

IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE

KRISTY FAIRCHILD, as the personal	§	
representative of the decedent,	§	
JONATHAN FAIRCHILD,	§	
	§	
<i>Plaintiff,</i>	§	
v.	§	Case No. 82158
	§	
RUTHERFORD COUNTY,	§	
TENNESSEE,	§	
	§	
<i>Defendant.</i>	§	

ORDER

This matter came before the Court for hearing upon the Plaintiff's motion to approve a settlement agreement and release negotiated by the Plaintiff for the benefit of the Decedent's minor child. Upon the Court's review of the Plaintiff's Motion, the accompanying Confidential Memorandum of the Plaintiff's counsel filed in support of the Plaintiff's Motion, the positions of the Parties and the affected parties, and the entire record; and having given the minor affected by the proposed settlement and the minor's parent/guardian notice and an opportunity to be heard in chambers regarding the Motion pursuant to Tennessee Code Annotated section 29-34-105(a)(2), the Court hereby FINDS and ORDERS as follows:

1. The Plaintiff's Motion arises out of the assertedly wrongful death of Decedent Jonathan Fairchild, who died by suicide attempted in the Rutherford County Adult Detention Center. Mr. Fairchild later succumbed to his wounds on April 12, 2023 at Vanderbilt University Medical Center.

2. The Plaintiff contends that the Decedent's death and a preceding injury to the Decedent were attributable to the Defendant's negligence, which the Defendant denies.

3. With the assistance of Davidson County Circuit Court Judge C. David Briley, the Parties have negotiated a settled resolution of the Decedent's claims for the benefit of the Decedent's minor child. To enable the Court's independent review and approval of the proposed settlement, the Plaintiff has submitted a Confidential Memorandum containing Plaintiff's counsel's mental impressions of the Plaintiff's claims and the asserted propriety of the settled resolution.

4. Upon review of: (1) the proposed terms of settlement; (2) the Confidential Memorandum of the Plaintiff's counsel, which the Court orders shall be maintained by the Clerk under seal as confidential work-product; (3) the positions of the affected parties; (4) the arguments of counsel; and (5) the entire record, the Court finds that the proposed settlement is fair and reasonable under the circumstances; that it is in the best interest of the Decedent's minor beneficiary, **Nova Evangeline Martinez, DOB 05/06/2018, SSN: XXX-XX-0096**, who the Court finds to be the Decedent's only next of kin entitled to recover for the Decedent's assertedly wrongful death; that all affected or potentially affected parties have been informed of their rights regarding this matter; that the settlement has been agreed to voluntarily, unconditionally, and without threat or intimidation; and that in negotiating the settlement at issue, the Plaintiff has discharged her fiduciary duties faithfully for the benefit of the Decedent's minor beneficiary.

5. Upon consideration of each of the factors set forth in Tennessee Supreme Court Rule 8, RPC 1.5 and *Wright ex rel. Wright v. Wright*, 337 S.W.3d 166 (Tenn. 2011), for the reasons set forth and detailed in the Plaintiff's Confidential Memorandum, which are incorporated herein by reference, the Court also finds that Plaintiff's counsel's proposed attorney's fee and expenses are fair and reasonable based on the particular and unique circumstances of this case and orders that they shall be approved.

6. For these reasons, the Court orders that the Plaintiff's *Motion to Approve Settlement, Release, and Disbursement for the Benefit of Decedent's Minor Beneficiary* shall be and is hereby **GRANTED** in all respects.

7. To effectuate the Parties' settlement agreement, the Plaintiff is authorized to execute the Settlement Agreement and Release.

8. Pending further orders of the Court, and in accordance with Tennessee law, the net proceeds of the settlement, after payment of attorney's fee and expenses, shall be disbursed immediately upon receipt according to the instructions set forth in the attached Exhibit #1 to this Order.

9. Upon entry of this Order, the Defendant shall be fully and completely released by the Plaintiff and Decedent's wrongful death beneficiary and any affected party from all claims of liability asserted in or related to this litigation.

10. Upon entry of this Order, the Parties shall submit an Agreed Order of Dismissal with Prejudice in accordance with the Parties' Settlement Agreement and Release dismissing this matter with prejudice.

11. Upon entry of this Order, if the parent/guardian of the minor beneficiary wishes her child's proceeds to be invested in lieu of being held in an interest-bearing account, then the parent/guardian shall petition the Court. Correspondence regarding the status of the minor beneficiary's account shall be directed to the attention of the minor's guardian at the following address, unless notice of a different address has been filed with the Court:

Nova Evangeline Martinez
C/O Katerin Victoria Ciprian Martinez
4700 Humber Dr. G9
Nashville, TN 37211

12. By agreement of the Parties, the Court's May 28, 2025 *Memorandum Opinion and Order* is vacated. The Defendant and its counsel are relieved of any responsibility for the payment of attorney's fees in connection with the Plaintiff's March 18, 2025 *Motion to Compel*.

IT IS SO ORDERED.

ENTERED this the 5th day of August, 2025.


Circuit Court Judge¹

¹ The Court's approval and signature may be appended electronically.

APPROVED FOR ENTRY BY:

/s/ Daniel A. Horwitz (w/ permission by NCC)

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HUDSON, REED & CHRISTIANSEN, PLLC

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this the 28th day of July, 2025, a true and correct copy of the foregoing has been served via USPS Mail, postage prepaid, upon the following:

Nova Evangeline Martinez and Katerin Victoria Ciprian Martinez
4700 Humber Dr. G9
Nashville, TN 37211

Minor Beneficiary/Parent

Daniel A. Horwitz
Sarah L. Martin
4016 Westlawn Dr.
Nashville, TN 37209
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Attorneys for Plaintiff

By: /s/ Nick C. Christiansen
Nick C. Christiansen

EXHIBIT #1 TO ORDER

The proceeds of the settlement in Case No. 82158 shall be disbursed as follows:

1. \$161,387.61 shall be deposited with the Court and held in an interest-bearing account for the benefit of **Nova Evangeline Martinez, DOB 05/06/2018, SSN: XXX-XX-0096**, the minor child of the Decedent, until the Decedent's child reaches the age of majority or upon further order of this Court regarding the manner in which the funds are to be invested.

2. \$116,000.00 shall be paid to Horwitz Law, PLLC, as an earned attorney's fee, the reasonableness of which the Court has approved upon consideration of each of the factors set forth in Tennessee Supreme Court Rule 8, RPC 1.5 and *Wright ex rel. Wright v. Wright*, 337 S.W.3d 166 (Tenn. 2011).

3. \$12,612.39 shall be reimbursed to Horwitz Law, PLLC, for actual and reasonable expenses incurred in the Plaintiff's representation.