

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

ROXANNE ADAMS, ADMINISTRATOR OF  
THE ESTATE OF JAMYCHEAL M. MITCHELL,  
Deceased,

Plaintiff,

Case No. 2:16-cv-229

v.

NAPHCARE, INC., *et al.*,

Defendants.

**PLAINTIFF’S PETITION FOR APPROVAL OF WRONGFUL-DEATH SETTLEMENT**

COMES NOW Plaintiff Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased, by counsel, and pursuant to Virginia Code § 8.01-55 and Fed. R. Civ. P. 41, moves for this Court’s approval of the compromise settlement negotiated by the parties. In support thereof, Plaintiff states as follows:

1. That on August 19, 2015, 24-year-old Jamycheal M. Mitchell (“Mr. Mitchell”) was pronounced dead by EMS while a detainee at Hampton Roads Regional Jail.
2. That Plaintiff Roxanne Adams is the aunt of the Decedent, Mr. Mitchell. Plaintiff is, and was at all relevant times, a resident of the Commonwealth of Virginia. On October 19, 2015, Plaintiff duly qualified as Administrator of the Estate of Jamycheal M. Mitchell, Deceased, in the Circuit Court of City of Portsmouth, under the provisions of Virginia Code § 64.2-454.
3. That Plaintiff filed the above-captioned wrongful-death action asserting claims pursuant to 42 U.S.C. § 1983, as well as state law claims.
4. That the decedent, Mr. Mitchell, is survived by the following:
  - a. Sonia Adams (Mitchell’s mother)

DOB: [REDACTED]/1964

914 Centre Avenue  
Portsmouth, VA 23704

- b. Jasmine Adams (Mitchell's half-sister (through their shared mother, Sonia Adams))

DOB: [REDACTED]/1985  
4009 Emerald North Circle  
Decatur, Georgia, 30035

- c. Michael Mitchell (Mitchell's father (he provided an affidavit as to his children, who are listed below))

DOB: [REDACTED]/1961  
  
108 Iris Street  
Thibodaux, LA 70301

- d. Laquette Monique Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]1983  
  
534 St. Charles By-Pass Road  
Thibodaux, LA 70301

- e. Michael Mitchell Miles, Jr. (Mitchell's half-brother (through their shared father, Michael Mitchell))

DOB: [REDACTED]/1979  
  
7050 Highway 105, Apt. 3  
Beaumont, TX 77708

- f. Shewanda Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]1978  
  
121 Mobile Estates Drive  
Gray, LA 70359

- g. Shavonne Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]/1981

111 Ash Lane  
Thibodaux, LA 70301

- h. Jamie Anthony Miles (Mitchell's half-brother (through their shared father, Michael Mitchell))

DOB: Unknown

Address: Unknown

- i. Lance Tucker (Mitchell's half-brother (through their shared father, Michael Mitchell))

DOB: [REDACTED]1977

7201 Glen Mist Street  
San Antonio, TX 78239

5. That, as per Virginia Code §8.01-53 (1950, as amended), which designates applicable classes of beneficiaries, and with the sworn input of Michael Mitchell, the foregoing are Mr. Mitchell's statutory beneficiaries (the "Statutory Beneficiaries").

6. That, without admitting liability, the Defendants have agreed to collectively pay and Plaintiff Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased, has agreed to accept, contingent upon Court approval, cash in the amount of Three Million and 00/100 Dollars (\$3,000,000.00) in full settlement and discharge of all of Plaintiff's claims in this matter. In greater detail:

- a. That, without admitting liability, Defendant NaphCare, Inc. ("NaphCare") has agreed to pay, and Plaintiff Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased, has agreed to accept, contingent upon Court approval, cash in the amount of

One Million Eight Hundred Thousand and 00/100 Dollars (\$1,800,000.00) in full settlement and discharge of all of Plaintiff's claims in this matter against NaphCare and its agents and employees.

