



cause of his death. Defendants have denied Plaintiff's allegations and deny liability on all of Plaintiff's claims.

Plaintiff and Defendants have announced to this Court that a confidential settlement has been reach between all parties ("the Settlement") and have requested this Court approve the Settlement as it relates to minor wrongful death beneficiary Aiden Shaw. This Court has the authority and jurisdiction to evaluate and approve the settlement reached in this matter as to minor wrongful death beneficiary Aiden Shaw pursuant to 28 U.S.C. §1407 and the Transfer Order issued by the Judicial Panel on Multidistrict Litigation in *In Re Watson Fentanyl Patch Products Liability Litigation*, MDL 2372 on August 7, 2012.

Having considered the pleadings of all parties, all evidence presented to this Court regarding the facts of this case and the basis for Plaintiff's claims and Defendants' defenses, and the statements, representations, and arguments of counsel for all parties, the Court makes the following findings and determinations:

1. This Court has the authority to approve the Settlement in this case as it relates to the minor wrongful death beneficiary Aiden Shaw. Further, under Oklahoma law, this Court has the responsibility to evaluate the Settlement and the terms of the Settlement and determine whether approval is in the best interests of minor wrongful death beneficiary Aiden Shaw.

2. Plaintiff Monica Bowers is the grandmother of minor wrongful death beneficiary Aiden Shaw. Dale Adams and Sue Adams are the legal guardians of Aiden Shaw. Plaintiff Monica Bowers is the appropriate and proper representative of the Estate of Yesenya Youseff and her wrongful death beneficiaries, including Aiden Shaw, and she has authority to sue on his behalf in this case.

3. Appointment of a guardian ad litem to evaluate the Settlement and the terms of the Settlement, as those relate to minor wrongful death beneficiary Aiden Shaw is not necessary in this case.

4. All parties, including Plaintiff Monica Bowers and minor wrongful death beneficiary Aiden Shaw, are represented by counsel in this matter. All parties have received

counsel from their attorneys in this case, including with respect to the terms of the Settlement and the decision to enter into the Settlement to resolve all claims in this case.

5. A hearing for approval of the Settlement was held on May 23, 2013. All parties, including Plaintiff Monica Bowers and minor wrongful death beneficiary Aiden Shaw, were provided proper and adequate notice of the hearing to approve the Settlement as to minor wrongful death beneficiary Aiden Shaw, and all parties were advised and acknowledged that they had the right to personally appear at the hearing.

6. There is no requirement for either Plaintiff Monica Bowers or minor wrongful death beneficiary Aiden Shaw to personally attend the hearing and/or any proceeding in the Court's chambers related to such hearing or the Settlement.

7. To the extent any such requirement for personal appearance of Plaintiff Monica Bowers or minor wrongful death beneficiary Aiden Shaw at the hearing to approve the Settlement could be argued to exist, this Court hereby finds good cause to waive any such requirements as they place an undue burden on minor Plaintiff Aiden Shaw. Therefore, the Court hereby waives any alleged requirement for the personal appearance of Plaintiff Monica Bowers and/or minor wrongful death beneficiary Aiden Shaw at the hearing to approve the Settlement in this case.

8. Further, Plaintiff Monica Bowers has specifically waived any right she may have to personally appear at the hearing to approve the Settlement, and instead, Plaintiff Monica Bowers has chosen to only be represented personally by and through her attorney of record, Michael Heygood.

9. Counsel for the parties have provided the Court with the confidential terms of the Settlement *in camera* and the Court has made a full and complete review of the terms of the Settlement and considered those terms in conjunction with the evidence presented to the Court in this case.

10. There is no objection by any party or any other person, including any beneficiary or family member of Plaintiff Monica Bowers or decedent Aiden Shaw, to the Settlement or the terms of the Settlement.

11. Counsel for Plaintiff has provided the Court with a proposal for distribution of the entirety of the funds from the Settlement *in camera*, including the distributions to minor wrongful death beneficiary Aiden Shaw. Pursuant to Plaintiff's counsel's proposed distribution, net proceeds from the Settlement will be utilized by Defendants to purchase an annuity for the benefit of minor wrongful death beneficiary Aiden Shaw.

12. There is no objection by any party or any other person, including any beneficiary or family member of Plaintiff Monica Bowers or decedent Yesenya Youseff, to the proposal for distribution of the funds from the Settlement, including the proposal for the distribution to minor wrongful death beneficiary Aiden Shaw.

13. Wherefore, the Court hereby finds that the Settlement and the terms of the Settlement are in the manifest best interests of minor wrongful death beneficiary Aiden Shaw, and therefore, the Court hereby approves the Settlement and the terms of the Settlement in their entirety.

14. Furthermore, the Court hereby finds that the proposal for distribution of the proceeds of the Settlement, including the proposal for distribution to minor wrongful death beneficiary Aiden Shaw through use of a structured annuity, is in the best interests of minor wrongful death beneficiary Aiden Shaw, and therefore the Court hereby approves the terms of the proposal for distribution submitted to the Court.

15. Furthermore, the Court finds that the attorney's fees charged and expenses incurred by Plaintiff's counsel related to the Settlement are fair, reasonable, and approved.

16. This Order approving the Settlement binds minor Plaintiff Hunter to the terms of the Settlement.

IT IS SO ORDERED.

Dated: June 12, 2013



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U.S. District Court Judge Matthew Kennelly