IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

S.G., individually and As guardian of H.C.,	)	
Plaintiffs,	)	**Case No.: 2:20-cv-02078**
v.	)	
SHAWNEE MISSION SCHOOL DISTRICT USD 512, et al.	)	

JOINT MOTION FOR APPROVAL OF MINOR SETTLEMENT

Plaintiff S.G. ("S.G.") and Defendant Crystal Smith ("Smith"), through counsel of record, jointly move the Court for an Order approving the parties' minor settlement agreement, authorizing Plaintiff S.G's execution of the minor settlement agreement on minor H.C.'s behalf, and ordering Plaintiff to file a dismissal of Smith from this action with prejudice. The parties ask the Court to grant this motion for the reasons that follow.

1. Plaintiff S.G. is the natural mother and appointed next friend to S.G., a minor child.

2. Defendant Smith is a Missouri resident and S.G.'s former teacher during parts of February 2019.

3. Plaintiff alleged in this suit that H.C., sustained physical and emotional distress and other damages from an assault by Smith during the 2018-19 school year. Smith denied any physical or emotional distress or other damages were sustained by H.C.

4. Plaintiff has fully investigated the facts and circumstances related to the alleged assault, and the resulting physical and emotional distress, and damages to H.C. as well as the monetary status of Smith. Through legal counsel, Plaintiff has negotiated with counsel for Smith with a view toward determining whether settlement of Plaintiff's claims against Smith could be effected on a fair and reasonable basis.

5. The parties have negotiated and agreed to settle all of Plaintiff's claims against Smith for the total amount as indicated and broken down in the parties' proposed Settlement Agreement.

6. The Settlement Agreement contains a confidentiality clause. The parties thus intend to provide the Settlement Agreement for the Court's review either *in camera* or via email prior to the minor settlement hearing unless the Court otherwise directs or orders.

7. Plaintiff is convinced and believes that the proposed Settlement Agreement is fair and reasonable and in the best interests of minor H.C. and is a fair and reasonable settlement of Plaintiff's claims against Smith considering the circumstances.

8. Plaintiff understands and has been advised by legal counsel that the Settlement Agreement includes a full and complete general release of all claims related to the incidents alleged in Plaintiff's Complaint against Smith. The Settlement Agreement does not relate to Plaintiff's claims against Shawnee Mission School District USD 512.

9. Plaintiff understands that if the Settlement Agreement is approved by the Court, neither Plaintiff, nor H.C. or anyone else on H.C.'s behalf may hereinafter make any claim for damages or other relief arising out of the assault alleged against Smith.

10. The parties have fully executed the Settlement Agreement.

11. The parties are now ready to seek the Court's approval of the Settlement Agreement.

12. The parties recognize the Court must hold a hearing to consider the proposed Settlement Agreement. *E.g. S.S. as next friend of L.S. v. Napolitano*, No. 18-2491-ADM, 2020 WL 489526, at *2 (D. Kan. Jan. 30, 2020) (Kansas law requires court approval of minor settlements and the court must hold a hearing to ensure the settlement protects the minor's interests).

WHEREFORE, the parties jointly ask the Court to set this matter for a minor settlement approval hearing at a time mutually convenient for the Court and the parties, and thereafter to enter an Order and Judgment (1) approving the parties' proposed Settlement Agreement resolving Plaintiff's claims on behalf of minor H.C. against Smith, (2) authorizing Plaintiff's execution of the Settlement Agreement on H.C.'s behalf, and (3) ordering Plaintiff to file a dismissal of Smith from this action with prejudice.

Respectfully submitted,

DRZ Law, LLC

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ATTORNEYS FOR DEFENDANT
CRYSTAL SMITH

CERTIFICATE OF SERVICE

I certify that on January 21, 2022, the foregoing was electronically filed using the Court's electronic filing system, which will send notice of electronic filing to all registered attorneys of record.

/s/ Daniel R. Zmijewski