b. That, without admitting liability, Defendants Hampton Roads Regional Jail Authority ("HRRJA"); David L. Simons; Eugene Taylor, III; Dale Barnes; Stephano Blakely; Sylvester Bourne; Dancosta Butcher; Christopher Gibbs; William Hilliard; Robert Keister; Joseph Powell; Robert Whitaker; David Smith; Curtis Dixon; Joseph Johnson; Derrick R. Brown; Stephen T. Phillips; William A. Epperson; Steven W. Whitehead; Tamara L. Everette; Roderick D. Madison; Reginald Whitehead; Felicia M. Cowan; Debra K. Ferguson; Kelly N. Boyd; and Gail Hart (the foregoing are collectively referred to as the "HRRJ and Commonwealth Defendants") have agreed to pay, and Plaintiff Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased, has agreed to accept, contingent upon Court approval, cash in the amount of One Million Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00) in full settlement and discharge of all of Plaintiff's claims in this matter against the HRRJ and Commonwealth Defendants and their agents and employees.

c. As noted above, the foregoing payments are conditioned upon the approval by this Court, in full and final discharge of any and all claims, including any claim for attorneys' fees, costs, and interest, which may or can be asserted for the death of Mr. Mitchell against the Defendants (or any of them), or against any other employees or independent contractors either now or in the past employed or contracted by the HRRJA, NaphCare, and/or any other Defendant arising out of the death of Mr. Mitchell.

7. That Plaintiff acknowledges that this settlement is a compromise of a disputed claim and that the payments are not to be construed as an admission on the part of any Defendant of any liabilities for the damages sustained by the Plaintiff and the statutory beneficiaries.

8. That the Plaintiff and Defendants agree that said compromise is fair and reasonable to all parties.

9. That Plaintiff represents that funeral and cremation expenses have been paid by Sonia Adams (\$200.00); Samuel Adams (now deceased; payable to Roxanne Adams, Executor of the Estate of Samuel Adams, Deceased) (\$1,500.00); Rosa Adams (\$500.00); and Troy Meads (husband of Administrator Roxanne Adams) (\$795.00). They are collectively entitled to reimbursement in the amount of \$2,995.00, to be paid out of the settlement proceeds.

10. That Plaintiff represents that she has been represented by Mark J. Krudys, Esq. and The Krudys Law Firm, PLC, as well as by John Preis, Esq., and that all attorneys' fees and costs and expenses incurred in the matter will be paid from the compromise settlement. (The matter was first presented to Cooper Hurley Injury Lawyers who undertook to find experienced counsel in the matter.) Plaintiff's counsel was employed pursuant to a one-third contingency-fee agreement; Plaintiff's counsels' total fee is \$1,000,000.00. Counsel will divide that amount in the following manner: \$690,000.00 to The Krudys Law Firm, PLC; \$300,000.00 to John Preis, Esq.; and \$10,000.00 to Cooper Hurley Injury Lawyers. Costs advanced by Plaintiff's attorneys or otherwise incurred for representation of Plaintiff total \$58,690.77. (Of the foregoing amount, expert fees total \$27,512.50). An itemization of these costs has been made available to Plaintiff. A "Disbursements Sheet" detailing the foregoing proposed distributions in chart form is attached as **Exhibit 1**.

11. That, as stated in ECF No. 256, there is not unanimity among the statutory beneficiaries as to how the settlement proceeds should be apportioned among themselves. As a result, Plaintiff asks that the court hold a separate, second evidentiary hearing to determine the manner in which the proceeds of the settlement are to be distributed to the statutory beneficiaries.



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Henrico, VA 23229  
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*Counsel for Plaintiff Roxanne Adams, Administrator of the Estate of  
Jamycheal M. Mitchell, Deceased*

**Certificate of Service**

I hereby certify that on this 22<sup>nd</sup> day of January 2019, I will electronically file the foregoing pleading with the Clerk of Court using the CM/ECF system, which will then send a notification of the filing to the following:

Gregory F. Holland, Esq.  
Dov Szego, Esq.  
Setliffe & Holland, P.C.  
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*Counsel for Defendant Hart*

Jeff W. Rosen, Esq.  
Lisa Ehrich, Esq.  
Jeffrey Hunn, Esq.  
Pender & Coward  
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jrosen@pendercoward.com; lehrich@pendercoward.com; jhunn@pendercoward.com  
*Counsel for Defendants HRRJA, HRRJ, Supt. Simons, Asst. Supt. Taylor, Officer Gibbs, Officer Hilliard, Officer Keister, Officer Powell, MJO Smith, MJO Johnson, Sgt. Everette, Sgt. Phillips, Lt. Madison, Capt. Cowan*

Edward J. McNelis, III, Esq.  
Grace Morse-McNelis, Esq.  
Christopher F. Quirk, Esq.  
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GMorseMcNelis@sandsanderson.com; RGriggs@sandsanderson.com  
*Counsel for Defendant NaphCare and Kolongo, MD; Edwards, LCSW; Ray, NP-Psych; Ngwa, NP; Johnson, RN; Thomas, RN, HSA; Rivers, LPN; Nicholson, MA; Murphy, MSW*

Marshall H. Ross, Esq., Senior Assistant Attorney General  
Alexander K. Page, Assistant Attorney General  
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*Counsel for Defendant Boyd*



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Jeremy D. Capps, Esq.  
Leslie A. Winneberger, Esq.  
Douglas E. Pittman, Esq.  
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lwinneberger@hccw.com; dpittman@hccw.com  
*Counsel for Defendant Ferguson*

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Michael G. Matheson, Esq.  
William D. Prince, IV, Esq.  
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Richmond, Virginia 23219  
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mmatheson@t-mlaw.com; wprince@t-mlaw.com  
*Counsel for Defendants Officer Barnes, Officer Blakely, Officer Bourne, Officer Brown,  
Officer Butcher, MJO Dixon, Sgt. Epperson, Officer Whitaker, Sgt. S. Whitehead, and Lt.  
R. Whitehead*

I will then also send the foregoing pleading and a notification of such filing (NEF) to the  
following via Email and First-Class Mail:

Anthony Lewis, Esq.  
Law Office of Anthony P. Lewis  
307 St. Philip Street  
Thibodaux, LA 70301  
attylewis17318@aol.com  
*Counsel for beneficiaries Michael Mitchell, Lance Tucker, Laquette Miles, Michael Miles,  
Shavonne Miles, Shewanda Miles and Jamie Miles*

Michael Goodove, Esq.  
Swartz, Taliaferro, Swartz, & Goodove  
220 West Freemason Street  
Norfolk, Virginia 23510  
mike@goodove.com  
*Counsel for beneficiary Jasmine Adams*

Ros R. Willis, Esq.  
INMAN & STRICKLER, P.L.C.  
575 Lynnhaven Parkway, Suite 200  
Virginia Beach, VA 23452-7350  
Telephone: (757) 486-7055  
Facsimile: (757) 431-0410  
*Counsel for beneficiary Sonia Adams*

/s/ Mark J. Krudys  
Mark J. Krudys (VSB# 30718)  
THE KRUDYS LAW FIRM, PLC  
SunTrust Center  
919 E. Main Street, Suite 2020  
Richmond, VA 23219  
Phone: (804) 774-7950  
Fax: (804) 381-4458  
Email: mkrudys@krudys.com

*Counsel for Plaintiff Roxanne Adams,  
Administrator of the Estate of  
Jamycheal M. Mitchell, Deceased*

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

ROXANNE ADAMS, ADMINISTRATOR OF  
THE ESTATE OF JAMYSHEAL M. MITCHELL,  
Deceased,

Plaintiff,

Case No. 2:16-cv-229

v.

NAPHCARE, INC., *et al.*,

Defendants.

**DISBURSEMENTS SHEET**

**Statutory Beneficiaries**

Name (Relationship to Decedent Mitchell)

DOB: [REDACTED]/19\_\_<sup>1</sup>

Current Mailing Address

---

1. Sonia Adams (Mitchell's mother)

DOB: [REDACTED]/1964

914 Centre Avenue  
Portsmouth, VA 23704

2. Jasmine Adams (Mitchell's half-sister (through their shared mother, Sonia Adams))

DOB: [REDACTED]/1985

4009 Emerald North Circle  
Decatur, Georgia, 30035

---

<sup>1</sup> Redacted pursuant to Fed. R. Civ. Proc. 5.2.

3. Michael Mitchell (Mitchell's father (he provided an affidavit as to his children, who are listed below))

DOB: [REDACTED]/1961

108 Iris Street  
Thibodaux, LA 70301

4. Laquette Monique Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]1983

534 St. Charles By-Pass Road  
Thibodaux, LA 70301

5. Michael Mitchell Miles, Jr. (Mitchell's half-brother (through their shared father, Michael Mitchell))

DOB: [REDACTED]/1979

7050 Highway 105, Apt. 3  
Beaumont, TX 77708

6. Shewanda Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]1978

121 Mobile Estates Drive  
Gray, LA 70359

7. Shavonne Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]/1981

111 Ash Lane  
Thibodaux, LA 70301

8. Jamie Anthony Miles (Mitchell's half-brother (through their shared father, Michael Mitchell)) (according to Anthony Lewis, Esq., efforts were made by family to communicate with Jamie Anthony Miles and get him to attend a

deposition in the case-in-chief, but the efforts were unsuccessful and no deposition of him was taken.)

DOB: Unknown

Address: Unknown

9. Lance Tucker (Mitchell’s half-brother (through their shared father, Michael Mitchell))

DOB: ██████1977

7201 Glen Mist Street  
San Antonio, TX 78239

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|  |                       |
|--|-----------------------|
| <b>Gross Settlement:</b>   | <b>\$3,000,000.00</b> |
| Payable to the Statutory Beneficiaries<br>(To be held in trust pending the Court’s determination regarding distribution) | \$1,938,314.23        |
| Reimbursement of funeral and cremation expenses  | \$ 2,995.00           |
| Payable to Sonia Adams   | \$ 200.00             |
| Payable to Roxanne Adams, Executor of the Estate of Samuel Adams, Deceased   | \$ 1,500.00           |
| Payable to Rosa Adams  | \$ 500.00             |
| Payable to Troy Meads (husband of Administrator Roxanne Adams)   | \$ 795.00             |
| Reimbursement of expenses advanced by counsel (including expert fees, which total \$27,512.50)                           |                       |
| Payable to The Krudys Law Firm, PLC  | \$ 58,690.77          |

|   |               |                |
|---|---------------|----------------|
| Attorneys' Fees (one-third of gross recovery) |               | \$1,000,000.00 |
| Payable to The Krudys Law Firm, PLC           | \$ 690,000.00 |                |
| Payable to John Preis, Esq.                   | \$ 300,000.00 |                |
| Payable to Cooper Hurley Injury Lawyers       | \$ 10,000.00  |                |

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

ROXANNE ADAMS, ADMINISTRATOR OF  
THE ESTATE OF JAMYSHEAL M. MITCHELL,  
Deceased,

Plaintiff,

Case No. 2:16-cv-229

v.

NAPHCARE, INC., *et al.*,

Defendants.

**ORDER APPROVING WRONGFUL-DEATH SETTLEMENT**

THIS day came Plaintiff, Roxanne Adams, Administrator of the Estate of Jamysheal M. Mitchell, Deceased (Plaintiff's decedent is referred to herein as "Mr. Mitchell"), in person and by counsel, and Defendants NaphCare, Inc.; Hampton Roads Regional Jail Authority ("HRRJA"); Hampton Roads Regional Jail ("HRRJ" or "the Jail"); David L. Simons; Eugene Taylor, III; Roderick D. Madison; Felicia Cowan; Christopher Gibbs; William Hilliard; Robert Keister; Joseph Powell; David Smith; Joseph Johnson; Tamara Everette; Stephen Phillips; Dale Barnes; Stephano Blakely; Sylvester Bourne; Derrick Brown; Doncosta Butcher; Curtis Dixon; William A. Epperson; Robert Whitaker; Steven W. Whitehead; Reginald Whitehead; Debra K. Ferguson; Gail Hart; and Kelly Boyd (all of the foregoing are collectively referred to herein as the "Defendants"), by counsel, and, pursuant to Virginia Code § 8.01-55 and Fed. R. Civ. P. 41, upon Plaintiff's (and, previously, Defendants') motions for approval of wrongful-death settlement, and upon notice to the statutory beneficiaries, Plaintiff moved for approval of the wrongful-death settlement.

It appearing to the Court that the matters agreed upon by the parties as set forth herein be, and the same hereby are, ratified, approved, and confirmed.

Specifically, it appearing to the Court that:

1. All parties required by law to be convened are convened or are deemed convened by their signatures to this Order or by written notice of the hearing.
2. That on August 19, 2015, 24-year-old Mr. Mitchell was pronounced dead by EMS while a detainee at Hampton Roads Regional Jail (“HRRJ”).
3. That Plaintiff Roxanne Adams is the aunt of the Decedent, Mr. Mitchell. Plaintiff is, and was at all relevant times, a resident of the Commonwealth of Virginia. On October 19, 2015, Plaintiff duly qualified as Administrator of the Estate of Jamycheal M. Mitchell, Deceased, in the Circuit Court of City of Portsmouth, under the provisions of Virginia Code § 64.2-454.
4. That Plaintiff filed the above-captioned wrongful-death action asserting claims pursuant to 42 U.S.C. § 1983, as well as state law claims.
5. That the Defendants expressed their intentions to defend all claims asserted by Plaintiff.
6. That nevertheless, the Defendants, without admitting any liability, but distinctly denying such, have offered to compromise the claims of Plaintiff arising out of the death of Mr. Mitchell. Defendants have agreed to collectively pay and Plaintiff Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased, has agreed to accept, contingent upon Court approval, cash in the amount of Three Million and 00/100 Dollars (\$3,000,000.00). More specifically:
  - a. That, without admitting liability, Defendant NaphCare, Inc. (“NaphCare”) has agreed to pay, and Plaintiff Roxanne Adams, Administrator of the



Estate of Jamycheal M. Mitchell, Deceased, has agreed to accept, contingent upon Court approval, cash in the amount of One Million Eight Hundred Thousand and 00/100 Dollars (\$1,800,000.00) in full settlement and discharge of all of Plaintiff's claims in this matter against NaphCare and its agents and employees.

b. That, without admitting liability, Defendants Hampton Roads Regional Jail Authority ("HRRJA"); David L. Simons; Eugene Taylor, III; Dale Barnes; Stephano Blakely; Sylvester Bourne; Dancosta Butcher; Christopher Gibbs; William Hilliard; Robert Keister; Joseph Powell; Robert Whitaker; David Smith; Curtis Dixon; Joseph Johnson; Derrick R. Brown; Stephen T. Phillips; William A. Epperson; Steven W. Whitehead; Tamara L. Everette; Roderick D. Madison; Reginald Whitehead; Felicia M. Cowan; Debra K. Ferguson; Kelly N. Boyd; and Gail Hart (the foregoing are collectively referred to as the "HRRJ and Commonwealth Defendants") have agreed to pay, and Plaintiff Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased, has agreed to accept, contingent upon Court approval, cash in the amount of One Million Two Hundred Thousand and 00/100 Dollars (\$1,200,000.00) in full settlement and discharge of all of Plaintiff's claims in this matter against the HRRJ and Commonwealth Defendants and their agents and employees.

c. As noted above, the foregoing payments are conditioned upon the approval by this Court, in full and final discharge of any and all claims, including any claim for attorneys' fees, costs, and interest, which may or can be asserted for the death of Mr. Mitchell against the Defendants (or any of them), or against any other employees or independent contractors either now or in the past employed or contracted by the HRRJA, NaphCare, and/or any other Defendant arising out of the death of Mr. Mitchell.

7. That Plaintiff has represented to the Court that she has accepted the offers of the Defendants after having considered all factors involved, and after participating in mediation.

8. That the settlement is fair and reasonable under all the circumstances.

9. That family members have represented that Mr. Mitchell is survived by the following statutory beneficiaries as defined by Virginia Code § 8.01-53:

a. Sonia Adams (Mitchell's mother)

DOB: [REDACTED]/1964

914 Centre Avenue  
Portsmouth, VA 23704

b. Jasmine Adams (Mitchell's half-sister (through their shared mother, Sonia Adams))

DOB: [REDACTED]/1985

4009 Emerald North Circle  
Decatur, Georgia, 30035

c. Michael Mitchell (Mitchell's father (he provided an affidavit as to his children, who are listed below))

DOB: [REDACTED]/1961

108 Iris Street  
Thibodaux, LA 70301

d. Laquette Monique Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]1983

534 St. Charles By-Pass Road  
Thibodaux, LA 70301

- e. Michael Mitchell Miles, Jr. (Mitchell's half-brother (through their shared father, Michael Mitchell))

DOB: [REDACTED]/1979

7050 Highway 105, Apt. 3  
Beaumont, TX 77708

- f. Shewanda Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]1978

121 Mobile Estates Drive  
Gray, LA 70359

- g. Shavonne Miles (Mitchell's half-sister (through their shared father, Michael Mitchell))

DOB: [REDACTED]/1981

111 Ash Lane  
Thibodaux, LA 70301

- h. Jamie Anthony Miles (Mitchell's half-brother (through their shared father, Michael Mitchell))

DOB: Unknown

Address: Unknown

- i. Lance Tucker (Mitchell's half-brother (through their shared father, Michael Mitchell))

DOB: [REDACTED]1977

7201 Glen Mist Street  
San Antonio, TX 78239

10. All funeral and cremation expenses have been paid by Sonia Adams (\$200.00); Samuel Adams (now deceased; payable to Roxanne Adams, Executor of the

Estate of Samuel Adams, Deceased) (\$1,500.00); Rosa Adams (\$500.00); and Troy Meads (husband of Administrator Roxanne Adams) (\$795.00). They are collectively entitled to reimbursement in the amount of \$2,995.00, to be paid out of the settlement proceeds.

11. The parties represent that there are no liens in this matter.

It is ORDERED that a reimbursement of \$2,995.00 be paid out of the settlement proceeds to Sonia Adams (\$200.00); Roxanne Adams, Executor of the Estate of Samuel Adams, Deceased (\$1,500.00); Rosa Adams (\$500.00); and Troy Meads (husband of Administrator Roxanne Adams) (\$795.00) for funeral and cremation expenses.

It appearing to the Court that The Krudys Law Firm, PLC, John Preis, Esq., and Cooper Hurley Injury Lawyers have provided valuable legal assistance to the Plaintiff in the prosecution of this matter, it is hereby ORDERED that The Krudys Law Firm, PLC be awarded \$690,000.00; John Preis, Esq. be awarded \$300,000.00; and Cooper Hurley Injury Lawyers be awarded \$10,000.00. (The Krudys Law Firm, PLC's contracted fee is one-third of any gross recovery). These sums will be paid out of the settlement proceeds in this matter; and,

It further appearing to the Court that certain costs and reimbursable expenses have been incurred and advanced by The Krudys Law Firm, PLC in the amount of \$58,690.77 (of the foregoing amount, expert fees total \$27,512.50), it is hereby ORDERED that The Krudys Law Firm, PLC be reimbursed for costs advanced in the amount of \$58,690.77, which sum is to be paid out of the settlement proceeds in this matter; and,

Finding that tender of the settlement funds detailed in the Disbursements Sheet (Exhibit 1 to Plaintiff's Petition for Approval of Wrongful-Death Settlement) has been properly made and acknowledged, it is ORDERED that the Defendants and their heirs,

insurers, or reinsurers, their past, present and future owners, officers, directors, stockholders, attorneys, agents, servants, representatives, employees, independent contractors, subsidiaries, parent corporations, affiliated corporations, partners, predecessors and successors in interest, heirs, executors and administrators, and assigns of any of the foregoing, are released and fully discharged from all liability for any and all claims, including any claim for attorneys' fees, costs, and interest, which may or can be asserted against any or all of the Defendants or employees or independent contractors either now or in the past employed or retained by the Defendants, arising out of the death of Mr. Mitchell.

All sums set forth in the Disbursements Sheet constitute damages on account of personal physical injuries and physical sickness, within the meaning of Section 104 (a)(2) of the Internal Revenue Code of 1986, as amended. The entire payment is compensatory in nature to compensate the beneficiaries for the loss of Mr. Mitchell, there being no finding warranting punitive damages, and none of these funds are in any way deemed to relate to any punitive claims that were brought or could have been brought against any defendant.

ORDERED, that the terms of the Protective Order (Docket No. 124) entered on September 1, 2016, shall survive this Order.

Plaintiff further moves that the balance remaining after the deduction of the costs of attorneys' fees, costs and expenses – \$1,938,314.23 – be held in the trust account of The Krudys Law Firm, PLC, until such time as the Court hears testimony and rules on the on the division of net proceeds to the Statutory Beneficiaries. (At this time, the Statutory Beneficiaries cannot reach an agreement with regard to the division of the settlement proceeds among the Statutory Beneficiaries. Therefore, Plaintiff requests that the

Statutory Beneficiaries be provided the opportunity to put on evidence in support of their assertions before this Court.) Plaintiff's counsel will then disburse the net settlement proceeds in accordance with the Court's order.

ORDERED, that this case be dismissed with prejudice as to all Defendants; and it is further

ORDERED that the settlement funds be held in the trust account of The Krudys Law Firm, PLC, until such time as the Court hears testimony and rules on the on the division of net proceeds to the Statutory Beneficiaries, in full and final satisfaction of any and all claims of the Plaintiff, as Administrator of the Estate of Jamycheal M. Mitchell, Deceased, or any other statutory beneficiary entitled by law to any recovery for the alleged wrongful death of the decedent against the Defendants, their agents, officers, directors, employees, heirs, executors, insureds, and/or assigns; that the Defendants and each of their heirs, executors, agents, and assigns, directors, officers, shareholders, representatives, affiliates, subsidiaries, and successors are hereby released and forever discharged from any and all claims, demands, actions, causes of action or suits of any kind or nature whatsoever, known or unknown, now or in the future arising out of the matters which were or could have been alleged in the action styled *Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased v. NaphCare, Inc, et al.*, Civil Action No. 2:16-cv-229, in the United States District Court for the Eastern District of Virginia (Norfolk Division), arising out of the decedent's alleged wrongful death; and further

ORDERED that this action shall remain on the Court's docket for further proceedings regarding the distribution of the net proceeds among the Statutory Beneficiaries.

ORDERED, that the Clerk of the Court issue certified copies of this Order to all counsel.

ENTER this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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U.S. DISTRICT COURT JUDGE

SEEN AND AGREED:

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Plaintiff, Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell,  
Deceased

---

Mark J. Krudys (VSB No. 30718)  
The Krudys Law Firm, PLC  
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Email: mkrudys@krudys.com

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Henrico, VA 23229  
Phone: (804) 289-8682  
Email: jpreis@richmond.edu  
*Counsel for Plaintiff Roxanne Adams, Administrator of the Estate of  
Jamycheal M. Mitchell, Deceased*

---

Edward J. McNelis, III, Esq.  
Grace Morse-McNelis, Esq.  
Christopher F. Quirk, Esq.  
Ruth T. Griggs, Esq.  
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P.O. Box 1998  
Richmond, VA 23218  
EMcNelis@sandsanderson.com; CQuirk@sandsanderson.com  
GMorseMcNelis@sandsanderson.com; RGriggs@sandsanderson.com  
*Counsel for Defendant NaphCare and Kolongo, MD; Edwards, LCSW; Ray, NP-Psych;  
Ngwa, NP; Johnson, RN; Thomas, RN, HSA; Rivers, LPN; Nicholson, MA; Murphy,  
MSW*



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