

RULE L2206 - SETTLEMENT COMPROMISE, DISCONTINUANCE AND JUDGMENT

- (1) Court approval of settlements in wrongful death cases shall be required only where a minor or incapacitated person has an interest.
- (2) Motions for Settlement of a case in which a minor or incapacitated person has an interest shall be filed and served pursuant to Carbon County Local Rule of Civil Procedure CARB R.C.P. 208.3(a).
- (3) The petition shall:
 - (A) Set forth the factual circumstances of the case;
 - (B) State the reasons why the settlement is a reasonable one;
 - (C) Be accompanied by the following:
 - (1) A proposed order approving the settlement and allocation between wrongful death and survival; the proposed order shall comply substantially with the prescribed format in Form A.
 - (2) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;
 - (3) A statement setting forth the proposed allocation between wrongful death and survival actions and the amount proposed to be allocated to each beneficiary;
 - (4) A statement clearly identifying those parties believed to be beneficiaries under each of the actions, attaching a copy of the will of the decedent, if any;
 - (5) A statement setting forth the following:
 - (a) The time between the injury and death;
 - (b) Whether or not the decedent was conscious, and the circumstances prior to his or her death;

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- (c) The amount of the medical and funeral bills;
 - (d) The amount of the decedent's wage loss; and
 - (e) The age, employment and any other circumstances of any potential beneficiaries under the Wrongful Death Act.
- (6) A certification of service of notice and a copy of the petition to all parties with a possible interest, together with a list of those persons notified.
- (7) A letter from the Department of Revenue stating either their approval or objection to the proposed settlement.