

5th
IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2019 APR -2 AM 9:00

IN THE MATTER OF:

[REDACTED]

Charles Heard, Plaintiff
vs.
Metropolitan Government, Defendant
Charles Heard
D.C.

CASE NO. 19C795

AGREED ORDER APPROVING MINOR'S SETTLEMENT

This matter came before the Court for a chambers hearing pursuant to Tenn. Code Ann. § 29-34-105 on the 2nd day of APRIL, 2019, upon a Joint Petition for Approval of Minor's Settlement, Affidavit of Charles Heard (attached as Exhibit 1 to the Petition), and statement of counsel for the Metropolitan Government, from which the Court finds as follows:

1. Petitioner Charles Heard is the natural guardian of the minor, [REDACTED], whose birth date is [REDACTED].
2. Petitioner Metropolitan Government is a governmental entity formed pursuant to the laws of the State of Tennessee.
3. On February 22, 2018, [REDACTED] was a student at Una Elementary School, which is a school within the Metro Nashville Public Schools System. On that date, a teacher at the school sought to restrain [REDACTED] after [REDACTED] became upset. [REDACTED] later received treatment at Southern Hills Medical Center and was diagnosed with a broken clavicle. She had a follow-up appointment in April of 2018 but has now been released from medical care related to this incident.
4. The Metropolitan Government and Charles Heard have reached a settlement of all claims that were asserted or could have been asserted either on behalf of [REDACTED] or in Charles Heard's individual capacity.

5. Petitioner Charles Heard has made a careful and diligent inquiry and investigation to ascertain the facts relating to this incident, the responsibility for such incident, and the nature, extent, and seriousness of any resultant injuries. Petitioner Charles Heard fully understands that if the proposed compromise is approved by the Court, the minor will be forever barred and prevented from seeking any further recovery or compensation even though the minor's injuries might, in the future, prove to be more serious than they are now thought to be.

6. Petitioners recommend this compromise and settlement to the Court as being fair, reasonable, and in the best interests of the minor.

7. No civil action has been filed in this Court on this claim.

8. The Metropolitan Government has offered the amount of eight thousand dollars (\$8,000.00) in full compromise of all claims that were asserted or could have been asserted against the Metropolitan Government by either Charles Heard, individually, or as next friend of [REDACTED] for damages or injuries related to any incident occurring on February 22, 2018.

9. The eight thousand dollars (\$8,000.00) received by Charles Heard in settlement of the claims that were asserted or could have been asserted in this case will be used as set out in the sworn application of attorney's fees set forth in Exhibit 2 and otherwise in the discretion of Charles Heard solely for the benefit of [REDACTED]

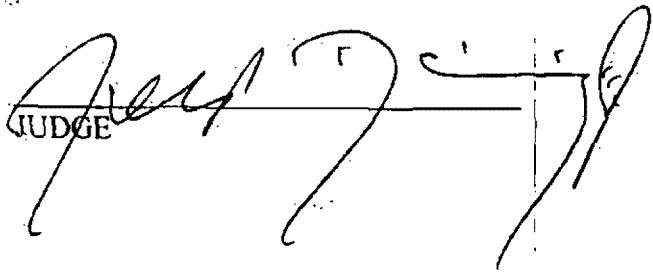
It is therefore ORDERED, ADJUDGED and DECREED that:

1. The compromise is approved and on payment of the sum of \$8,000.00, the Metropolitan Government, its agents, employees and assigns shall be forever fully released and discharged from all claims, charges, and demands of the minor arising from the action described in the Joint Petition for Approval of Minor's Settlement.

2. Petitioner Metropolitan Government shall distribute the proceeds of the settlement so approved by paying the same to Petitioner Charles Heard.

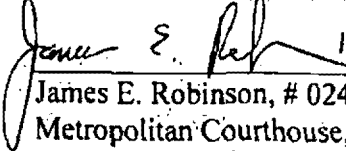
3. The costs of this action shall be taxed to Petitioner Metropolitan Government.

ENTERED this the _____ day of _____, 2019.

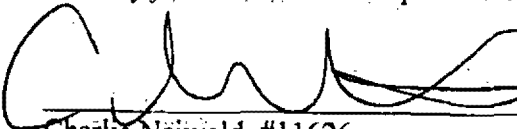


JUDGE

APPROVED FOR ENTRY:



James E. Robinson, # 024680
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219-6300
Attorney for Petitioner Metropolitan Government



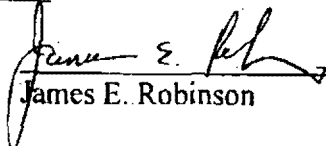
Charlie Neiwold, #11626
The Market Street Building
219 Second Avenue, North, Suite 100
Nashville, TN 37201
Attorney for Petitioner Charles Heard

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served via U.S. Mail, postage prepaid upon the following:

Charlie Neiwold, Esq.
The Market Street Building
219 Second Avenue, North, Suite 100
Nashville, TN 37201
Attorney for Petitioner Charles Heard

on this the 2nd day of April, 2019.



James E. Robinson