

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

**LINDSY BALL SNYDER, Individually as  
the surviving spouse of Dylan Snyder,  
deceased, and as personal representative  
of the ESTATE OF DYLAN SNYDER**

**and**

**N.W., minor child of Dylan Snyder,  
Deceased, by and through her natural  
mother and next friend  
STEPHANIE GREATHOUSE,**

**Plaintiffs,**

**v.**

**NISLY BROTHERS, INC.,  
NISLY BROTHERS TRASH SERVICES,  
INC., and  
JONATHAN MARCUS YODER,**

**Defendants.**

**Case No. 2:15-cv-02586-RDR-  
GLR**

**JOURNAL ENTRY OF JUDGMENT APPROVING WRONGFUL DEATH  
SETTLEMENT PURSUANT TO K.S.A. § 60-1905  
AND APPROVAL OF MINOR SETTLEMENT**

Pursuant to Fed.R.Civ.P. 72, Magistrate Judge Gerald L. Rushfelt conducted an evidentiary hearing and entered a Report and Recommendation of Judgment Approving A Wrongful Death Settlement Pursuant to K.S.A. § 60-1905 And Approval of Minor Settlement. Plaintiff Lindsay Ball Snyder, individually as the surviving spouse of Dylan Snyder, deceased, and as personal representative of the Estate of Dylan Snyder appeared by counsel, Phyllis A. Norman of the Norman Law Firm and Gerald McGonagle of McGonagle Spencer Gahagan and submitted an affidavit for this Court's consideration. NW, minor child of Dylan Snyder, deceased, by and through her natural mother and next friend Stephanie Greathouse appeared by

counsel, James M. Crabtree of the Crabtree Law Office. Brenda Lee Weston, the court-appointed Conservator for N.W. did not appear in person, but submitted her affidavit for this Court's consideration. Defendants Nisly Brothers, Inc., Nisly Brothers Trash Services, Inc. and Jonathon Yoder appeared by counsel John J. Fogarty of Manz Swanson Hall Fogarty & Gellis, P.C. The parties and claimants waive a trial by jury and submit the Joint Motion for Approval of Wrongful Death Settlement Pursuant to K.S.A. § 60-1905 and Approval of Minor Settlement, arising out of the death of Dylan Snyder.

Statements of counsel, affidavits and statements of the parties have been presented to the Court, and after reviewing the pleadings and hearing testimony and reviewing affidavits of witnesses, the Court finds that the settlement as described in the Joint Motion for Approval of Wrongful Death Settlement Pursuant to K.S.A. § 60-1905 and Approval of Minor Settlement and as set out more fully below was entered into in good faith; is fair and reasonable for all claimants; is in the best interest of all claimants; and adequately protects the interests of the minor N.W. and shall be approved.

The Court further finds that Plaintiff Lindsay Ball Snyder is the surviving spouse of Dylan Snyder, and is a member of the class of persons entitled to recover damages for the alleged wrongful death of Dylan Snyder, pursuant to K.S.A §60-1902. The Court further finds N.W., a minor, by and through her natural mother and next friend Stephanie Greathouse, is the natural child of Dylan Snyder, and is a member of the class of persons entitled to recover damages for the alleged wrongful death of Dylan Snyder, pursuant to K.S.A §60-1902. The Court further finds Brenda Lee Weston was named Conservator for N.W., and approves of the settlement for the minor N.W. No other individuals as defined in K.S.A §60-1902 are entitled to bring or join in a wrongful death action as a result of the death of Dylan Snyder.

**IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED,** that the proposed settlement for the wrongful death claims of Lindsay Ball Snyder as the surviving spouse of Dylan Snyder and N.W., the surviving minor child of decedent Dylan Snyder, by and through her natural mother and next friend Stephanie Greathouse and Conservator Brenda Lee Weston, as a result of Dylan Snyder's deadly accident with Nisly Brothers, Inc., Nisly Brothers Trash Services, Inc. and Jonathon Yoder, is hereby fair and reasonable to apportion 50% to Lindsay Ball Snyder and 50% to NW and is authorized and approved for distribution of the settlement funds, as follows:

	<b>N.W.</b>	<b>Lindsay Ball Snyder</b>
<b>Gross Settlement (Split 50/50)</b>	\$ 1,218,204.00	\$ 1,218,204.00
<b>Attorney Expenses</b>	\$ 7,457.33	\$ 7,457.32
<b>Attorney Fees</b>	\$ 302,686.66	\$ 406,027.39
<b>Net Settlement to Client</b>	\$ <b>908,060.01</b>	\$ <b>804,719.29</b>

**IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED,** that the attorneys' fees and expenses reflected above and in the Joint Motion are fair and reasonable under the circumstances.

**IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED,** from said settlement proceeds for N.W., the sum of Nine Hundred Eight Thousand and Sixty and 01/100 Dollars (\$908,060.01) shall be used to purchase an annuity contract to be issued by multiple investment companies which shall provide the future periodic payments to N.W. as detailed in the *Release and Settlement Agreement*. The obligation to make the periodic payments described herein may be assigned to BHG Structured Settlements, Inc., and funded by an annuity contract issued by Berkshire Hathaway Life Insurance Company of Nebraska. The obligation to make the periodic payments described herein may be assigned to Prudential Assigned Settlement

Services Corp. and funded by an annuity contract issued by Prudential Insurance Company of America.

All sums payable as set forth constitute damages on account of personal physical injury or physical sickness arising from an occurrence within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended, and no portion of such sums shall constitute exemplary or punitive damages or damages other than actual damages on account of physical injury or physical sickness.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED,** that Lindsay Ball Snyder, individually and as representative of the class of individuals as described in K.S.A §60-1902 (“Class”), is hereby authorized and directed to execute the Settlement Release, releasing Nisly Brothers, Inc., Nisly Brothers Trash Services, Inc. and Jonathon Yoder and their insurers, of any claims arising out of the death of Dylan Snyder. The Next Friend of N.W., Stephanie Greathouse and Brenda Lee Weston, the court-appointed Conservator are hereby authorized and directed to execute the Settlement Release for the minor N.W.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED,** that Count VI (sic) of the Complaint is dismissed *with prejudice* pursuant to the Estate of Dylan Snyder’s Stipulation for Dismissal with Prejudice.

**IT IS FURTHER ORDERED** that Lindsay Ball Snyder and Stephanie Greathouse, as Next Friend of the minor, N.W. and Brenda Lee Weston, the court-appointed Conservator for NW, as representatives of the class of individuals as described in K.S.A §60-1902 shall collect and receive payment as stated in this Order, issue receipt to Nisly Brothers, Inc., Nisly Brothers Trash Services, Inc. and Jonathon Yoder, acknowledge satisfaction of this Order and distribute the proceeds as ordered by this Court, and to make a report and accounting to this Court.

Dated this \_\_\_\_\_ day of July 2015

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District Judge Richard D. Rogers

Approved and Submitted By:

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and

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**BALL SNYDER, individually, and as  
personal representative of the ESTATE OF  
DYLAN SNYDER**

and

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**ATTORNEYS FOR PLAINTIFF, N.W.,  
a minor, by and through her natural mother  
and next friend STEPHANIE  
GREATHOUSE**