

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Government Employees Insurance Company,	Plaintiff,
vs.	C/A No. 2016-CP-43-01521
Barbara P. Jackson, as Personal Representative for the Estate of Vincent A. Jackson,	ORDER APPROVING PETITION FOR INSURANCE BENEFITS SETTLEMENT
Defendant.	RECEIVED Sep 13 2023 SC Court of Appeals

This matter comes before the Court upon the Petition of Defendant Barbara P. Jackson, as Personal Representative of the Estate of Vincent A. Jackson, seeking the approval of a proposed settlement of an insurance coverage dispute arising out of an incident occurring on or about January 17, 2014, at the intersection of Colony Road and North Main Street in Sumter County which resulted in the death of Vincent A. Jackson.

This matter has been fully explored by this Court. The Court understands that this declaratory judgment action was brought in the Court of Common Pleas for Sumter County by Plaintiff Government Employees Insurance Company (“GEICO”), which provided underinsured motorist coverage for the vehicle driven by the decedent against Defendant Barbara P. Jackson, as Personal Representative of the Estate of Vincent A. Jackson, seeking a determination concerning the availability of “stacking” coverage for underinsured motorist benefits arising from other vehicles also insured under the same policy.

The Court is also aware that the coverage issue is highly contested and this case was tried to jury verdict and judgment entered stating that Plaintiff GEICO was not liable for any additional underinsured motorist benefits arising from the incident involving the death of Vincent A. Jackson. That judgment is currently on appeal, the outcome of which is uncertain.

The Court has now been advised that counsel for the parties have negotiated a settlement of Forty Thousand and No/100 Dollars (\$40,000.00) in settlement of this insurance coverage dispute, to be paid to Barbara P. Jackson, as Personal Representative of the Estate of Vincent A. Jackson, for the benefit of the Estate of Vincent A. Jackson and the statutory beneficiaries.

A hearing was held in Sumter County on Monday, September 11, 2023, 2023 with counsel for the Defendant/Petitioner, Calvin K. Hastie, Sr., present along with Barbara P. Jackson, the Personal Representative. After carefully considering the sworn testimony of Barbara P. Jackson, the Personal Representative, it is clear, and the Court so finds, that she believes the settlement is in the best interest of the Estate of Vincent A. Jackson and the statutory beneficiary and heir-at-law and should therefore be approved. It is further clear, and the Court so finds, that she is fully aware that upon the execution of the Settlement Agreement and General Release, she forfeits any right to recover any further money from Plaintiff GEICO for underinsured motorist insurance coverage arising out of the death of Vincent A. Jackson.

Based upon the verified petition pending before the Court and the sworn testimony of Barbara P. Jackson, the Court concludes that a settlement of this case is in the best interests of all parties, including the Estate of Vincent A. Jackson and the statutory beneficiary and heir-at-law.

Further, the Court approves the attorney's fees and costs and compensation to the Personal Representative of the Estate as set forth in the Petition and finds them to be reasonable.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendant, Barbara P. Jackson, as Personal Representative of the Estate of Vincent A. Jackson, is hereby authorized and directed to accept the offer of a compromise settlement upon payment of a total of Forty Thousand and No/100 Dollars (\$40,000.00) in settlement of this declaratory judgment action to Defendant, Barbara P. Jackson, as Personal Representative of the Estate of Vincent A. Jackson. The

Defendant/Petitioner is also directed to execute and deliver to Plaintiff GEICO a Policy Benefits Release in the form attached as Exhibit A to the Petition as to any and all insurance coverage claims including, but not limited to, any “stacking” claims for underinsured motorist coverage on vehicles covered by the applicable policy but not involved in the January 17, 2014 incident that resulted in the death of Vincent A. Jackson.

IT IS FURTHER ORDERED that the attorneys’ fees and litigation costs and expenses in the amount of Twenty-Six Thousand, Three Hundred, Thirty-Three and 33/100s Dollars (\$23,333.33), which is based on the fee agreement between counsel for the Defendant/Petitioner and the Defendant/Petitioner, are approved.

IT IS FURTHER ORDERED that compensation in the amount of Three Thousand and 0/100s Dollars (\$3,000.00) to the Personal Representative for her services in connection with the prosecution of the wrongful death claims, including in the defense of this coverage dispute is reasonable and is approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Barbara P. Jackson, as Personal Representative of the Estate of Vincent A. Jackson, shall abide by all applicable laws regarding the distribution of the proceeds of this settlement, including compliance with the existing probate court order authorizing the operation of a trust designed to protect the interests of the minor beneficiary, J---n Jackson. Plaintiff GEICO is not responsible for the proper application of the statutory law in this regard.

AND IT IS SO ORDERED.

The Honorable R. Kirk Griffin
Circuit Judge

Sumter, South Carolina
September ____, 2023



Sumter Common Pleas

Case Caption: Government Employees Insurance Company VS Barbara Jackson ,
defendant, et al
Case Number: 2016CP4301521
Type: Order/Approval Of Settlement

So Ordered

s/ R. Kirk Griffin 2768