

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
)
)
 Gabrielle Z. Lee, as guardian ad litem)
 for Jane Doe, a minor under the age)
 of fourteen (14) years,)
)
 Plaintiff,)
)
 v.)
)
 Ivo Francesco Colucci, Alice M. Norton)
 as Guardian for Ivo Francesco Colucci,)
 Christa M. Yantis as Conservator for)
 Ivo Francesco Colucci, Colucci's)
 Jewelry Factory, Inc. and Terrivo)
 Enterprises, LLC,)
)
 Defendants.)
)

IN THE CIRCUIT COURT FOR
 THE NINTH JUDICIAL CIRCUIT
 Docket No.: 2017-CP-10-02897

PETITION FOR APPROVAL OF
 MINOR SETTLEMENT

FILED
 2019 MAY 21 AM 9:49
 JULIE J. ARMSTRONG
 CLERK OF COURT
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Petitioner respectfully shows this Court:

1. Minor is under the age of eighteen (18) years and resides in Colleton County, South Carolina.
2. Petitioner is the guardian *ad litem* for the Minor and has filed a Petition for Appointment as Conservator for the minor with the Colleton County Probate Court.
3. Minor sustained injuries after the shooting of Doris Duane Colucci on April 14, 2017. Defendants deny all liability and responsibility to Minor arising from the shooting.
4. As a result of the shooting, Minor suffered injuries. Minor incurred medical bills, which have been reduced to an amount of Twenty Three Thousand Thirty Eight and no/100 Dollars (\$23,038.00) as shown on the attached settlement statement. *See, Exhibit A.*
5. Allstate Insurance Company provided insurance policy number

648626093 to Terrivo Enterprises, LLC for five policy periods from April 8, 2013 to April 8, 2018.

6. Petitioner, by and through her attorney Mark A. Mason, has negotiated the settlement of the claims with Allstate and the Defendants and reached an agreement with Allstate and the Defendants, subject to the approval of this Court. Petitioner has agreed to accept the following sums as full settlement of Petitioner's claims individually and, as Conservator, the claims of Minor against Allstate and Defendants:

- Five Hundred Thousand and no/100 Dollars (\$500,000.00) from the personal assets of Ivo Francesco Colucci, individually;
- Two Hundred Fifty and no/100 Dollars (\$250,000.00) from Allstate's liability coverage under policy 648626093; and
- Ten Thousand and no/100 Dollars (\$10,000.00) from Allstate's medical payments coverage under policy 648626093.

7. Attorney's fees amount to Three Hundred Four Thousand and no/100 Dollars (\$304,000.00) and costs and expenses, including unpaid medical bills amount to Seventy Four Thousand Six Hundred Seventy Nine and 20/100 Dollars (\$74,679.20). The net proceeds accruing to the minor are Three Hundred Eighty One Thousand Three Hundred Twenty and 80/100 Dollars (\$381,320.20). *See, Exhibit A.* This net amount due to the protected minor will be paid unto Petitioner or another duly appointed conservator for the benefit of the protected minor at such time as a conservator is appointed.

8. All sums payable on behalf of the minor as set forth herein constitute payment for damages on account of personal injuries or sickness, within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended.

9. Petitioner believes the proposed settlement is reasonable, fair, and just and would be in the best interest of Minor. Petitioner understands that the proposed settlement, if approved, would be in exchange for Releases for Defendants and a policy release for Allstate.

10. In addition to the releases described above, this proposed settlement

would also result in the following:

- Gabrielle Z. Lee as guardian ad litem for Jane Doe, a minor under the age of fourteen (14) years releasing the Defendants in this lawsuit and dismissing this action with prejudice
- Terrivo Enterprises, LLC, Ivo Francesco Colucci, Alice M. Norton as Guardian for Ivo Francesco Colucci, and Christa M. Yantis as Conservator for Ivo Francesco Colucci releasing Allstate for any claims under the policy related to this action and/or claim, whether sounding in contract or tort;
- Gabrielle Z. Lee as guardian ad litem for Jane Doe, a minor under the age of fourteen (14) years releasing Allstate for any claims related to this lawsuit and/or claim.

WHEREFORE, Petitioner prays that this Court approve the proposed settlement, authorize Petitioner to accept the settlement offer, authorize Petitioner to execute the settlement documents, and grant such other and further relief as this Court may deem just and proper.

5/21/ _____, 2019



Gabrielle Z. Lee, as GAL for Jane Doe, a
Minor Child

Exhibit A

MARK A. MASON
ANTHONY E. FORSBERG
SALAH H. HIBRI
AMANDA D. MCKENDRICK
GABRIELLE Z. LEE (OF COUNSEL)

THE MASON LAW FIRM, P.A.

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EDISTO ISLAND, S.C. 29438
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SETTLEMENT STATEMENT

*Gabrielle Z. Lee as GAL for Jane Doe, a minor under the age of 14 years v. Ivo
Francesco Colucci, et al.*

Civil Action No. 2017-CP-10-2897
MLF File No.: 17-041

Recapitulation

Gross Recovery:	\$ 760,000.00
Attorney's Fee: (State Tort Case)	[\$ 304,000.00]
Attorney's Fee: (Federal Declaratory Judgment Action)	N/C
Costs & Expenses (See Below)	[\$ 74,679.20]

NET TOTAL TO MINOR CLIENT: \$ 381,320.80¹

COSTS & EXPENSES

AD Sciara, Ph.D Emy H. Monday, PsyD (Expert Witness Fees)	\$ 6,775.00
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¹ In that the conservator bond insurance premium is being paid from these assets as a case cost, this figure may change slightly due to the actual cost of the conservator bond premium once ordered by the Colleton County Probate Court and approved/issued by Liberty Mutual Insurance Company. The Colleton County Probate Court requires a conservator bond to be issued in an amount equal to 105% of the amount of protected assets so, in this case, on an amount of \$400,900.00.

Records:	\$ 1,274.29
Mileage:	\$ 701.14
Filing Fees:	\$ 175.00
Service:	\$ 544.00
James Jenkins, MD: (Medical Expense)	\$ 4,265.00
MUSC: (Medical Expense)	\$ 16,388.00
Bon Secours St. Francis Hospital: (Medical Expense)	\$ 2,585.00
Waid Deposition:	\$ 417.90
Jenkins Deposition:	\$ 405.00
Monday Deposition:	\$ 855.02
Tiller Mediation:	\$ 1,530.19
Therapy Dog Breeding & Training:	\$ 20,551.66
Initial Annual Private Tutor Expense (15 hrs/week x \$20/hr x 40 weeks):	\$ 12,000.00
Initial Annual Home School Administration Expense	\$ 1,695.00
4 YR. Conservator Bond Premium (105% of Estate value) Underwritten by Liberty Mutual Insurance Co. Purchased through The Triest Agency (*Verbal from agent. Actual premium subject to change at time of issuance):	\$ 4,492.00
Conservator Petition Filing Fee:	\$ 25.00
Total Expenses:	<hr/> \$ 74,679.20