

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

**Sherecia Willis, Individually and as Next
Friend, Parent, and Natural Guardian of
Minor Child, CW,**

Plaintiffs,

**v.
United States of America,
First Defendant,**

**Venkatesan Gorantla, M.D.,
Second Defendant,**

**Augusta Hospital LLC (DE) d/b/a Trinity
Hospital of Augusta,
Third Defendant,**

**Augusta Physician Services, LLC,
Fourth Defendant,**

Defendants.

Civil File No. 1:17-cv-00015

**VERIFIED PETITION TO APPROVE SETTLEMENT AS TO DEFENDANTS
AUGUSTA HOSPITAL, AUGUSTA PHYSICIANS SERVICES, AND VENKATESAN
GORANTLA, ATTORNEY-CLIENT CONTRACT, AND DISBURSEMENT OF
SETTLEMENT FUNDS, AND MOTION TO SEAL COURT FILES**

Come now CW, a minor child, by and through his next friend and natural guardian, SHERECIA WILLIS and his court-appointed guardian ad litem, JAMES S. MURRAY, and pursuant to Local Rules 17.1 and 79.7, file this Petition to Approve Settlement and Motion to Seal Court Files, showing the Court as follows:

1.

This is a case where Plaintiffs alleged professional negligence arising out of the medical care and treatment rendered by Defendants, UNITED STATES OF AMERICA, VENKATESAN GORANTLA, AUGUSTA HOSPITAL, and AUGUSTA PHYSICIAN SERVICES to Sherecia

Willis and CW, a minor, on or about January 26 through February 1, 2016. A civil action was filed by Sherecia Willis, individually and as next friend, parent, and natural guardian of minor seeking general damages for his pain and suffering from the date of injury through life expectancy, and for special damages for medical and other expenses he will incur from the age of majority through his life expectancy. The lawsuit was also filed by Sherecia Willis, individually, seeking special damages for medical and other expenses incurred, and to be incurred, by or on behalf of CW from the date of the injury until CW attains age of majority, and for general damages to compensate them for loss of the services of their son.

2.

The above-captioned civil action was vigorously contested as all Defendants denied liability, causation, and extent of damages. In prosecuting the case, the parties engaged in thorough discovery including depositions of numerous physicians and nurses and both parties' submitting expert reports from multiple experts in obstetrics, neonatology, neurology, neuroradiology, placental pathology, nursing, life-care planning, and economics.

3.

After nearly two years of litigation, Plaintiffs and Defendants Venkatesan Gorantla, Augusta Hospital, and Augusta Physician Services (the "Augusta Defendants"), have reached a *confidential* agreement to settle Plaintiffs' claims against the Augusta Defendants, subject to Court approval.

4.

Plaintiffs intend to file a separate petition regarding settlement with Defendant United States. Counsel for all Defendants have authorized Plaintiffs to represent to this Court that they do not oppose the instant motion.

5.

Plaintiffs and the Augusta Defendants believe the proposed settlement is a fair, reasonable, and just compromise because the facts and circumstances surrounding the incident have been fully investigated. Even though this compromise and settlement is fair, just, reasonable, and in the best interest of Plaintiffs given the substantial risk involved with facing a jury trial, Plaintiffs significantly compromised in order to reach this settlement and, as a result, were not made whole or completely compensated by this settlement for all economic and noneconomic losses they have suffered and will continue to suffer.

6.

On October 8, 2019, the United States District Court for the Southern District of Georgia appointed James S. Murray as Guardian Ad Litem of CW. As such, James S. Murray is authorized to present this Motion to release CW's claim against the Augusta Defendants. (Doc. 221.) (Attached hereto as Exhibit A is a true and correct copy of the Court's order appointing James S. Murray Guardian Ad Litem of CW.) Upon information and belief, because no funds are being held on behalf of a minor, no conservator is needed, and, because the case was settled as part of this Court's mediation process, no approval by the probate court is necessary.

7.

Sherecia Willis, individually and as natural guardian of CW, a minor, and James S. Murray, as Guardian Ad Litem entered into an attorney-client contract with Chuck R. Pardue of Pardue & Associates, P.C.; Nelson O. Tyrone, III of Tyrone Law Firm; and Leighton Moore of The Moore Law Firm, P.C., to represent them and pursue claims against the alleged negligent parties in connection with injuries sustained by CW and their damages arising from those injuries.

8.

