



Defendant and has waived that right, and instead has asked the Court to approve Plaintiff's proposed settlement, understanding that if approved, the proposed settlement will forever bar all claims that could be brought by Plaintiff, or anyone else entitled to sue and recover damages against Defendant, and all other persons, firms, partnerships, independent contractors, employees, officials, associations, entities, insurers, and corporations who are included in the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhauer, Deceased which will be executed by Plaintiff pursuant to the Court's judgment and order approving this settlement; said claims being based upon Decedent Micheal Eisenhauer's death and injuries that occurred while he was in-custody at the Audrain County Jail on June 13, 2019. The Court finds that the proposed settlement amount which has been agreed to by Doris Eisenhauer is fair and reasonable under the circumstances. The Court hereby approves the payment of attorney's fees from the settlement in the amount of 33.3% of all sums recovered. Counsel for Plaintiff has also incurred expenses in the prosecution of this action in the amount of \$14,552.91 for which counsel is entitled to reimbursement under the terms of the attorney's fee agreement. The Court finds that said attorney's fee contract is hereby found to be reasonable considering the substantial time, effort, risk and resources expended by Plaintiff's attorneys. The Court further finds that Plaintiff, Doris Eisenhauer, is authorized and ordered to execute the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhauer, Deceased individually and on behalf of the Class Beneficiaries under R.S.Mo. §537.080 (2016). The Court finds that the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhauer, Deceased is given in good faith and in accordance with R.S.Mo. §537.060 (2016).

Based upon the foregoing, it is hereby **ORDERED, ADJUDGED AND DECREED:**

- A. The settlement, which was provided to this Court in Exhibit A (and was withdrawn) is hereby approved and is to be paid in accordance with the terms and conditions of

the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhauer, Deceased.

- B. Said settlement being found just, reasonable and in good faith pursuant to R.S.Mo. §537.060 (2016) the Court approves said settlement and authorizes Doris Eisenhauer to settle finally and forever, for the sums stated on Exhibit A, the claim against Defendant on account of the aforesaid incident on June 13, 2019 at the Audrain County Jail, and on account of any and all injuries to and death of Micheal Eisenhauer resulting or to result there from.
- C. That Doris Eisenhauer is hereby authorized, directed and ordered to execute and deliver to said Defendant, and all persons, firms, associations, employees, agents, representatives, servants, insurers, officials, independent contractors, and corporations on behalf of Defendant (hereinafter referred to as "Defendant"), a full release, entitled General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhauer, Deceased fully releasing said Defendant from all liability, demands or actions, whether known or unknown, accrued or accruing, on account of the aforesaid incident on June 13, 2019 at the Audrain County Jail and the death of and injuries to Micheal Eisenhauer or on account of any other matter related thereto. The parties are directed to perform all terms of the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhauer, Deceased (hereinafter "Release").
- D. The Release shall be binding on Doris Eisenhauer, her estates, survivors, heirs and assigns, and any and all persons entitled to sue and recover damages under R.S.Mo. §537.080 (2016) of the Revised Statutes of Missouri for the death of and injuries to Micheal Eisenhauer. The Release shall forever bar any other action by Doris Eisenhauer, and anyone acting on her behalf and any and all persons entitled to sue and recover damages under R.S.Mo. §537.080 (2016) of the Revised Statutes of Missouri against Defendant based upon Micheal Eisenhauer's injuries and death while in custody of the Audrain County Jail on June 13, 2019.
- E. Plaintiff Doris Eisenhauer is directed to collect and receipt for the payment of the judgment, and shall execute and file a receipt and satisfaction of the judgment.
- F. Plaintiff Doris Eisenhauer is directed to pay the fees in the amount of 33.3% of the total settlement amount and expenses in the amount of \$14,552.91 to her attorneys, Harper, Evans, Wade & Netemeyer.
- G. Each party to bear their own costs.

Date: \_\_\_\_\_

\_\_\_\_\_  
**Honorable Stephanie Morrell**



4. Micheal Eisenhauer was predeceased by his natural father, Lindell Eisenhauer.

5. At the time of his death, Micheal Eisenhauer had never been married and had no children.

6. As a result, Doris Eisenhauer is the only person entitled to recover pursuant to §537.080.1(1), RSMo., for damages resulting from the injuries and death of Micheal Eisenhauer, deceased, as described herein.

7. Doris Eisenhauer, as the only Class I beneficiary, and on behalf of any other persons entitled to recover under Section 537.080. RSMo., et. seq., desires to fully compromise and settle any and all claims against the County of Audrain, Missouri, and each of their employees, insurers, agents, officers, representatives, servants, successors, independent contractors, heirs, executors, administrators, and assigns, and all other persons, firms, corporations, partnerships, associations, or entities whomsoever, pursuant to Section 537.095, RSMo., for the injuries to and death of Micheal Eisenhauer for an amount that will be provided to the Court during the approval hearing.

8. Plaintiff requests that the Court approve the aforementioned settlement, with which Audrain County consents, as well as approve reasonable attorney's fees and expenses as contracted with Harper, Evans, Wade & Netemeyer, to be paid from the above referenced settlement proceeds and which will be presented to the Court for approval.

