

COURT OF CLAIMS: STATE OF NEW YORK

DENISE SCOTTLAND, INDIVIDUALLY, AND AS
ADMINISTRATRIX OF THE ESTATE OF
BEETHAVEAN SCOTTLAND, DECEASED,

Claim No. 105828
Marin, J.

Claimant,

-against-

THE STATE OF NEW YORK,

Defendant.

STIPULATION OF SETTLEMENT AND DISCONTINUANCE

WHEREAS, the parties hereto have agreed to settle this claim pursuant to the provisions of Section 20-a of the Court of Claims Act; and

WHEREAS, no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the above-entitled action and the same hereby is discontinued on the merits, with prejudice, without costs to either party as against the other; and

WHEREAS, the New York State Athletic Commission, as the Agency having supervision of the officers or employees alleged to have caused the injuries herein, has approved settlement of the claim under the terms and conditions set forth below; and

WHEREAS, the parties hereto have entered into this Stipulation of Settlement and Discontinuance, in connection with the settlement of this action; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all of the parties in the above-entitled action as follows:

1. That no person not a party has an interest in the subject matter, the above-entitled action be, and the same hereby is, settled upon payment of the sum of ONE HUNDRED AND FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000.00), discontinued with prejudice pursuant to Section 20-a of the Court of Claims Act. Payment shall be made in accordance with the Decree of the Surrogate's Court, New York County, filed February 10, 2012, a true and correct copy of which is annexed hereto as Exh. A.

2. The payment of the amounts referenced in paragraph 1 heretofore will be made in accordance with the provisions of CPLR 5003-a(e) after the approval of this Stipulation of Settlement by the Court and receipt by defendant's counsel of a copy of the so-ordered stipulation along with any other documents as required under paragraphs 7 and 8 hereof. Furthermore, if the payment hereunder constitutes "funds of a convicted person" under Executive Law § 632-a, the payment period shall be extended by an additional thirty (30) days to allow for compliance with that law.

3. That each party shall bear its own costs and fees relating to this proceeding and the costs and fees shall be hereby waived by the parties against each other.

4. That the claimant shall execute a full Release to the defendant, the State of New York and New York State Athletic Commission.

5. We, the attorneys for the claimant do hereby release and waive our lien for services upon the above-named claimant's causes of action, claim, verdict, report, judgment, determination, or settlement in favor of said claimant which we have thereon under and by virtue of Section 475 of the Judiciary Law or otherwise.

6. We, the attorneys for the claimant, do further represent that there are no other attorneys having a lien for services rendered to claimant pursuant to the provisions of Section 475 of the Judiciary Law or otherwise.

7. Claimant represents and warrants that she and the Estate of Beethavean Scotland are not Medicare recipients, have never been on Medicare or on Social Security Disability, that no conditional payments have been made by Medicare and that neither she nor the Estate expect to be a Medicare recipient within the next 30 months.

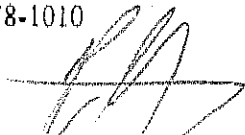
7. That claimant agrees that the State of New York and the New York State Athletic Commission shall not be responsible for any liens of any kind which may have attached to the proceeds from this settlement and further that claimant agrees that she will defend, indemnify and hold harmless the State of New York and New York State Athletic Commission, its officers, agents and employees for the satisfaction of any such liens.

8. In confirmation of the agreement herein, the undersigned attorneys for the parties to this action set their signatures below.

Dated: New York, New York
March 26, 2012

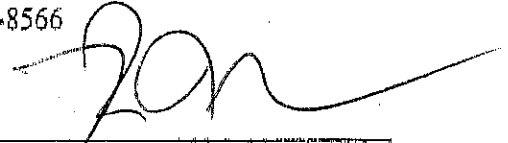
WEITZ, KLEINICK & WEITZ, LLP
Attorney(s) for the Claimant
233 Broadway, 5th Floor
New York, NY 10279
(914) 378-1010

By:



Paul B. Weitz, Esq.

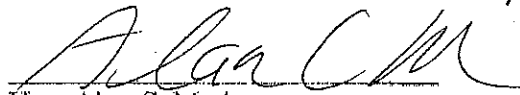
ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for the Defendant
New York State Office of the
Attorney General
120 Broadway, 12th Floor
NY, NY 10271
(212) 416-8566



By:

Ross N. Nerman
Assistant Attorney General

SO ORDERED THIS 10th DAY OF April, 2012

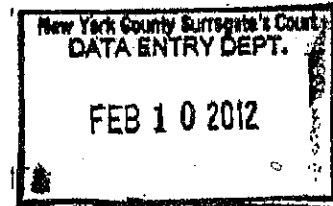


Hon. Alan C. Marin
Judge of the Court of Claims

At a Surrogate's Court of the State of New York held in and for the County of New York, at 31 Chambers Street, New York, New York on the 10th day of February, 2012.

PRESENT:

HON. KRISTIN BOOTH GLEN
Surrogate



In the Matter of the Application of DENISE SCOTTLAND,
as Administrator of the Estate of

BEETHAVEAN SCOTTLAND,

DECREE

File No. 2001-3632

Deceased,

For leave to compromise a certain cause^s of action for the wrongful death and conscious pain and suffering of the decedent and to judicially settle her account related to the proceeds thereof.