In support of this Motion, Plaintiffs hereby file it with the following redacted confidential documents for the public record with a corresponding confidential version without redaction submitted directly to the Court for its *in camera* review and consideration:

- a. Order Appointing Guardian Ad Litem (copy) (attached as Exhibit A);
- b. Attorney-Client Contract (copy) (attached as Exhibit B);
- c. Draft Settlement and Release Agreement (copy) (attached as Exhibit C);
- d. Settlement Disbursement Statement (attached as Exhibit D);
- e. Letter from Georgia Department of Community Health (copy) (attached as Exhibit E);
and
- f. Letter from U.S. Department of Veterans Affairs, Veterans Health Administration (copy) (attached as Exhibit F).

8.

The Settlement Disbursement Statement (attached hereto as Exhibit D) proposes the distribution of net settlement funds and provides the dollar amounts of the same. The net settlement (i.e., the settlement amount, less attorney's fees, litigation expenses, and funds held for additional expenses) shall be paid to clients as follows: 10% shall be paid to Sherecia Willis and Derriquer Newsome; and 90% shall be paid to a special needs trust.

9.

Plaintiffs show that CW received no medical assistance through the Georgia Department of Community Health and that the Health Department is not claiming a right of reimbursement. (A true and correct copy of correspondence received by counsel for the Plaintiffs from the Health Department dated September 6, 2019 is attached hereto as Exhibit E.)

9.

Plaintiffs show that while CW did receive medical assistance through the U.S. Department of Veterans Affairs, Veterans Health Administration via CHAMPS VA, the VHA has confirmed that it has not posted any paid claims and has no outstanding lien against CW regarding his injuries. (A true and correct copy of correspondence received by counsel for Plaintiffs dated September 4, 2019 is attached hereto as Exhibit F.)

10.

There is an inherent expectation of privacy with regard to the terms and conditions of settlements reached between private parties to civil lawsuits. While in the present matter the interests of the parties are most certainly served by the court review and approval of the settlement, their interests are equally served by preserving their privacy rights with regard to the terms and conditions of this settlement. The privacy rights of the parties are protected if access is limited to those documents which specify the terms and/or conditions of the settlement, which is why the Settlement Agreement has been provided to the Court under seal. In addition, as an express condition of the settlement, the parties agreed that the amount of the settlement will remain confidential from disclosure. Accordingly, pursuant to the terms of the parties' settlement agreement to keep the settlement amount confidential, and because the harm to the privacy rights of a minor clearly and unequivocally outweighs any perceived public interest, the Plaintiffs respectfully request, pursuant to Local Rule 79.7, that the Court permanently **seal** the Attorney-Client Contract, Settlement Agreement, Settlement Disbursement Statement, and the terms of the Structured Settlement so as to restrict public access to these sensitive, confidential documents.

WHEREFORE, the Plaintiffs represent to this Court that this settlement is reasonable and is in the best interest of all parties involved and because the claim involves a minor, Plaintiffs respectfully request in accordance with Local Rule 17.1 that this Court issue an Order to (1)

approve this settlement between Plaintiffs and the Augusta Defendants; (2) approve the Attorney-Client Contract; (3) approve the disbursement of settlement funds as specified in the Settlement Disbursement Statement; and (4) seal Exhibits A through F to this Motion.

Respectfully submitted this 21st day of October 2019.

Respectfully submitted,

/s/ Daniel J. Conner, Jr.
Nelson O. Tyrone, III
Georgia Bar No. 721189
(admitted Pro Hac Vice)
Daniel J. Conner Jr.
Georgia Bar No. 940568

TYRONE LAW FIRM
1201 Peachtree St., NE
400 Colony Square, Suite 2000
Atlanta, GA 30361
404.377.0017

Leighton Moore
THE MOORE LAW FIRM, PC
100 Peachtree St. Suite 2600
Atlanta, GA 30303
678.237.0330

Charles Pardue
PARDUE AND ASSOCIATES, P.C.
211 B. Bobby Jones Expressway
Martinez, GA 30907
706.823.2000

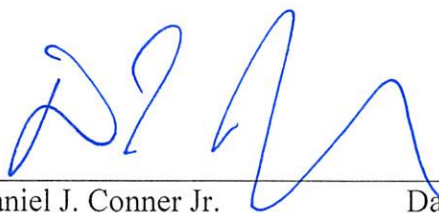
VERIFICATION


PERSONALLY APPEARED before the undersigned officer of this State, duly authorized by law to administer oaths, **DANIEL J. CONNER, JR.**, who after being duly sworn according to the law deposes and says under oath:

I have read and prepared the foregoing Verified Petition to Approve Settlement and know the contents thereof; the same is true of my knowledge, except as to those matters that are therein stated upon information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury under the laws of the State of Georgia that the foregoing is true and correct to the best of my knowledge.

Sworn to and subscribed before me

This 16 day of October 2019.


Daniel J. Conner Jr. 10/16/19
Date


Notary Public
My Commission Expires: 3-3-20



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

**Sherecia Willis, Individually and as Next
Friend, Parent, and Natural Guardian of
Minor Child, CW,**

Plaintiffs,

**v.
United States of America,
First Defendant,**

**Venkatesan Gorantla, M.D.,
Second Defendant,**

**Augusta Hospital LLC (DE) d/b/a Trinity
Hospital of Augusta,
Third Defendant,**

**Augusta Physician Services, LLC,
Fourth Defendant,**

Defendants.

Civil File No. 1:17-cv-00015

CERTIFICATE OF SERVICE

Plaintiff hereby certifies that the undersigned has this day served the foregoing Petition to

Approve Settlement upon all parties of record via email as addressed as follows:

Shannon Statkus, Esq.
Jason Blanchard, Esq.
Assistant US Attorney
SOUTHERN DISTRICT OF GA
P.O. Box 2017
Augusta, GA 30903

James Painter, Esq.
F. Michael Taylor, Esq.
Andrew Murdison
BRENNAN, WASDEN & PAINTER, LLC
801 Broad Street, Suite 501
Augusta, GA 30901

This 21st day of October 2019.

Respectfully submitted,

/s/ Daniel J. Conner, Jr.
Nelson O. Tyrone, III
Georgia Bar No. 721189
(admitted Pro Hac Vice)

TYRONE LAW FIRM
1201 Peachtree St., N.E., Suite 2000
Atlanta, GA 30361

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

SHERECIA WILLIS, Individually *
and as Next Friend, Parent and *
Natural Guardian of Minor *
Child, CW, *

Plaintiff, *

v. *

CV 117-015

UNITED STATES OF AMERICA, et *
al., *

Defendants. *

O R D E R

Before the Court is Plaintiff Sherecia Willis's, as next friend, parent, and natural guardian of minor child C.W., Motion to File Petition for Guardian Ad Litem with the Petition attached.¹ (Mot. to File Pet., Doc. 195; Pet., Doc. 195-1.) Through the Petition, Ms. Willis asks the Court to appoint Attorney James S. Murray as guardian ad litem for her child, C.W., pursuant to Federal Rule of Civil Procedure 17(c).² Ms. Willis brought this action individually and as C.W.'s representative. Defendants

¹ Plaintiff also filed a motion for a status update on the motion (Doc. 220), which the Court **GRANTS** and addresses through the following Order.

² According to the Petition, Attorney Murray "is willing to serve as guardian ad litem of [C.W.] and is fully competent to understand and protect the rights of the minor and has no interest adverse to that of the minor." (Pet. ¶ 5; see also Consent to Appointment, Doc. 195-2, at 3.)

declined to respond to the Petition; thus, the Court deems the Petition unopposed. See LR 7.5, SDGa.

Rule 17(c)(2) provides, in part: "The court must appoint a guardian ad litem – or issue another appropriate order – to protect a minor . . . who is unrepresented in an action." The rule only applies when the minor is unrepresented. Baloco v. Drummond Co., 767 F.3d 1229, 1241 n.16 (11th Cir. 2014). A parent may properly represent his or her child. See Burke v. Smith, 252 F.3d 1260, 1264 (11th Cir. 2001) (finding minor represented by mother); Croce v. Bromley Corp., 623 F.2d 1084, 1093 (5th Cir. 1980) (stating the minor was represented when "the child's legal guardian, his mother, brought th[e] action on his behalf").

Currently, C.W. is represented by his mother, Ms. Willis.³ The Court need not interfere with this representation absent a conflict of interest. See Burke, 252 F.3d at 1264. As stated by the Eleventh Circuit:

[U]nless a conflict of interest exists between the representative and minor, a district court need not even consider the question whether a guardian ad litem should be appointed. . . . Generally, when a minor is represented by a parent who is a party to the lawsuit and who has the same interests as the child there is no inherent conflict of interest. . . . Where it is evident that a conflict of interest exists between the parent and minor, however, the district court has a duty to determine whether a guardian ad litem is needed." See In re Chicago, Rock Island & Pac. R.R. Co., 788 F.2d 1280, 1282 (7th Cir. 1986) ("If there was some reason to think that the infant's mother would not represent the

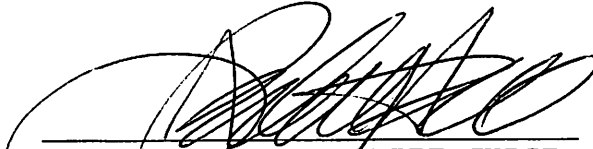
³ The Petition fails to include enough facts for the Court to determine otherwise.

infant's interests adequately, the district court would, we may assume, be required (and certainly would be empowered) to appoint a guardian ad litem to represent the infant.").

Id. (some internal citations omitted).

Given the settlement of this case (see Doc. 219) and Ms. Willis's Petition, there is reason to question whether Ms. Willis is able to adequately represent C.W.'s interests. In addition, the Petition is unopposed and Ms. Willis, C.W.'s current representative, consents to the appointment.⁴ (See Consent to Appointment, at 2.) Upon due consideration and based upon the foregoing, the Court **GRANTS** the Motion to File Petition for Guardian Ad Litem (Doc. 195) and the attached Petition and **APPOINTS** James S. Murray as guardian ad litem for C.W. in this matter.

ORDER ENTERED at Augusta, Georgia, this 8th day of October, 2019.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA


⁴ C.W.'s father, Derrique Newsome, also consents to the appointment. (Consent to Appointment, at 2.)

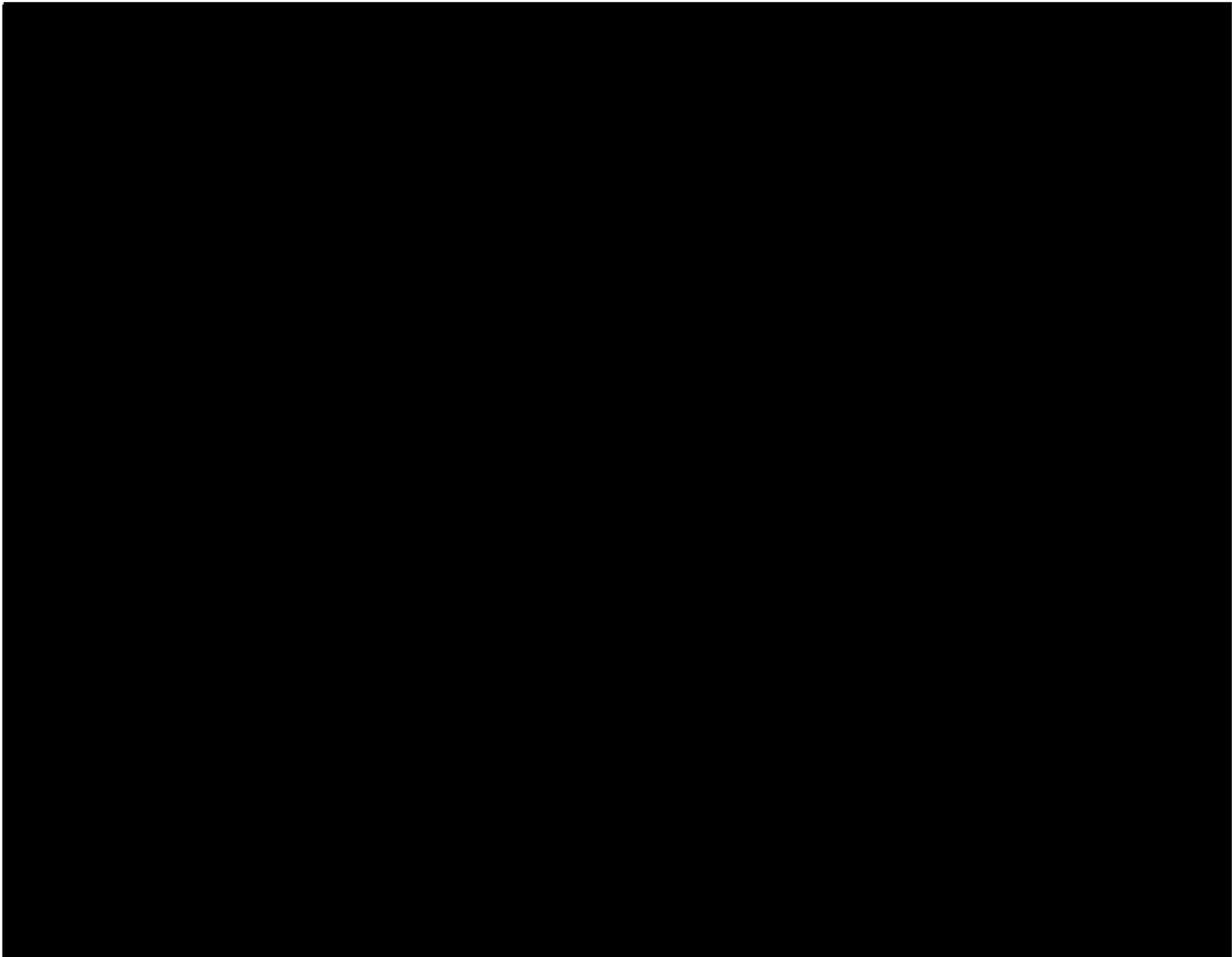
Law Offices
Pardue & Associates, P.C.

211 Bobby Jones Expressway, Suite A
Martinez, Georgia 30907

Chuck R. Pardue
E-Mail: chuckpardue@gmail.com
Telephone: (706) 823-2000

Shellana J. Welch
Email: Shellana.welch@gmail.com
Facsimile: (706)722-0149

I the undersigned, Sherecia Willis, employ and engage you to represent me in connection with any and all claims, which I may have against persons arising out of medical malpractice of my child, 



Signed and sealed the 15th day of March 20 16

Peggy Chamberlain
Witness

[Signature]
Client


EXHIBIT B

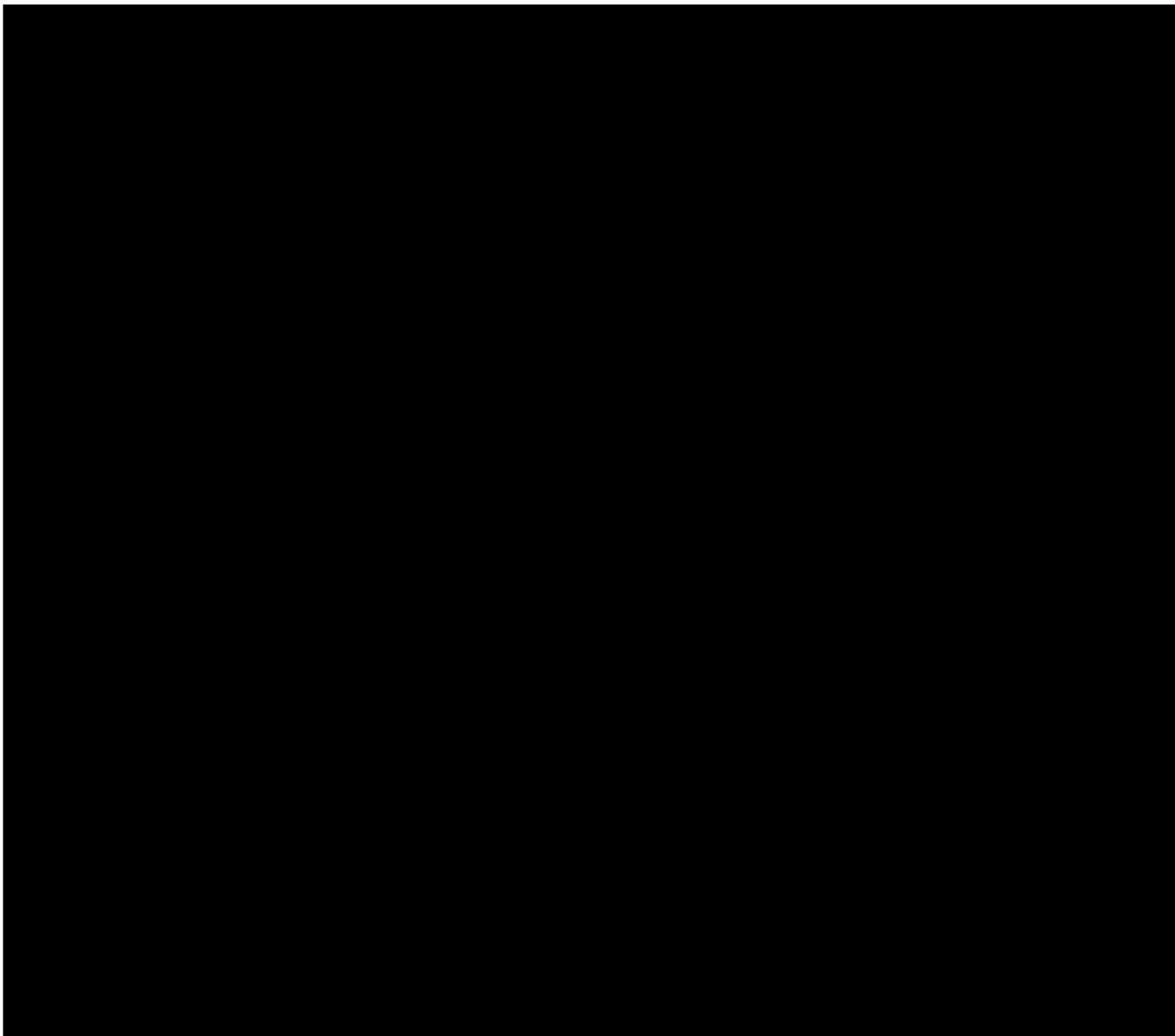
Pardue & Associates, P.C.

