IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF KING

In Re the Settlement/Guardianship of: ) Cause N°

 )

 ) PETITION FOR APPROVAL OF

 ) SETTLEMENT

 , )

 minor or incapacitated person )

 )

COMES NOW the Petitioner, and moves the Court for approval of a settlement on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, (age) \_\_\_\_\_, who sustained injuries arising out of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**I. SUMMARY OF RECOMMENDATIONS**

GROSS SETTLEMENT $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NET PROCEEDS $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

How net proceeds will be protected:

[ ]  Blocked Account [ ]  Structured Settlement [ ]  Trust

**II. BACKGROUND INFORMATION**

 **2.1** Name of Minor or Incapacitated Person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **2.2** Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **2.3** Name of Settlement Guardian Ad Litem: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**III. CLAIM**

**A. Liability**

**B. Injuries, Treatment and Prognosis**

**C. Special Damages**

**IV. INSURANCE AND ASSETS AVAILABLE TO SATISFY CLAIM**

A. Defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_has a policy of insurance with liability limits in the amount of $ \_\_\_\_\_\_\_\_\_\_\_\_.

B. Defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has additional assets to satisfy plaintiff's claim as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

C. There also is underinsured motorist coverage in the amount of $\_\_\_\_\_\_\_\_ available to said minor through the minor's parents' automobile insurance policy with \_\_\_\_\_\_\_\_\_\_\_\_\_ Insurance Company.

**V. SETTLEMENT OFFER**

Defendant's insurer has offered to pay the sum of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to settle all claims of the minor.

**VI. Apportionment Issues**

There are no other family members or persons having claims arising out of this incident which the Court would have to apportion or otherwise take into account in determining the adequacy of the proposed settlement on behalf of the minor.

**VII. FEES, COSTS, and subrogation**

**A. Summary of Costs**

Filing Fee

Service of Process

Photocopies

Long Distance

Medical Records

Medical Reports

Depositions

Experts

Private Investigation

Trust Disbursement Fees

TOTAL $

Plaintiff's counsel has advanced all of the above costs and fees except \_\_\_\_\_\_\_\_\_\_\_\_.

**B. Attorney's Fee**

 The family has employed the counsel to represent the minor under a \_\_\_\_\_% contingent fee agreement. The attorney's fee on the proposed settlement totals $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. A copy of the fee agreement is attached as Exhibit \_\_\_\_\_.

**C. Subrogation and Liens**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has paid medical bills totaling $\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and has a lien in that amount. This lien should be resolved by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**VIII. PROCEEDS OF SETTLEMENT**

Offer $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Less Costs: Attorney’s Fees

 Subrogation & Liens

 Reimbursements

 Settlement Guardian ad Litem Fee

 Other (describe)

TOTAL DEDUCTIONS: $

 Net Proceeds $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IX. APPLICATION OF PROCEEDS**

Since the net proceeds total less than $25,000, counsel recommends that all funds be placed in a blocked account. Counsel agrees to transfer the net proceeds from counsel’s trust account directly into the blocked account and to obtain and file with the Court a Receipt showing that the funds have been deposited into a blocked account. Accordingly, no guardianship need be established herein. [NOTE: modify this section if a structured settlement or trust is to be employed.]

**X. DISBURSEMENT OF FUNDS**

Out of the settlement proceeds, funds should be disbursed to pay the costs, attorney's fees, and other deductions as set forth above.

The settlement proceeds should be disbursed as follows:

$\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Plaintiffs Attorneys

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Settlement Guardian ad Litem

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WHEREFORE, petitioner requests that the Court enter an order as follows:

1. Approving the settlement offer set forth above;
2. Authorizing the guardian ad litem to execute releases of the claim of the minor;
3. Approving the payment of the costs and attorney's fees set forth;
4. Directing disbursal of funds as set forth above.
5. (*OPTIONAL*) Making findings that, under the circumstances of this case, this minor is represented by independent counsel under SPR 98.16W; and that the appointment of a Settlement Guardian ad Litem may be dispensed with.
6. For other and further relief as the Court may deem just and proper.

DATED at \_\_\_\_\_\_\_\_\_\_, Washington, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_.

Signature of Attorney: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name of Attorney: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WSBA No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_