

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
HEIDI SEELBACH, as Administratrix of the
ESTATE OF DOLORES R. HALL, decedent,

Plaintiff,

-against-

MOHAMMAD I. KHAN,

Defendant.
-----X

Index No.: 50153/16

* *Amended*
ORDER APPROVING
SETTLEMENT OF
WRONGFUL DEATH
CLAIM UPON
CONSENT

Assigned Judge:
Hon. James V. Brands

Upon reading and filing the annexed Affirmation of Jennifer L. Langley, Esq. of RUTBERG BRESLOW PERSONAL INJURY LAW, attorneys for plaintiff, dated the 10th day of April, 2018, the annexed Affidavit of Heidi Seelbach, Administratrix of the Estate of Dolores R. Hall, sworn to the 3rd day of April, 2018, and this Motion for the approval by the court of settlement of the above-entitled action having come on to be heard and all appearances required by the Court having been made, and it appearing that acceptance of the present value of \$350,000.00 in settlement of the claim would be in the best interest of the estate, and that the whole of the payment hereby approved is allocated to the cause of action for wrongful death and pain and suffering, and that the sum of \$9,001.68 is the amount expended by the firm of RUTBERG BRESLOW PERSONAL INJURY LAW, as disbursements, and that the sum of \$116,666.67 is the reasonable value of the services rendered by the firm Rutberg Breslow Personal Injury Law,

* (handwritten mark)

and upon (handwritten)

NOW, on motion of Jennifer L. Langley, Esq., attorney for plaintiff(s), it is hereby

ORDERED, that:

1. Heidi Seelbach, as Administratrix is hereby authorized to settle and compromise the within causes of action for the sum of \$350,000.00.

2. The restrictions on the Letters of Administration, if any, are modified to the extent of allowing the within settlement.

3. Said sum of \$350,000.00 shall be paid by draft payable to the order of the law firm of RUTBERG BRESLOW PERSONAL INJURY LAW, as attorneys for the Estate of Dolores R. Hall; whereupon the plaintiff shall provide a general release and stipulation of discontinuance to defendant, together with any other papers necessary to effectuate said compromise. Said payment shall be forwarded to said attorneys forthwith; said attorneys shall deposit same to escrow and proceed in accord with the further terms and conditions of this Order.

4. Upon receipt of said present payment the Plaintiff's attorneys shall pay the following expenses from escrow as authorized by E.P.T.L.

§5-4.6(a)(1).

a)The sum of \$11,485.62 shall be paid to Medicaid in satisfaction of the applicable Medicaid lien;

5. Pursuant to EPTL §5-4.6(a)(2), RUTBERG BRESLOW PERSONAL INJURY LAW shall take payment of attorney's fees (\$116,666.67) and disbursements (\$9,001.68) totaling (\$125,668.35), out of said proceeds in escrow, upon submission to this Court proof of filing of a petition on behalf of the estate in the Surrogate's Court for allocation and distribution of the sum remaining (\$212,846.03) after the payments authorized by all of the foregoing provisions of this Order. Said attorneys remain counsel for the estate until entry of a final decree in the Surrogate's Court.

* DATED: Poughkeepsie, New York
January 29, 2018 ~~2018~~ 2019

ENTER: Hal B. Greenwald

Hon. James V. Brands, Justice
* HON. HAL B. GREENWALD, J.S.C.
RUTBERG BRESLOW PERSONAL INJURY LAW, 3344 Route 9 North, Poughkeepsie, NY 12601