211 Bobby Jones Expressway, Suite A
Martinez, Georgia 30907

Chuck R. Pardue
E-Mail: chuckpardue@gmail.com
Telephone: (706) 823-2000

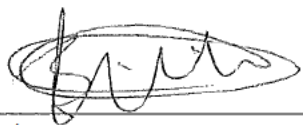
Shellana J. Welch
Email: Shellana.welch@gmail.com
Facsimile: (706)722-0149

I, the undersigned, Sherocia Willis, employ and engage you to represent me in connection with any and all claims, which I may have against any and all persons arising out of Medical Malpractice For my son 



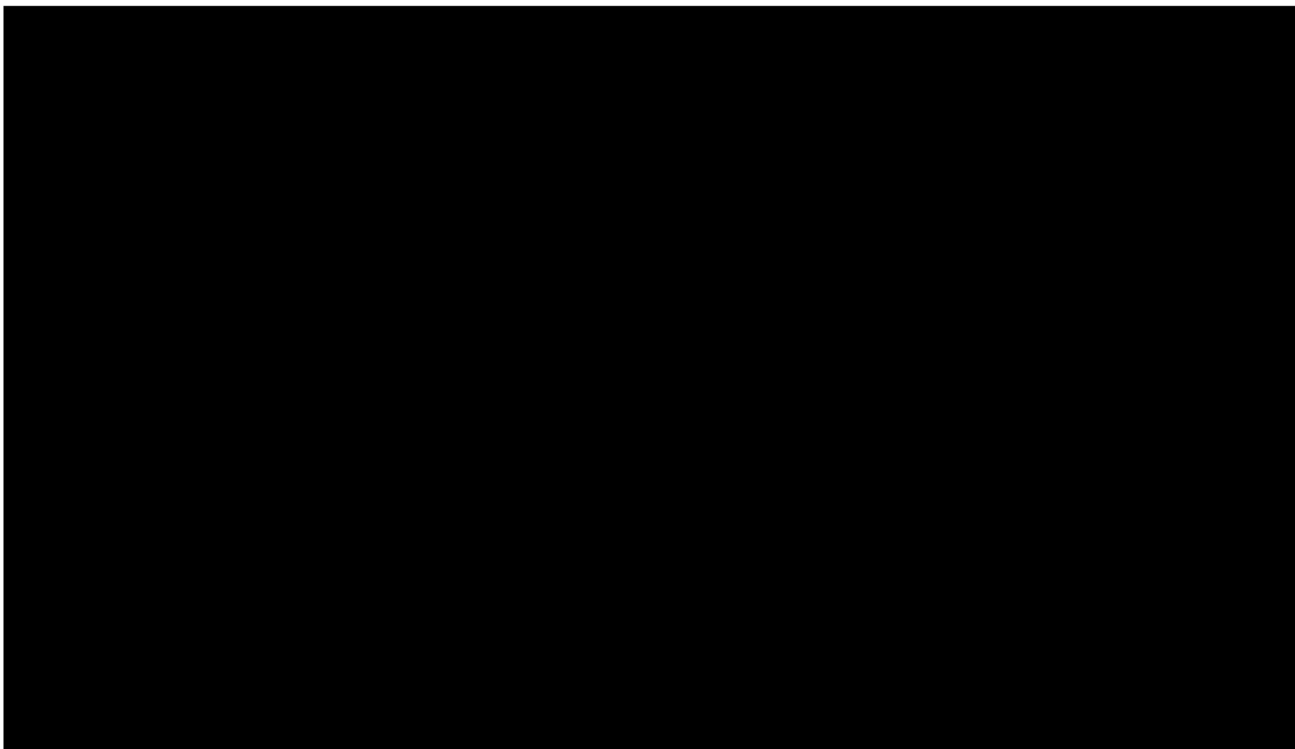
Signed and sealed the 23 day of February 2015.


