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**STATE OF VERMONT
RUTLAND COUNTY**

JAMES GIPE, as Personal Representative & Administrator of the Estate of Ashley Ellis,)	Rutland Superior Court
)	Docket No. 78-1-10 Rdcv
)	
Plaintiff,)	
)	
v.)	
)	
PRISON HEALTH SERVICES, INC.,)	
)	
Defendant)	

**DECISION ON REQUEST FOR DISTRIBUTION OF
WRONGFUL DEATH PROCEEDS**

On January 27, 2010, James Gipe, as personal representative and administrator of the Estate of Ashley Ellis, filed a Petition to Open Miscellaneous Proceeding for Purpose of Distribution of Settlement. The petition states that the Estate of Ashley Ellis and Prison Health Services, Inc. have reached a settlement agreement as to the Estate’s asserted claims arising from Ashley Ellis’s death. Along with the petition, Mr. Gipe also filed a Motion to Seal. As of now, the amount and terms and conditions of the settlement have not been supplied to the Court—there is nothing to seal. Furthermore, under the Wrongful Death Statute, in order for a distribution to occur under 14 V.S.A. § 1492(c), a wrongful death “action” must first be brought, pursuant to 14 V.S.A. § 1492(a). Here, the Court has no jurisdiction over the parties’ agreement because the personal representative of Ashley Ellis has not filed a wrongful death action.

Dated at Rutland, Vermont this _____ day of _____, 2010.

Hon. William Cohen
Superior Court Judge