

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Robert Conyers, Jr., as Personal
Representative of the Estate of Davon Gillians,

Plaintiff,

vs.

United States of America,

Defendant.

IN THE COURT OF COMMON PLEAS
IN THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2024-CP-10-0284

ORDER APPROVING SETTLEMENT

This matter came before the Court by way of the filing of a Verified Petition to Approve Settlement pursuant to SC Code Ann. 15-51-10 (wrongful death) wherein Petitioner waived any notice requirements set for in Title 62 of the South Carolina Code of Laws. A hearing was held on January 20, 2024, and upon a review the pleadings, to include the Verified Petition and the documents incorporated therein, and based on the testimony of Petitioner, this Court makes the following findings of facts and incorporates them into this Order:

1. Petitioner, Robert Conyers, Jr. is the duly appointed and qualified Personal Representative of the Estate of Davon Gillians (hereinafter, "Decedent") having been appointed December 15, 2021, in the Charleston County Probate Court (2021-ES-10-02158).
2. This matter is properly before this Court pursuant to SC Code § 15-51-42.
3. Petitioner alleged that on or about May 16, 2021, while in the custody of the Federal Bureau of Prisons (FCC Coleman), Decedent suffered injuries that resulted in his death on May 19, 2021.
4. Petitioner, on behalf of the Estate, filed Federal Tort Claims Act (hereinafter, "FTCA") claims pursuant to 28 U.S.C. § 2672 against Defendant alleging negligence on behalf of the United States resulting in the death of Decedent. (Administrative Tort Claim # TRT-SER-2023-06052)
5. During the administration of these claims, and prior to the filing of any lawsuit, the parties resolved the claims and entered a settlement for the purpose of compromising disputed claims under the FTCA and avoiding the expenses and risks of further litigation.

6. More specifically, and with no admission of liability or fault on the part of Defendant, its agents, servants, or employees, Defendant has offered to pay Petitioner, as personal representative of the Estate of Davon Gillians, the total sum of Seven Hundred Thousand and 00/100 Dollars (\$700,000.00) in exchange for a fully executed Stipulation for Compromise Settlement and Releases of FTCA Claims (hereinafter, "Stipulation"), a copy of which was reviewed by this Court and is hereby incorporated into this Order.

7. Petitioner proposed, and this Court hereby approves, the gross settlement amount of \$700,000.00 to be disbursed as follows:

a. One Hundred Fifty-Eight Thousand Dollars and 77/100 Cents (\$158,156.775) in attorney fees and costs incurred by counsel for Petitioner, namely, The Peper Law Firm, PA and Stewart Tilghman Fox Bianchi & Cain, PA.

b. One Hundred Thousand and 00/100 Dollars (\$100,000.00) shall be allocated to the Estate of Davon Gillians for the survival action.

c. The remaining proceeds of Four Hundred Forty-One Thousand Eight Hundred Forty-Three Dollars and Twenty-Three Cents (\$441,843.23) shall be paid to the Decedent's wrongful death beneficiaries pursuant to SC Code Sec. 15-51-40. More specifically, one-half to Decedent's father, Petitioner, and one-half to Decedent's mother, Shanika Gillians.

8. Petitioner, as Personal Representative of the Estate of Davon Gillians, believes this settlement is just, reasonable, and in the best interest of the Estate of Davon Gillians., its heirs, survivors, beneficiaries, devisees, and all persons represented by Petitioner who have an interest in this Action, as does this Court.

9. Petitioner has been advised and understands that it is his responsibility to pay any outstanding bills, liens, creditor's claims or expenses from the claims described herein out of the settlement proceeds, including any liens arising from medical services and/or treatment rendered to Decedent and any liens held by the government of the United States or the State of South Carolina and State of Florida, including but not limited to any liens pursuant to any Medicaid or Medicare program, and shall furnish Defendant with evidence that any lien or claim for payment or reimbursement has been satisfied or resolved and that said lienholder has waived and released such lien or claim no later than thirty (30) days thereafter.

10. Petitioner, having had sufficient opportunity to discuss the terms and conditions of the Stipulation with their attorneys, who have explained the documents to Petitioner, has entered into

this settlement freely and voluntarily. Specifically, Petitioner understands that this settlement bars absolutely and forever any future or additional claims against the above-named Defendant, and its respective officials, agencies, representatives, officers, employees, agents, assigns and attorneys from any and all claims, demands, rights, causes of actions, whether known or unknown, against Defendant on account of the subject matter that gave rise to this claim, to include those that could have been but were not alleged in this claim, and forever discharges Defendant from said claims.

11. Petitioner, as Personal Representative of the Estate of Davon Gillians, has been advised and understands that he shall be responsible for properly distributing the survival action proceeds to the Estate of Davon Gillians and the wrongful death proceeds to all heirs-at-law. The Petitioner acknowledges that this is his fiduciary responsibility, and that this duty has been explained to him by his attorneys and he agrees to make these distributions in accordance with South Carolina Law and the South Carolian Probate Code.

THEREFORE, pursuant to the above findings of facts which are hereby incorporated into this Order, this Court hereby (1) approves the proposed settlement of this Wrongful Death claim pursuant to S.C. Code §15-51-10; and (2) authorizes the Petitioner to execute and deliver the Stipulation for Compromise Settlement and Release of FTCA Claims and any other documents necessary to effectuate fully the settlement set forth herein. **IT IS SO ORDERED!**

This ____ day of January 2024.

Hon. Bentley D. Price
Circuit Court Judge



Charleston Common Pleas

Case Caption: Robert Conyers Jr , plaintiff, et al VS United States America

Case Number: 2024CP1000284

Type: Order/Approval Of Settlement

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766