Cia Chase
Witness


Client

DISCLOSURE AND CONSENT

1. Pardue and Associates, P.C. was retained on February 23 and March 1, 2016 by Sherecia Willis for representation on a medical malpractice case due to brain injury to [REDACTED]






Chuck R. Pardue
Attorney at Law

Dec 9, 2017
DATE



This 9th day of December, 2017.



Sherecia Willis individually and as
next of kin of Christian Willis.

RELEASE AND INDEMNITY AGREEMENT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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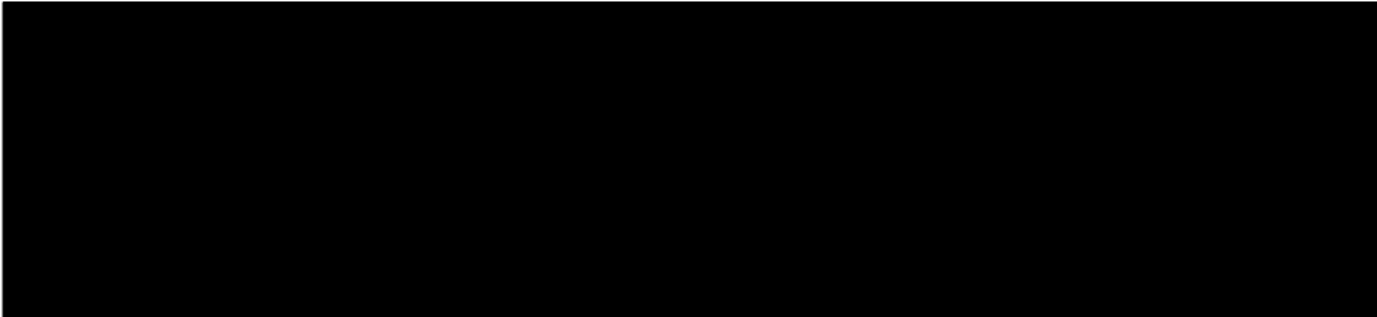
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[Signatures on the following page.]

**Sherecia Willis, Individually and as Next Friend,
Parent, and Natural Guardian of Minor Child,
CW**
Releasor-Plaintiff

SWORN TO AND SUBSCRIBED
before me this 15 day of October 2019.

Elena M. Fox

Notary Public

My Commission Expires: July 10, 2021

ELENA M FOX
NOTARY PUBLIC
Burke County
State of Georgia
My Comm. Expires July 10, 2021

**Derrique Newsome, Individually and as the
Natural Parent of the Minor Child C.W.**
Releasor

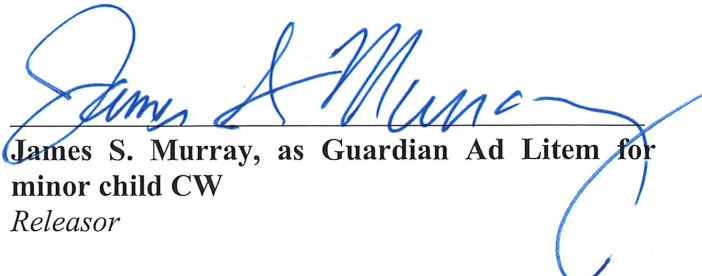
SWORN TO AND SUBSCRIBED
before me this 15 day of October 2019.

Elena M. Fox

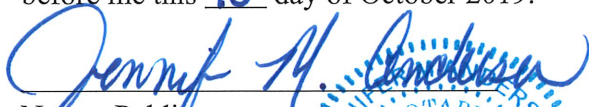
Notary Public

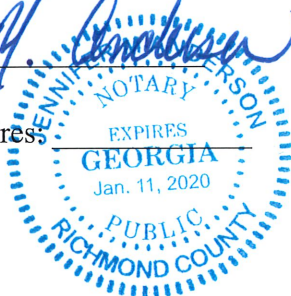
My Commission Expires: July 10, 2021

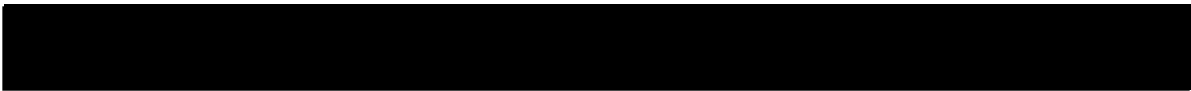
ELENA M FOX
NOTARY PUBLIC
Burke County
State of Georgia
My Comm. Expires July 10, 2021


James S. Murray, as Guardian Ad Litem for
minor child CW
Releasor

SWORN TO AND SUBSCRIBED
before me this 15th day of October 2019.


