

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

ENDORSED
First Judicial District Court

CMB

AUG 27 2003

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2236
Santa Fe, NM 87504-2200

ELMER PACHECO,
PATSY PACHECO,
JULIE J. PACHECO AND
SIMON E. PACHECO

Plaintiffs,

vs.

Case No. D0101-CV-2002-00855

RONALD RAY CLARK AND
NEW GENERATION TRANSPORT
COMPANY, INC.

Defendants.

**ORDER ON EMERGENCY MOTION
TO ENFORCE SETTLEMENT**

This matter having come before the Court on the Plaintiff's Emergency Motion to Enforce Settlement and the Court having considered the evidence and arguments of counsel in this matter finds:

1. CNA breached the settlement agreement reached at mediation in this matter by unilaterally requiring that Plaintiff use CNA to structure his settlement.
2. Plaintiff has the right to choose an annuity company to structure his settlement funds.
3. Plaintiff suffered a loss of monthly annuity payments in the amount of \$2,183.88.
4. Plaintiff incurred attorney fees and costs to bring this action.
5. Plaintiff's broker has provided research and testimony in this matter and should be paid an expert witness fee.

It is therefore ordered that:

1. CNA insurance is to pay the sum of \$2,183.88 to Plaintiff within seven (7) days of the entry of this order.

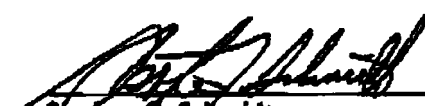
2. Plaintiff's attorneys shall submit an affidavit of attorneys' fees and costs to the Court within ten (10) days of the entry of this order. Objections to such fees and costs shall be submitted within ten (10) days of Plaintiff's affidavit. If there are no objections to such fees and costs, they are to be paid within thirty (30) days of the entry of this order.
3. Expert witness fees for research, preparation and testimony shall be paid to Plaintiff's broker within 30 days of the entry of this order.
4. Plaintiff shall use his broker exclusively to place Plaintiff's annuity with a company of Plaintiff's choosing.
5. Plaintiff shall give written notice to Defendant's attorney of the annuity company Plaintiff chooses and CNA shall issue to such annuity company the sum of \$150,000.00 and mail the check to Plaintiff's broker within seven (7) days of the notice.

JUDGE JIM HALL

Hon. James Hall

Submitted by:

PRINCE AND SCHMIDT


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Approval as to form
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