

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

ESTATE OF
GUARDIANSHIP OF _____ INCOMPETENT
TRUST OF _____ Donald K. Snell _____, DECEASED

CASE NO. 630714

ENTRY CONTINUING HEARING

For good cause shown, the hearing currently set for the 4th day of December,
2025, at 9:30 o'clock A.M. is ordered continued until the 11th day of
December, 2025, at 9:30 o'clock A.M. The applicant is hereby
ordered to notify all parties of this continuance.

Signature Page Attached

Jeffrey D. Mackey, Judge

Approved:



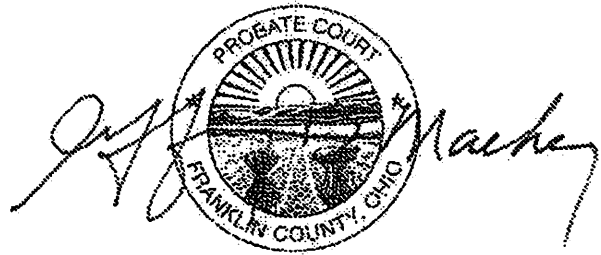
Name and Registration Number
Jay E. Michael (0030033)

Name and Registration Number

Franklin County Probate Court

Date: 10-21-2025
Case Title: SNELL, DONALD K.
Case Number: 630714
Type: Entry Continuing Hearing

So Ordered

The image shows a handwritten signature, "Jeffrey D. Mackey", written in black ink. The signature is written over a circular official seal. The seal features a sunburst design in the center and the text "PROBATE COURT" at the top and "FRANKLIN COUNTY, OHIO" at the bottom.

Jeffrey D. Mackey (snr)

Exhibit A – Zoom Access Information

General Docket – Wrongful Death Hearings

(Rolling hearings; please check the scheduling entry to verify your anticipated start time)

HOW TO ACCESS THE HEARING

1. Go to **<https://zoom.us/join>** on your mobile device or computer.
2. Input the Meeting ID and Passcode.

Meeting ID: **969 1956 9160**

Passcode: **429895**

Only participants without videoconferencing capabilities should attend hearings via telephone.

To do so, dial (929) 436-2866 and enter the Meeting ID and Passcode listed above.

If necessary, you may come to the court and participate via our equipment. If you require this, please contact the court in advance at (614) 525-3894.

ZOOM HEARING GUIDELINES

1. **This is an official court proceeding.** Dress and act as if you were in a courtroom: no driving, eating, or anything else you would not do in a courtroom.
2. Log on early. Test your camera, speaker, and microphone in advance. Know how to mute and unmute yourself.
3. Use your first and last name as your profile/screen name.
4. Stay on mute until the judicial officer identifies that it is your turn to talk. Do not speak over other participants.
5. Keep your camera on unless you have permission from the judge or magistrate.
6. To the extent possible, avoid moving your device around during the hearing; and participate from a quiet place. Try to minimize people and other distractions.
7. All documents to be used in a hearing should be readily available electronically for use via screen sharing and should also be exchanged in advance if possible.

***If the case becomes adversarial,
or if the use or exchange of exhibits is unduly burdensome,
the matter may be continued and an in-person hearing required.***

PROBATE COURT OF FRANKLIN COUNTY, OHIO
JEFFREY D. MACKEY, JUDGE

ESTATE OF DONALD K. SNELL, DECEASED
CASE NO. 630714

APPLICATION TO APPROVE SETTLEMENT AND DISTRIBUTION OF
WRONGFUL DEATH AND SURVIVAL CLAIMS
[R.C.2117.05, 2125.02, 2125.03, 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 (full) ~~(partial)~~ settlement without suit being filed.
- ☐ There is an offer of (full) ~~(partial)~~ settlement after suit was filed. The style of the case, the court and the case number being _____.
- ☐ A judgment has been recovered for damages for decedent's wrongful death (and personal injury and property damage arising out of the same act and which survive the decedent).
- ☒ The amount of the settlement or judgment is \$ 250,000.00.
- ☐ This 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's 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 fees for the attorney's services is \$ 50,000.00 and reimbursement to the attorney
- ☒ for case expenses is \$ 1,244.41. A copy of the attorney's fee contract that (has) ~~(has not)~~ received prior approval of this Court, subject to modification, and an itemization of case expenses are attached.
- ☐ Other: _____
- _____
- ☒ The net proceeds of \$ 198,755.59 should be allocated \$ 198,755.59 to the wrongful death action and \$ 0.00 to the survival action. A statement in support thereof is attached.

CASE NO. _____


- ☒ 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 an 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 an 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 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
Thereasa J. Terry	7812 Township Road 128, Findlay OH 45840	Daughter	Adult	TBD
Sara K. Berens	5 Farhills Drive, Athens OH 45701	Daughter	Adult	TBD
Kristin Holbrook	8852 County Road 12, Bryan OH 43506	Daughter	Adult	TBD

- ☐ 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) ~~(partial)~~ release which upon payment of the settlement shall be a (complete) ~~(partial)~~ discharge of the claim.


Jay E. Michael
Attorney for Fiduciary


Jay E. Michael
Fiduciary

0030033

Attorney Registration Number

Rourke & Blumenthal LLC
Client Settlement Report
Aug 12, 2025

Filter Criteria includes: 1) IDs from Snell-10851.01 to Snell-10851.01. Report order is by ID. Report is printed including Balance Forward.

Job ID	GL Acct Description	Trx Date	Trans Description	GL Acct	Amount	Totals
Snell-10851.01	Computer Research	2/5/23	LexisNexis Jan Research	4020	36.92	
	Expert Witness Fees	9/20/23	Research America - Expert Witness Fees Retainer	4050	400.00	
		7/19/24	Research America Inc. - Snell, Donald - 6/26 Invoice		400.00	
	Investigators	4/26/24	Northern Kentucky Investigativ - Snell, Donald Investig. Fee	4060	129.00	
	Medical Records & Reports	1/6/23	OH Dept. Health - Record Fee	4080	21.50	
		6/13/24	Ciox - OSU Medical Ctr		6.99	
						<u>994.41</u>
Snell-10851.01						<u>994.41</u>
Report						<u>994.41</u>

Jay E. Michael costs to open estate \$250.00

Total Costs: **\$1,244.41**

**IN THE PROBATE COURT OF FRANKLIN COUNTY
STATE OF OHIO**

ESTATE OF DONALD K. SNELL,	:	
Deceased	:	Judge Jeffrey Mackey
	:	
CASE NO. 630714	:	

STATEMENT IN SUPPORT OF SETTLEMENT

This matter arises from the death of Donald K. Snell, who passed away at the age of 42 on August 16, 1997. At the time of his death, Mr. Snell was a resident of Columbus, and had been a patient OSU Medical Center for an acute myeloid leukemia (AML) diagnosis, undergoing a bone marrow transplant prior to succumbing to pneumonia at the time. Mr. Snell was unmarried, and had previously served in the U.S. Marine Corp between the years of 1973 and 1976, and stationed at Camp Lejeune in North Carolina at various points within that timeframe.

Over the course of the past three decades, numerous studies have revealed major safety concerns with the water supply at Camp Lejeune, with multiple sources of contamination of trichloroethylene (TCE), tetrachloroethylene (PCE), benzene and vinyl chloride that have been linked to a number of health conditions including AML. In 2022, Congress passed the Camp Lejeune Justice Act, which provided a pathway for compensation for former service members, family members, and private citizens who were harmed due to exposure to the water contamination at Camp Lejeune between 1953 and 1987. The Act permitted the filing of administrative claims with the U.S. Navy and for litigation in the Eastern District of North Carolina, with a relaxed equipoise standard of causation and a temporary waiver of statute of limitations/repose defenses that had historically prevented service members and others affected by the water contamination from seeking justice. As a result, more than 400,000 administrative claims were filed with the Navy within the two-year time period proscribed by the Act.

Attorney Jay Michael was appointed Administrator of Mr. Snell's estate by this Court on May 7, 2024, and subsequently retained the firm of Rourke & Blumenthal for the investigation and pursuit of a possible CJLA wrongful death claim. (See Exhibit A).

Mr. Snell was never married but was survived by children, in one case (Thereasa Terry) where his paternity was documented on the birth certificate. Another child, Sara Berens, has moved this Court to intervene so as to be recognized as a wrongful death beneficiary. It is anticipated that a third child, Mrs. Terry's sister Kristin Holbrook, will be seeking a similar Order.

After this Court's Letters of Authority were issued, counsel proceeded to issue document requests to OSU Wexner Medical Center and the National Personnel Records Center. An administrative claim was subsequently filed with the Navy JAG Corps via the Camp Lejeune Claims Management Portal prior to the established deadline on July 16, 2024. Additional documentation as claimant eligibility, including those pertinent to the period of exposure and linked-disease diagnosis, were subsequently uploaded. On August 12, 2025, the Department of the Navy and DOJ issued a determination that based upon the qualifying diagnosis, period of exposure, and associated death, this claim meets the eligibility requirements for a "Elective Option" settlement in the amount of \$250,000. Given the circumstances of this case and the high costs and risk associated with litigation, it is recommended that this settlement be approved.

Under DOJ guidance, settlement offers made in the pre-suit stage are subject to 28 U.S.C. 2678, which caps attorney contingency at 20%. Counsel has also incurred \$994.41 in case expenses to date in the pursuit of this claim. (See Exhibit B). Given the length of time that has passed since Mr. Snell's death, and the lack of any testimony available as to survivorship

damages, it is recommended that the entire available net amount of \$199,005.59 be allocated to wrongful death for the benefit of Mr. Snell's surviving children and next of kin.

Respectfully submitted,

/s/ Jonathan R. Stoudt

Jonathan R. Stoudt (0083839)

Michael J. Rourke (0022950)

ROURKE & BLUMENTHAL, LLC

495 South High Street, Suite 450

Columbus, Ohio 43215

(614) 220-9200 – Telephone

(614) 220-7900 – Facsimile

mrourke@randblp.com

jstoudt@randblp.com

Attorneys for Plaintiffs