Notary Public
My Commission Expires

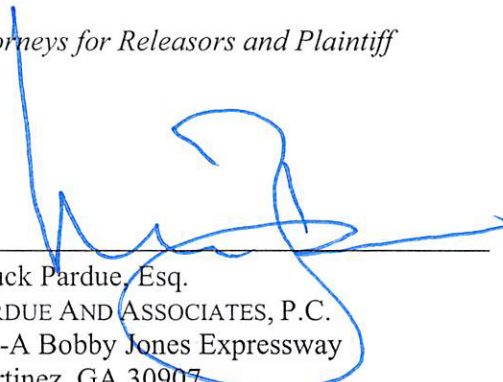




Attorneys for Releasors and Plaintiff

Date: 10/16/19

By: _____


Chuck Pardue, Esq.
PARDUE AND ASSOCIATES, P.C.
211-A Bobby Jones Expressway
Martinez, GA 30907

Nelson O. Tyrone, Esq.
TYRONE LAW FIRM
1201 Peachtree St., N.E., Ste. 2000
Atlanta, GA 30361

Leighton Moore, Esq.
THE MOORE LAW FIRM, P.C.
100 Peachtree St., Ste 2600
Atlanta, GA 30303

CONFIDENTIAL
SETTLEMENT DISBURSEMENT STATEMENT

Case: Willis v. USA, et al.

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



This the 11 day of October, 2019.

SHERECIA WILLIS, Individually and as
parent and natural guardian of Christian Willis

DERRIQUE NEWSOME, Individually and as
parent and natural guardian of Christian Willis

James Murray, as Guardian Ad Litem
for Christian Willis

TYRONE LAW FIRM

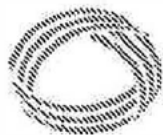
Nelson O. Tyrone, III

CHUCK PARDUE AND ASSOCIATES, P.C.

Chuck Pardue

THE MOORE LAW FIRM, PC

Leighton Moore



**GEORGIA DEPARTMENT
OF COMMUNITY HEALTH**

Brian P. Kemp, Governor

Frank W. Berry, Commissioner

2 Peachtree Street, NW | Atlanta, GA 30303-3159 | 404-656-4507 | www.dch.georgia.gov

September 06, 2019

PEGGY CHEESBOROUGH
PARDUE & COSKREY, LLC
211 BOBBY JONES EXPRESSWAY, SUITE B
MARTINEZ, GA 30907

RE: Medicaid Member: [REDACTED]
Case No: 192085/0000294755
Date of Accident/Injury: 02/01/2016
Policy and/or Group: /
Claim Number:
Insured:

Dear PEGGY CHEESBOROUGH:

[REDACTED]

If you have any questions or need further assistance, please call me at 678-564-1163. If you need to make contact via mail or fax, please use this address:

Casualty Unit
900 Circle 75 Parkway
Suite 650
Atlanta, GA 30339
Fax: 855-467-3970

Sincerely,
Jessie Mack
Subrogation Unit

EXHIBIT E

VA



U.S. Department of Veterans Affairs
Veterans Health Administration
Chief Business Office Purchased Care

VHA OFFICE OF COMMUNITY CARE
PO Box 469062
Denver, CO 80246-9062

September 4, 2019

PARDUE & COSKREY, LLC.
211 BOBBY JONES EXPRESSWAY, SUITE B
MARTINEZ, GA 30907

FAX:706-722-0149

Re: [REDACTED]
Date of Injury: 02/01/16
Ref: HAC 19 1502

Dear Peggy Cheesborough:



If we may be of further assistance, or you have any questions concerning this matter, please feel free to contact Vickie Bailey at 303-372-3619.

Sincerely,

Digitally signed
Stuart Tay by Stuart Tay
123478
Date: 2019.09.04
11:29:49 -06'00'

Stuart Tay, Supervisor Team B
Debt Collection Unit and
Third Party Liability

EXHIBIT F