

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ARLINGTON

TEESHA THOMAS, Administratrix
of the Estate of TAEDEN L. THOMAS.
Deceased,

Petitioner,

v.

KAISER FOUNDATION HEALTH PLAN
OF THE MID-ATLANTIC STATES, INC.

AND

MID-ATLANTIC PERMANENTE
MEDICAL GROUP, P.C.

Respondents.

Case No. 14-1298

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ARLINGTON CIRCUIT COURT



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PETITION FOR APPROVAL OF COMPROMISE
SETTLEMENT RELATING TO ALLEGED WRONGFUL DEATH

COMES NOW the Petitioner Teesha Thomas, Administratrix of the Estate of Taeden L. Thomas, Deceased, by counsel, pursuant to Virginia Code § 8.01-55 and petitions the Court for approval of a compromise settlement agreement entered into between the Petitioner and the Respondents that would conclude all claims arising out of the alleged injuries to Teesha Thomas and the death of her son, infant Taeden L. Thomas.

In support of this petition the Petitioner states as follows:

1. This settlement is a compromise of a disputed claim arising out of medical care rendered to Teesha Thomas and her son Taeden L. Thomas on February 18, 2013 and the death of Taeden L. Thomas on February 18, 2013. Ms. Thomas has alleged that she suffered injuries during a hospitalization at Virginia Hospital Center while she was pregnant with Taeden. During

that hospitalization she also gave birth to Taeden and he allegedly died as a result of the medical care rendered at or about the time of birth. Respondents have denied all allegations of negligence, proximate cause and damages.

2. Petitioner has investigated her claim and determined that there are merits to her claim but also risks, including substantial expenses in going forward. Respondents have also investigated their defenses and believe that denial of liability is reasonable but costs of litigation and risks of an adverse verdict remain. Consequently, all parties believe this settlement figure represents a fair compromise and resolution.

3. Petitioner Teesha Thomas is the properly appointed Administratrix of the Estate of Taeden L. Thomas, Deceased.

4. Respondents have agreed to pay a total settlement sum of Three Hundred Thousand Dollars And No Cents (\$300,000.00), with a full and final release of all claims, now existing, that may exist, or that may accrue against Respondents by Tecsha Thomas, the Estate of Taeden L. Thomas or the Estate's beneficiaries, relating to the facts described in paragraph 1, above.

5. A Release has been signed by Petitioner releasing Respondents Kaiser Foundation Health Plan of the Mid-Atlantic States, Mid-Atlantic Permanente Medical Group, P.C. and their agents and employees, from any and all liability and responsibility. Attached as Ex. 1. The Release shall be incorporated in and attached to the Final Order Approving the Wrongful Death Settlement entered in this case.

6. Pursuant to Virginia Code § 8.01-53, the only beneficiaries of the Estate of Taeden L. Thomas are as follows:

a. Tecsha Thomas (mother):

b Theodore Thomas (father);

7. Pursuant to Virginia Code § 8.01-55, the parties in interest have endorsed the Order Approving Compromise Settlement. Attached as Ex. 2.

8. Petitioner's counsel states that there exists a written retainer agreement, which provides for a contingent fee of one-third of the gross recovery plus reimbursement of costs. Costs in the amount of \$4,393.00 have been incurred in this case and have been paid by Petitioner's counsel. The remaining balance will be distributed to the aforementioned beneficiaries of the Estate of Taeden L. Thomas, Deceased.

WHEREFORE, Petitioner requests the Court to:

- (1) Call the parties and counsel to convene;
- (2) Authorize the settlement of any and all claims and causes of action arising from the alleged injuries of Teesha Thomas and death of Taeden L. Thomas and order that, upon payment of the settlement by Respondents, the Respondents, their agents, assigns, parents, subsidiaries, affiliates, successors, officers, directors, and employees and their agents or assigns, will be released from any and all responsibilities and liability, known and unknown, including medical liens, medical bills, and all expenses resulting from the alleged negligence of the Respondent and any resulting injury of Teesha Thomas and death of Taeden L. Thomas.
- (3) Enter the Order as dismissed with prejudice.

Respectfully submitted,

TEESHA THOMAS, ADMINISTRATRIX OF
THE ESTATE OF TAEDEN L. THOMAS,
DECEASED
By Counsel

Jason Fernandez signed by Khelin Eure w/permission
Jason Fernandez. VSB No. 72934 granted via email 6.3.14
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the following Petition was mailed, postage prepaid, this 4th day of June, 2014 to:

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Khelin Eure, Esquire
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Jason Fernandez signed by Khelin Eure
Jason Fernandez w/permission granted
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