

PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, JUDGE

ESTATE OF Abdirizak Adan, DECEASED

CASE NO. 557350 AMENDED

APPLICATION TO APPROVE SETTLEMENT AND DISTRIBUTION OF WRONGFUL DEATH AND SURVIVAL CLAIMS

[R.C. 2117.05, 2125.02, Civ. R. 19.1 and Sup. R. 70]

The fiduciary states:

[Check whichever of the following are applicable, strike inapplicable words, and incorporate all attachments into a single statement.]

- There is an offer of settlement without suit being filed.
There is an offer of full settlement after suit was filed. The style of the case, the court, and case number being Jay E. Michael, Adm. v. Mega Freightways, Inc., et al.
A judgment has been recovered for damages for the decedent's wrongful death
The amount of the settlement or judgment is \$ 20,000.00
There is a partial settlement and therefore the estate must remain open pending final disposition of the claims.
The offer includes, or the judgment sets forth separately, reasonable funeral and burial expenses in the amount of \$
Reasonable compensation for the fiduciary for services rendered is \$ and an itemization of such services is attached.
Outstanding hospital and medical bills in the amount of \$ and an itemization of such bills is attached.
Outstanding claims to a right of subrogation for the payment of hospital and medical bills in the amount of \$ and an itemization of such is attached.
A reasonable attorney fee for the attorney's services is \$ 0.00 and reimbursement to the attorney for case expenses is \$ 4,029.24. A copy of the attorney's fee contract that has received prior approval of the Court, subject to modification, and itemization of the case expenses are attached.
Other:
The net proceeds of \$ 15,970.76 should be allocated \$ 15,970.76 to the wrongful death action and \$ 0.00 to the survival action. A statement in support thereof is attached.

FORM 14.0 - APPLICATION TO APPROVE SETTLEMENT AND DISTRIBUTION OF WRONGFUL DEATH AND SURVIVAL CLAIMS

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Robert G. Montgomery, Judge
Franklin County Probate Court

[Reverse of Form 14.0]

CASE NO. 557350

- A statement in support of the proffered settlement is attached.
- Supplemental forms required by local rule of court are attached.

All of the beneficiaries of the wrongful death action are on equal degree of consanguinity, are adults, and have agreed how the net proceeds allocated to the wrongful death claim are to be distributed.

- The beneficiaries of the wrongful death action are not all on equal degree of consanguinity, or one or more of the beneficiaries is a minor, or the beneficiaries have not agreed how the net proceeds are to be distributed.

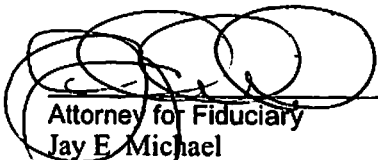
- The surviving spouse, children, and parents of the decedent and the other next of kin who have suffered damages by reason of the wrongful death are as follows and the distribution should be as follows:

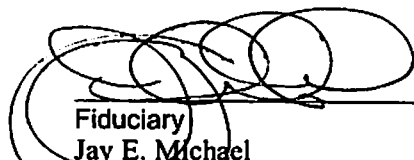
Name	Residence Address	Relationship to Decedent	Birthdate of Minor	Amount
Deqa Adan		daughter	A	5,323.60
Nura Ahmed		daughter	11/23/2000	5,323.58
Warsan Adan		daughter	11/05/2007	5,323.58

- The survival claim beneficiaries are as follows:

Name	Residence Address	Relationship to Decedent	Birthdate of Minor	Amount

The fiduciary requests that the Court approve the application and authorize the fiduciary to execute a complete release which upon payment of the settlement shall be a complete discharge of the claim.


 Attorney for Fiduciary
 Jay E. Michael
 Attorney Registration No. 0030033


 Fiduciary
 Jay E. Michael

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets March 19, 2018 at 9:00 o'clock A.m. as the date and time for hearing the above application and orders notice to be given by the fiduciary, as provided in the Rules of Civil Procedure, to the wrongful death and survival claim beneficiaries who have not waived notice.

