

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

EMMIE JONES, as Parent and)	
Guardian of MJ, a minor,)	
)	
Plaintiff,)	
)	Docket no. 2:11-cv-437-GZS
v.)	
)	
FAIRBANK RECONSTRUCTION CORP.)	
et al.,)	
)	
Defendants.)	

**ORDER ON ORDER TO SHOW CAUSE &
MOTION FOR APPROVAL OF SETTLEMENT**

Before the Court are: (1) the April 29, 2014 Order to Show Cause (ECF No. 158); (2) Plaintiff's Motion to File Petition to Approve Settlement Under Seal (ECF No. 161); and (3) Plaintiff's Petition to Approve Minor Settlement (ECF No. 161-1). The Motion to File Under Seal (ECF No. 161) is GRANTED and the Petition (ECF No. 161-1) is hereby SEALED pending further order of this Court. As briefly explained herein, the Order to Show Cause (ECF No. 158) is hereby DISMISSED and the now-sealed Petition pursuant to Local Rule 41.2 (ECF No. 161-1) is hereby GRANTED IN PART, DENIED IN PART and RESERVED RULING IN PART.

On March 28, 2014, the Court entered a procedural order and notice of settlement regarding Plaintiff's claims (ECF No. 126). On April 29, 2014, the Court issued an Order to Show Cause (ECF No. 158) regarding why the parties had failed to comply with the March 28th Order requiring Plaintiff to seek approval of the settlement on behalf of the named minor no later than April 28, 2014. Having reviewed all of the filings received in response to the Order to Show Cause by the deadline (ECF Nos. 159, 160 & 161), the Court hereby finds the parties have now complied with the Order to Show Cause, and the Order to Show Cause (ECF No. 158) is therefore DISMISSED.

With respect to the Sealed Petition to Approve Settlement on behalf of a Minor (ECF No. 161-1), Plaintiff therein acknowledges that counsel are still in the process of finalizing one medical lien with The Thomas Agency. Additionally, Plaintiff is presently unable to provide the Court with the necessary information regarding the structured settlement annuity that will be purchased for the benefit of M.J. This necessary information includes the amount to be used to purchase the

annuity, the name of the insurance company through which the annuity will be purchased, that company's rating, the terms of the annuity and all related plan documents. Plaintiff proposes to file that information within the next ten days. Additionally, the Court notes that the present Petition does not contain a sufficiently itemized statement of damages or an itemized statement of counsel's \$6,727.53 in claimed costs. While explaining the injuries sustained by M.J. in 2009 and the past treatment received, the Petition is silent as to what, if any, anticipated medical care M.J. will receive in the future as a result of these injuries and the estimated cost of that care. Therefore, the Court RESERVES RULING on finally approving the settlement. While Plaintiff has asked for ten days in which to file a "revised petition," the Court hereby ORDERS that all of the supplemental information necessary to approve this settlement be provided to the Court **no later than May 7, 2014**. To be clear, based on the information and figures provided, the Court does not see any impediments to approving this settlement. However, the Court cannot approve the settlement until all of the necessary information is provided in final form.

On the assumption that Plaintiff will comply with the May 7, 2014 deadline, the Court will allow Defendants to proceed with jury selection on the trial of their cross-claims on May 5, 2014. Plaintiff's counsel is excused from attending this jury selection.

Unless the Court has finally approved the settlement before noon on May 8, 2014, the Court expects Plaintiff's counsel to appear for the final pretrial conference scheduled for 2:30 p.m. on May 8, 2014. Counsel are advised that a jury trial on Defendants' cross-claims will not commence until after the Court has issued a final approval of the settlement on behalf of M.J. While the Court has reserved the week of May 12, 2014 for this trial and anticipates selecting a jury that is available for trial that week, Counsel are hereby notified that trial may be rescheduled if Plaintiff's settlement is not finally approved before May 12, 2014.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 30th day of April, 2014.

Plaintiff

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