Trust are fair, reasonable, and in the best interest of Plaintiffs Stephanie and Rickey Kinnaird.


IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the settlement, as set forth in Exhibits A and B to the parties' Joint Motion for Court Order Approving Settlement, is hereby approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that attorneys' fees in this action shall be twenty-five (25%) of the total settlement amount and shall be paid as provided in the Stipulation. The costs and expenses associated with the litigation have been evaluated and approved and the Court finds that these costs and expenses are fair, reasonable, and necessary. It is ORDERED that such costs and expenses are approved and are to be paid as provided in the Stipulation. The Court finds that Plaintiffs are legally responsible for any and all past, present and future liens or claims for payment or reimbursement, including any liens or claims for payment or reimbursement by Medicaid, Medicare or healthcare providers. The Court hereby ORDERS Plaintiffs, by and through their attorney, to satisfy or resolve any and all such past, present, and future liens or claims for payment or reimbursement asserted by any individual or entity.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs, upon final execution of the Stipulation and the Reversionary Trust, upon receipt of payment, and upon notice of the establishment of the reversionary trust, shall cause their attorney to file with the United States District Court for the Western District of Texas, Austin Division, a dismissal of this action in its entirety with prejudice, with each party bearing its own costs, expenses, and fees.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court will not retain jurisdiction over the action against the United States or the settlement.

SIGNED this 19th day of March, 2013.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE