U.S. DISTRICT COURT
FILED AT WHEELING, WV
NOV 27 2007
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DAVID LUCAS and SUSAN LUCAS, Personally and as the next of friends of their natural children, Taylor B. Lucas and Blaire N. Lucas,	
Plaintiffs.	Civil Action No. 5:06-CV-154
v.	
UNITED FABRICATING, INC., a Pennsylvania Corporation,	
Defendant.	

ORDER

This matter came on for an infant settlement proceeding pursuant to the provisions of West Virginia Code, § 44-10-14 on November 27, 2007. After reviewing the Petition, the answer of the Guardian ad Litem, the representations of counsel and the testimony of David Lucas, the Court makes the following findings of fact:

1. No attorneys fees, legal expenses, court costs or other costs of securing the settlement shall be attributed to Taylor B. Lucas or Blaire N. Lucas.

2. Considering the amount of the damages, the age and necessities of Taylor B. Lucas and Blaire N. Lucas, who are living at home with David Lucas, their father, and Susan Lucas, their mother, and the nature of the injury being a loss of parental consortium due to the emotional distress David Lucas alleged he suffered as a result of being terminated from employment by United Fabricating, Inc., the settlement appears to be reasonable and just.

3. The Court finds that the gross amount of the settlement proceeds has been agreed to remain confidential which does not impact the Court's determination of a fair amount to be

attributed to Taylor B. Lucas and Blaire N. Lucas on their loss of parental consortium claims.

4. The net settlement proceeds to be attributed to Taylor B. Lucas and Blaire N. Lucas shall be $ 850.00, each as a fair and reasonable amount for their loss of parental consortium claims.

Accordingly, the Court does

ORDER that David Lucas may deposit the net settlement trust proceeds of $ 850.00 each for Taylor B. Lucas and Blaire N. Lucas at WesBanco Bank in Elm Grove, Wheeling, West Virginia in interest bearing certificates of deposits or accounts or securities that are fully insured by federal deposit insurance, in the names of Taylor B. Lucas and Blaire N. Lucas, respectively, and payable by WesBanco Bank only to Taylor B. Lucas or Blaire N. Lucas, respectively, upon presentation of proper identification of turning 18 years of age. The Court does also

ORDER that WesBanco Bank shall, within ten (10) days of the receipt of such funds, file with the Clerk of the Court an acknowledgment that the funds have been received and that such funds may be withdrawn only by Taylor B. Lucas or Blaire N. Lucas reaching the age of 18 or upon order of this Court. The Court does also

ORDER that pursuant to West Virginia Code, § 44-10-14(h)(4), the Court waives all of the requirements regarding reference to a fiduciary officer, the filing of the Order or any other reports or statements of accounts with the fiduciary commissioner or supervisor of the County Commission, the posting of bond and corporate or other surety of bond of the conservator and any listing and publication of accounts. The Court does also

ORDER that David Lucas, is authorized to and shall execute a release in favor of Defendant, United Fabricating, Inc., in the following form pursuant to West Virginia Code, § 44-10-14(f):

I, David Lucas, the next friend and natural father of Taylor B. Lucas and Blaire N. Lucas, minors, in consideration of the sum of $ 850.00 each to Taylor B. Lucas and Blaire N. Lucas, and under authority of an Order of the United States District Court for the Northern District of West Virginia, entered on the 27th day of November, 2007, pursuant to West Virginia Code, § 44-10-14, do hereby release United Fabricating, Inc., its parent companies, subsidiaries, predecessors-in-interest, successors, heirs, assigns, officers, directors, shareholders, employees, agents, servants, partners, attorneys and legal representatives from all claims and demands on account of injuries allegedly inflicted upon the minors and any property of the minors.

FPSJr

Dated this 27th date of November, 2007.

Entered:

FREDERICK P. STAMP, JR., JUDGE

Approved for entry by:

Ronald Wm. Kasserman (WVSB #1958)
Counsel for Plaintiffs

Bradley H. Thompson (WVSB# 3739)
Counsel for Defendant

Timothy M. McKeen (WVSB# 10276)
Guardian ad Litem for Taylor B. Lucas and
Blaire N. Lucas