

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**CORINA Y. MARQUEZ,**

**Plaintiff,**

**vs.**

**KIMBERLY K. SCHMID, M .D.,**

**Defendant.**

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**Case No. 04-4054-JAR**

**ORDER APPROVING SETTLEMENT**

**NOW** on this 26th day of July, 2006, the above-captioned matter comes before the court for consideration of the parties' joint motion (Doc. 42) seeking approval of the parties' settlement agreement pursuant to K.S.A. § 40-3410, approval of the parties' attorney's fees pursuant to K.S.A. § 7-121b, and dismissal of this matter with prejudice pursuant to Fed. R. Civ. P. 41(a). All parties have submitted exhibits in support of the instant motion for the court's *in camera* consideration.

**WHEREUPON**, the court, being fully and duly advised in the premises, hereby finds as follows:

1. That the proposed settlement involves the Board of Governors of the Health Care Stabilization Fund, and court approval is required pursuant to K.S.A. § 40-3410.
2. That the parties have agreed to compromise and settle all claims of plaintiff against defendant; that said terms effectuate a full settlement and satisfaction of the disputed claims of plaintiff, including any and all claims known and unknown, suspected and not suspected, and anticipated and unanticipated, arising out of the professional care and treatment rendered to plaintiff by defendant, as more fully described in the court file.

3. That the parties to this settlement agreement have freely, knowingly, and voluntarily entered into this agreement.

4. That the proposed settlement is valid, just, equitable, and in the best interests of plaintiff and defendant, and shall be approved.

5. That the court has reviewed plaintiff's attorney fees and expenses and, upon application of the considerations set forth in K.S.A. § 7-121b, finds such attorney fees and expenses to be reasonable and appropriate.

6. That the court has reviewed defendant's attorney fees and expenses and, upon application of the considerations set forth in K.S.A. § 7-121b, finds such attorney fees and expenses to be reasonable and appropriate.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** the parties' joint motion for approval of settlement and attorneys' fees and dismissal of this matter (Doc. 42) is hereby **GRANTED**, and the proposed settlement in the above-captioned matter is hereby approved as valid, just, and equitable, pursuant to K.S.A. § 40-3410.

**IT IS FURTHER ORDERED** that the attorney fees and expenses to be paid by each litigant are reasonable and appropriate in the premises, and are hereby approved pursuant to K.S.A. § 7-121b.

**IT IS FURTHER ORDERED** that this matter is hereby **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 41(a), with each party to bear its own costs of action.

**IT IS FURTHER ORDERED** that all exhibits submitted *in camera* in support of the parties' motion shall be returned to the parties.

**IT IS SO ORDERED.**

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge