

The plaintiff is faced with a jury verdict in favor of the defendant and the prospect of incurring additional attorney's fees and expenses, and the defendant is faced with additional attorney's fees and expenses to defend and prosecute the cross appeals. Both parties face the uncertainty of the ultimate resolution of the appeals. Under these circumstances, it is in both parties' interests to resolve the case. Although the amount of the settlement is relatively minimal, the plaintiff obtained a significant settlement from defendant Metro. Given the jury verdict and the Court's denial of the plaintiff's motion for a new trial, coupled with the significant settlement reached with defendant Metro, it is not only a wise decision by the plaintiff to resolve this case but also in the best interests of the minor child.

Because of the Court's prior knowledge of this case, the Court finds that it is not necessary to have a hearing on this matter. Because all proceeds of this settlement will be paid to the Cumberland Trust and Investment Company as trustee of the irrevocable trust for the minor child, it is not necessary to consider the need for appointment of a guardian. The parties have represented that all liens have been satisfied. Because none of the proceeds of this settlement will be paid to plaintiff's counsel, there is no need to consider attorney's fees.

In sum, the Court finds that the settlement is fair and reasonable and in the best interests of the minor child and is APPROVED.

The plaintiff and defendant Genesis shall file an agreed order or stipulation of dismissal of all claims brought by the plaintiff against defendant Genesis.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge