

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRADLEY D. STEVENS and MARLO R. STEVENS,

Plaintiffs,

ORDER

v.

15-cv-762-wmc

WISCONSIN CVS PHARMACY, LLC,

Defendant.

Before the court is plaintiffs' petition for approval and distribution of minor settlement proceeds. (Dkt. #20.) As set forth in the petition, plaintiffs -- husband and wife, Bradley D. Stevens and Marlo R. Stevens, and their two minor children J.S. and B.S. -- have agreed to a global settlement of this matter with defendant Wisconsin CVS Pharmacy, LLC. Because the settlement includes distributions to each of the minor daughters for their sole benefit, proposes placing the allocated funds in an investment vehicle, and describes a future payment plan (*id.* at ¶¶ 13-14), this court is being asked to find the settlement with respect to the minor plaintiffs reasonable and in their best interests.

The court agrees with plaintiffs that it need not appoint a separate guardian ad litem in light of the fact that J.S. and B.S. are represented by the same counsel as their parents. *See* Wis. Stat. § 803.01(3)(b)(3) (requiring appointment of guardian ad litem “[i]f a compromise or settlement of an action or proceeding to which an *unrepresented* minor. . . is a party is proposed” (emphasis added)). Moreover, Wis. Stat. § 807.10 provides that: “A compromise or settlement of an action or proceeding to which a minor

. . . is a party may be made by the guardian, if the guardian is represented by an attorney.” Here, the petition for settlement is made by Bradley and Marlo Stevens as the natural guardians of J.S. and B.S., and Bradley and Marlo Stevens are both represented by an attorney.

Before approving the settlement on behalf of the minor children, however, this court does have an obligation to be familiar with the outline of the settlement as a whole and the reasons for locking in the children’s distribution into a structured settlement annuity that appears particularly vulnerable to inflationary effects.

ORDER

IT IS ORDERED that the court will hold a telephonic hearing at which the parties’ counsel and both plaintiffs are to participate at a time and date to be determined by further order of the court. Plaintiffs’ counsel shall initiate the call.

Entered this 14th day of December, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge