

5. Defendants' have offered the \$42,750 as a full and final settlement in this matter.
6. The child has made a good recovery and is doing well.
6. A breakdown of all costs associated with this matter are shown below and total \$2,466.17.
7. Petitioner submits that the \$42,750 settlement is reasonable based on the totality of the circumstances, and hereby requests that the Court approve the proposed settlement.
8. Marler Clark was retained to represent this child for a 25% contingent fee plus costs expended.
9. Twenty-Five percent of the proposed settlement of \$42,750 is \$9,287.63 (The attorney fees calculation was agreed to be calculated after costs are deducted, i.e., $42,750 - 2,466.17 - 3,133.32 \times .25 = \$9,287.63$).
11. Petitioner requests that Marler Clark's attorney fees of \$9,287.63 be paid from the proposed settlement.
12. Petitioner requests that Marler Clark's and local counsel's costs of \$2,466.17 be paid from the proposed settlement.
13. Medical expenses total \$ 3,133.32 and will retained in the attorney trust account and paid as subrogation.
14. Petitioner requests authority to deposit the \$27,126.88 cash balance of settlement into a certificate of deposit with a reasonable rate of return of 5.44% (APY 5.55%). Said deposit will be made into a nationally insured credit union certificate of deposit account at Utah Central Credit Union with the account marked "No withdrawals without Court Order until the child's 18th birthday." The certificate will renew in four years at the then current rate.

15. Petitioner requests that ownership of the account revert to Brayden Blanda, without restriction on his eighteenth (18th) birthday.

16. This settlement proposal is summarized as follows:

Total Settlement:	\$42,750.00
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COSTS ADVANCED:

Individual Share of Marler Clark Group Costs:

Federal Express	\$6.12
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Travel	439.65
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Photocopies	29.36
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Experts:

Dr. Richard Siegler	32.06
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Dr. John Kobayashi	12.83
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Dr. Sandra McLellan	6.41
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Keith Warriner	8.34
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Dr. Mary Proctor	12.83
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Roy Costa	52.78
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Daniel Funk	19.24
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Dr. Eric Triplett	32.07
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Charles Haas	32.07
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Least Cost Formulations	3.21
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Commonwealth Biotechnologies

Spinach Testing	12.83
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Midwest Labs – Spinach Testing	.07
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Investigation – Dan Flynn	164.84
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Pacer – Online Court Documents .09

Lexis-Nexis – Online legal research 33.91

Total Individual Share of Marler ClarkGroup Costs:

\$898.71

Marler Clark Individual Costs:

Travel Expenses – Mediation \$176.00

Photocopies 364.30

Federal Expresss 24.47

Medical Records:

Cottonwood Hospital 116.93

Pediatric Gastroenterology 69.90

Primary Children’s Medical Center 133.61

St. Mark’s Hospital \$73.05

Creek Plaza 24.35

Intermountain Pediatric Clinic 62.35

Total Marler Clark Individual Costs: \$1,044.96

LESS TOTAL COSTS ADVANCED: (\$1,943.67)

LESS MEDICAL SUBROGATION:

Beech Street EBMS (\$3,133.32)

LESS WAGE LOSS:

Sheila Leafy (\$736.00)

Bateman Goodwin & Gardner(local counsel) Individual Costs:

Filing Fee:	\$350.00
Service of Process Fees(3):	\$172.50
Total Bateman Goodwin & Gardner	
Individual Costs:	\$522.50
LESS ATTORNEY FEES:	<u>(\$9,287.63)</u>
Contingent Fee Agreement – 25%	
NET SETTLEMENT TO CLIENT:	\$27,126.88

17. Sheila Leafy requests that she be appointed as Special Conservator of the Estate of Brayden Blanda for the purpose of executing the Release and administering the funds recovered in this settlement.

18. Petitioner, Sheila Leafy hereby consents to serve as special conservator of the estate of Brayden Blanda, and hereby submits to the jurisdiction of the Utah Courts for all matters related to the administration of the funds recovered in this case.

Dated this ____ day of _____, 2007.

Sheila Leafy

NOTARY STATEMENT

I hereby certify that the foregoing was signed under oath and in my presence.

Date

Notary

Service of Process Fees(3):	\$172.50
Total Bateman Goodwin & Gardner	
Individual Costs:	\$522.50
LESS ATTORNEY FEES:	<u>(\$9,287.63)</u>
Contingent Fee Agreement - 25%	
NET SETTLEMENT TO CLIENT:	\$27,126.88

17. Sheila Leafly requests that she be appointed as Special Conservator of the Estate of Brayden Blanda for the purpose of executing the Release and administering the funds recovered in this settlement.

18. Petitioner, Sheila Leafly hereby consents to serve as special conservator of the estate of Brayden Blanda, and hereby submits to the jurisdiction of the Utah Courts for all matters related to the administration of the funds recovered in this case.

Dated this 9th day of August, 2007.

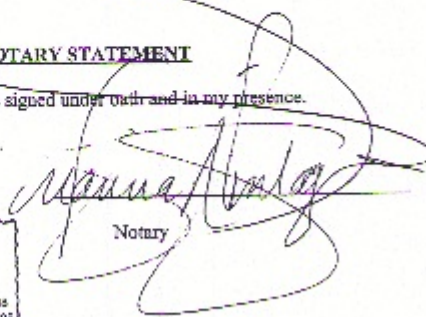


 Sheila Leafly

NOTARY STATEMENT

I hereby certify that the foregoing was signed under oath and in my presence.

Date 8/9/07



 Notary