Upon reading and filing the Amended petition of Denise Scotland, as Administrator of the Estate of Beethavean Scotland, deceased, duly verified on November 8, 2011 and the accounting sworn to on February 27, 2010, and the amendments thereto dated November 8, 2011, and the affirmation of Paul B. Weitz dated March 12, 2010, and supplemental affirmation dated November 14, 2011, in which application was made for an Order permitting the said Denise Scotland, as Administrator, to compromise and settle the cause of action for the wrongful death of Beethavean Scotland, by accepting the sum of \$150,000.00 from The State of New York on behalf of The New York State Athletic Commission, and that the entire recovery be allocated to the cause of action for

decedent's wrongful death, and that the conscious pain and suffering claim be discontinued as against The State of New York, and The New York State Boxing Commission;

AND to discharge and release said defendants from all suits and claims upon the payment of the \$150,000.00 in settlement of the causes of action herein;

AND to modify the Letters of Administration to permit said compromise;

AND to dispense with the filing of a bond;

AND to judicially settle the account;

AND to pay to Weitz, Kleinick & Weitz, LLP their disbursements in the sum of \$22,095.04;

AND to pay to Weitz, Kleinick & Weitz, LLP their fee for services rendered in the sum of \$42,634.98;

AND to pay to Denise Scotland the sum of \$7,535.00 as reimbursement for paid funeral expenses;

AND more than seven months having elapsed since the granting of Letters of Administration to Denise Scotland,

AND Joseph Rokacz, Esq., having been appointed as Guardian ad Litem for Beethavean Scotland, II, an infant; and having filed his report dated August 12, 2011, and an amended report dated January 9, 2012;

AND Channel Stewart having appeared herein, having filed a Waiver and Consent dated November 10, 2011;

AND the said Denise Scotland, petitioner herein, having appeared by Weitz, Kleinick & Weitz, LLP, her attorney;

AND said New York State Tax Commission having appeared by Salvatore Rico, Esq., its attorney, and having consented to the relief requested;

AND the Court having examined the said account and having found the state and condition of said account to be as set forth in the following statement recorded with the Court:

SUMMARY STATEMENT OF THE SETTLEMENT PROCEEDS

The Administrator is charged with net settlement proceeds of the personal injury action to be distributed.

\$150,000

TOTAL CHARGES \$150,000

The Administrator is credited with the following amounts

TOTAL CREDITS \$0

TOTAL CREDITS \$ 0

BALANCE OF THE NET SETTLEMENT PROCEEDS

TO BE DISTRIBUTED

\$150,000

And it appearing the said Administrator has fully accounted for all monies and properties of the estate in said summary statement, and the Administrator having waived her statutory commission, it is hereby

ORDERED, ADJUDGED AND DECREED that petitioner's application for leave to compromise and settle the cause of action for the wrongful death of Beethavean Scotland, deceased, by accepting the sum of \$150,000.00 from The State of New York is granted, and the entire recovery is allocated to the cause of action for decedent's wrongful death, and the decedent's conscious pain and suffering claim is discontinued against The State of New York, with prejudice and without interest, costs or disbursements is granted; and it is further

ORDERED, ADJUDGED AND DECREED that petitioner, as Administrator of the decedent's estate, is authorized to settle the wrongful death action and discontinue the claim and cause of action for decedent's conscious pain and suffering and petitioner is authorized to deliver

general releases and discontinuances and any other papers or documents that may be required to effectuate a settlement and discontinuances or withdrawals of the said claims and causes of action for conscious pain and suffering; and it is further

ORDERED, ADJUDGED AND DECREED that the entire settlement sum of \$150,000.00 be paid by The State of New York, as follows:

TO: Weitz, Kleinick & Weitz, LLP, as and for attorneys' fees \$42,634.98

TO: Weitz, Kleinick & Weitz, LLP, as and for attorneys' disbursements \$22,095.04

TO: Denise Scotland, as and for reimbursement for paid funeral expenses \$ 7,535.00

TO: Joseph Rokacz, as and for services as Guardian ad Litem for Beethavean Scotland, II. \$ 2,500.00

TO: Denise Scotland, as and for her pecuniary loss, equal to 61.50%, pursuant to EPTL 4-1.1(a)(1) \$ 46,269.51

TO: Channel Stewart, as and for her pecuniary loss, equal to 15.79%, pursuant to EPTL 4-1.1(a)(1) \$11,879.60

TO: Denise Scotland, as guardian of the property of Beethavean Scotland, II an infant, jointly with the clerk of the Surrogate's Court of New York County, as and for

the pecuniary loss of Beethavean Scotland, II, equal to
22.71%, pursuant to EPTL 4-1.1(a)(1)

\$17,085.87

and it is further

ORDERED, ADJUDGED AND DECREED that the giving of a bond or other security in connection therewith be dispensed with; and that the restrictions on the Letters of Administration be modified to allow the above settlement; and it is further

ORDERED, ADJUDGED AND DECREED that the account of Denise Scotland, Administrator, is hereby judicially settled.



SURROGATE