

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CASE TYPE: WRONGFUL DEATH
Court File No. 27-CV-17-11276

In the Matter of the Trusteeship for the
Next of Kin of Justine Maia Ruszczyk,
Decedent.

ORDER APPROVING DISTRIBUTION

This matter comes before the Court on the Verified Petition of John V. Ruszczyk, the duly appointed Trustee in the above-entitled matter, for Distribution of Proceeds pursuant to Rule 144.05 of the Minnesota Rules of Practice.

Having carefully considered the Petition and based on all the files, records, and proceedings herein, the Court makes the following findings and Order:

1. The Minnesota General Rules of Practice govern the distribution of money recovered pursuant to the wrongful death statute, Minn. Stat. § 573.02. That statute requires recovery in a wrongful death action to be awarded to the surviving spouse and next of kin in an amount that is fair and just in reference to the pecuniary loss resulting from the death, and proportionate to the pecuniary loss severally suffered by them. The term “pecuniary loss” is not limited to loss of income.

2. Ms. Ruszczyk’s “next of kin,” as that term is used in the wrongful death statute, include her father, John Ruszczyk, her brother, Jason Ruszczyk, and her niece and nephew, who are minors. *See Wynkoop v. Carpenter*, 574 N.W.2d 422 (Minn. 1998); Minn. Stat. § 524.2-103.

3. At the time of her death, Ms. Ruszczyk was engaged to be married to Donald F. Damon. Ms. Ruszczyk passed away on July 15, 2017 – approximately one month before the couple was to be married. Given the couple’s relationship, and the agreement of the next of kin, the Court finds that Mr. Damon suffered a pecuniary loss due to the death of Ms. Ruszczyk.

4. The four next of kin listed are properly entitled to notice, which was properly given, and to distribution in this matter.

5. The four next of kin approved in writing the settlement distribution proposed in the Petition.

6. Based upon the Petition, and all of the facts and circumstances made known to the Court, the Court finds that the Petition and the distribution proposed therein are fair and reasonable and are hereby APPROVED.

7. Distribution of the \$20,000,000.00 settlement proceeds shall be made as follows:

- a. \$4,900,000 to Gaskins Bennett & Birrell, LLP for attorneys' fees (costs waived);
- b. \$700,000 to Buchanan Ingersoll & Rooney PC for attorneys' fees (costs waived);
- c. \$700,000 to Dillon Chartered for attorneys' fees (costs waived);
- d. \$2,000,000 to the Minneapolis Foundation's Fund for the Safe Communities in the name of Justine Maia Ruszczyk;
- e. \$5,700,000 to Jason Ruszczyk;
- f. \$5,000,000 to John Ruszczyk; and
- g. \$1,000,000 to Donald F. Damond.

8. IT IS FURTHER ORDERED that the Trustee shall take all necessary steps and execute all instruments to complete and carry out the distribution as ordered herein.

9. IT IS FURTHER ORDERED that the Trustee shall, upon payment of the funds described above, execute appropriate releases and receipts to effect a full and final release of all claims by the next-of-kin of Justine Ruszczyk.

BY THE COURT

Dated: June 24, 2019

District Court Judge Mary R. Vasaly