Robert G. Montgomery

FORM 14.0 – APPLICATION TO APPROVE SETTLEMENT AND DISTRIBUTION OF WRONGFUL DEATH AND SURVIVAL CLAIMS

Robert G. Montgomery, Judge
Franklin County Probate Court

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**PROBATE COURT OF FRANKLIN COUNTY, OHIO
ROBERT G. MONTGOMERY, JUDGE**

ESTATE OF ABDIRIZAK ADAN

CASE NO. 557350

NARRATIVE STATEMENT

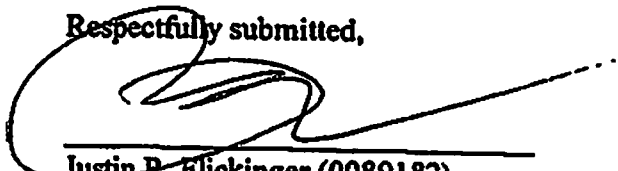
Decedent Abdirizak Adan was killed in a trucking accident which occurred on October 27, 2012. Decedent was a passenger in a tractor-trailer being driven by Abdirizak Ahmed. Both drivers were killed in the accident. The tractor-trailer they were driving was owned by A&R Freight. The truck and the drivers were supplied to Mega Freightways through a lease agreement and an independent contractor agreement between Mega Freightways and A&R.

Northland Insurance issued Mega Freightways a commercial auto policy. Within that policy there was exclusion with regard to fellow employees of the insured, arising out of and in the course of the fellow employee's employment or while performing duties related to the conduct of your business.

After lengthy litigation, Northland Insurance filed a Motion for Summary Judgment requesting the court to declare that Northland did not provide coverage to Mega Freightways because of this exclusion. The court granted said motion which basically removed any insurance coverage from this accident.

A&R Freight and Mega Freightways are owned by the same entities and have no assets and are not recoverable. Northland Insurance in an attempt to forego any appeal of these summary judgments decision have agreed to pay \$20,000.00 to settle this claim with the Estate of Abdirizak Adan. Due to the fact that there is no insurance coverage and all defendants are insolvent, it is Plaintiff's attorneys' view that settlement for the \$20,000.00 is the only avenue for recovery in this case. Plaintiff's attorneys have agreed to forego any fee and only request reimbursement of expenses.

Respectfully submitted,



Justin R. Flickinger (0089182)
Russell N. Flickinger (0034337)
FLICKINGER LEGAL GROUP
4200 Regent Street, Suite 200
Columbus, Ohio 43219
614-944-5055
614-944-5056 – Facsimile
Justin@Flickingerlegalgroup.com
Russ@Flickingerlegalgroup.com
Attorney for Plaintiff

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JAN 26 2018

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FEB 07 2018

Robert G. Montgomery, Judge
Franklin County Probate Court

557350

**RUSSELL N. FLICKINGER, ESQ.
DISBURSEMENT SHEET**

DATE: December 6, 2016
CLIENT: Estate of Abdirizak Adan
DATE OF LOSS: October 27, 2012

GROSS RECOVERY.....\$20,000.00

ATTORNEY FEES: (one third = \$6,666.66).....\$0.00

CASE EXPENSES :

File Maintenance.....	\$50.00
Palmer, Miller & Nelson (Ck # 17180).....	\$100.00
Palmer, Miller & Nelson (Ck # 18158).....	\$100.00
Palmer, Miller & Nelson (Ck # 18647).....	\$100.00
Kelly Arthur (Ck # 19184).....	\$200.00
Columbus Police Dept. (Ck # 19206).....	\$7.85
Office Evolution (Ck # 20959).....	\$136.00
Airfare to MN (CC).....	\$695.10
Rental Car MN (CC).....	\$87.36
Airport Parking (CC).....	\$22.00
Hotel (CC).....	\$187.67
Airfare to Chicago (CC).....	\$434.30
Rental Car Chicago (CC).....	\$99.21
Leizerman Law Group.....	\$1,303.64
Jay E. Michael, Attorney.....	\$506.11

Total Expenses..... \$4,029.24

PROVIDERS - PAID

Total Expense..... \$00.00

PROVIDERS - NOT PAID PER CLIENT

TOTAL TO CLIENT..... \$15,970.76

I, Estate of Abdirizak Adan, hereby acknowledge receipt of the above-listed amount and understand and consent to the above-stated disbursements. Further, I acknowledge that I have advised my attorney of all providers, subrogated claims, or protected interests, and outstanding medical bills of which I am aware and they are all listed above. By my choice, any and all unpaid providers, subrogated claims, protected interests, or medical bills, remain my responsibility. I further agree to indemnify and hold my attorney harmless from all claims which may be made by any of my creditors or medical providers against attorney, arising out of my personal injury case. I further understand this concludes my representation by Attorney Russell N. Flickinger regarding this matter.

Estate of Abdirizak Adan

Date: _____

By: _____
Jay E. Michael, Administrator

Date: _____

Russell N. Flickinger, Esq.

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