9. Further, although this incident occurred in Audrain County, Missouri; the parties, by consent, have filed the application for approval of this settlement in Boone County, Missouri.

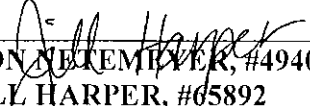
10. Plaintiff specifically requests that the Court apportion the remaining portion of the settlement funds, after payment of attorney's fees and costs, to Petitioner Doris Eisenhauer.

WHEREFORE, Plaintiff prays the Court for an Order as follows:

- a. To approve the settlement in the above claim;
- b. To order reasonable attorney's fees and costs be paid from the settlement;
- c. For Doris Eisenhauer to acknowledge satisfaction in whole for the Judgment and costs;
- d. To distribute the net proceeds of the settlement as described herein;
- e. To direct all required parties including Doris Eisenhauer to execute a General and Full Release of All Claims For the Injuries To and Death of Micheal Eisenhauer; and
- f. For such other orders as may be just and reasonable in the premises.

Respectfully submitted,

By:

  
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*Attorneys for Plaintiff*



3. The court finds that at the time of his death, Micheal Eisenhauer had never been married and had no children.

4. The Court finds that Plaintiff has been duly advised of her right to a jury trial against Defendant and has waived that right, and instead has asked the Court to approve Plaintiff's proposed settlement, understanding that if approved, the proposed settlement will forever bar all claims that could be brought by Plaintiff, or anyone else entitled to sue and recover damages against Defendant, and all other persons, firms, partnerships, independent contractors, employees, officials, associations, entities, insurers, and corporations who are included in the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhauer, Deceased which will be executed by Plaintiff pursuant to the Court's judgment and order approving this settlement; said claims being based upon Decedent Micheal Eisenhauer's death and injuries that occurred while he was in-custody at the Audrain County Jail on June 13, 2019.

5. The Court finds that the proposed settlement amount which has been agreed to by Doris Eisenhauer is fair and reasonable under the circumstances.

6. The Court hereby approves the payment of attorney's fees from the settlement in the amount of 33.3% of all sums recovered.

7. Counsel for Plaintiff has also incurred expenses in the prosecution of this action in the amount of \$14,552.91 for which counsel is entitled to reimbursement under the terms of the attorney's fee agreement. The Court finds that said attorney's fee contract is hereby found to be reasonable considering the substantial time, effort, risk and resources expended by Plaintiff's attorneys.



8. The Court further finds that Plaintiff, Doris Eisenhower, is authorized and ordered to execute the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhower, Deceased individually and on behalf of the Class Beneficiaries under R.S.Mo. §537.080 (2016). The Court finds that the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhower, Deceased is given in good faith and in accordance with R.S.Mo. §537.060 (2016).

Based upon the foregoing, it is hereby **ORDERED, ADJUDGED AND DECREED:**

- A. The settlement, which was provided to this Court in Exhibit A (and was withdrawn) is hereby approved and is to be paid in accordance with the terms and conditions of the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhower, Deceased.
- B. Said settlement being found just, reasonable and in good faith pursuant to R.S.Mo. §537.060 (2016) the Court approves said settlement and authorizes Doris Eisenhower to settle finally and forever, for the sums stated on Exhibit A, the claim against Defendant on account of the aforesaid incident on June 13, 2019 at the Audrain County Jail, and on account of any and all injuries to and death of Micheal Eisenhower resulting or to result there from.
- C. That Doris Eisenhower is hereby authorized, directed and ordered to execute and deliver to said Defendant, and all persons, firms, associations, employees, agents, representatives, servants, insurers, officials, independent contractors, and corporations on behalf of Defendant (hereinafter referred to as "Defendant"), a full release, entitled General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhower, Deceased fully releasing said Defendant from all liability, demands or actions, whether known or unknown, accrued or accruing, on account of the aforesaid incident on June 13, 2019 at the Audrain County Jail and the death of and injuries to Micheal Eisenhower or on account of any other matter related thereto. The parties are directed to perform all terms of the General and Full Release of All Claims for the Injuries to and Death of Micheal Eisenhower, Deceased (hereinafter "Release").
- D. The Release shall be binding on Doris Eisenhower, her estates, survivors, heirs and assigns, and any and all persons entitled to sue and recover damages under R.S.Mo. §537.080 (2016) of the Revised Statutes of Missouri for the death of and injuries to Micheal Eisenhower. The Release shall forever bar any other action by Doris Eisenhower, and anyone acting on her behalf and any and all persons entitled to sue and recover damages under R.S.Mo. §537.080 (2016) of the Revised Statutes of

Missouri against Defendant based upon Micheal Eisenhauer's injuries and death while in custody of the Audrain County Jail on June 13, 2019.

- E. Plaintiff Doris Eisenhauer is directed to collect and receipt for the payment of the judgment, and shall execute and file a receipt and satisfaction of the judgment.
- F. Plaintiff Doris Eisenhauer is directed to pay the fees in the amount of 33.3% of the total settlement amount and expenses in the amount of \$14,552.91 to her attorneys, Harper, Evans, Wade & Netemeyer.
- G. Each party to bear their own costs.

Date: \_\_\_\_\_

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**Honorable Stephanie Morrell**