

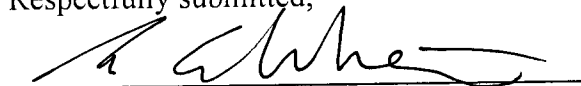
PROBATE COURT OF HAMILTON COUNTY, OHIO
JAMES CISSELL, JUDGE

IN THE MATTER OF ESTATE OF NEIL A. ARMSTRONG
CASE NO. 2012005552

**MOTION FOR APPROVAL
[FILING UNDER SEAL]**

Carol H. Armstrong, as the Executor of the Estate of Neil A. Armstrong (the "Estate"), moves this Court to approve the wrongful death settlement in this estate as set forth on attached Application for Approval of Wrongful Death Settlement (H.C. Form 14.0) and related filings. Mrs. Armstrong, the widow of Neil Armstrong, is not personally participating in the settlement. However, as is required by Ohio law for approval of wrongful death settlements, she brings this Motion for Approval of the settlement in her capacity as Executor. This Motion and the attached Application and related materials are being filed under seal. The grounds for sealing are set forth in the Motion to Seal filed by Mr. Armstrong's sons and grandchildren simultaneously with this Motion.

Respectfully submitted,



Susan E. Wheatley (0037396)
Julia B. Meister (0065575)
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FILED
COURT COMMON PLEAS PROBATE
JAMES CISSELL, JUDGE

2014 SEP 23 PM 2: 08

*Attorneys for the Estate of
Neil A. Armstrong*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following via United States Express Mail this 23rd day of September, 2014:

Wendy R. Armstrong, Armstrong
440 Glendale Avenue
Glendale, Ohio 45246

Eric A. Armstrong
4320 Tylers Estate Drive
Hamilton, OH 45069

Mark S. Armstrong
440 Glendale Avenue
Cincinnati, OH 45246

Kyle Patrick Armstrong
c/o Eric A. Armstrong
4320 Tylers Estate Drive
Hamilton, OH 45069

Lillian Marie Armstrong
c/o Eric A. Armstrong
4320 Tylers Estate Drive
Hamilton, OH 45069

Bryce Nelson Armstrong
c/o Eric A. Armstrong
4320 Tylers Estate Drive
Hamilton, OH 45069

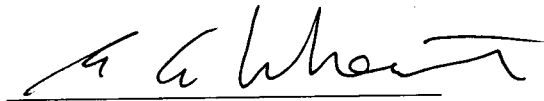
Kali Nicole Armstrong
440 Glendale Avenue
Cincinnati, OH 45246

Andrew Alden Armstrong
440 Glendale Avenue
Cincinnati, OH 45246

Oksana Monet Goodin
9016 Wintergreen Dr.
West Chester, OH 45069

June L. Hoffman
11609 S. Blackfoot Drive
Phoenix, AZ 85044

Dean A. Armstrong
P.O. Box 27
Marion, KS 66861

A handwritten signature in black ink, appearing to read 'J B Meister', written over a horizontal line.

Julia B. Meister

PROBATE COURT OF HAMILTON COUNTY, OHIO
JAMES CISSELL, JUDGE

ESTATE OF Neil A. Armstrong, DECEASED

CASE NO. 2012005552 FILED UNDER SEAL

**APPLICATION TO APPROVE SETTLEMENT AND DISTRIBUTION OF
WRONGFUL DEATH AND SURVIVAL CLAIMS**

[R.C.2117.05, 2125.02, 2125.03, Civ. R. 19.1 and Sup. R. 70]

The fiduciary states:

[Check whichever of the following are applicable, strike inapplicable words, and incorporate all attachments into a single statement.]

- ☒ There is an offer of **full** settlement without suit being filed.
- ☐ There is an offer of settlement after suit was filed. The style of the case, the court and the case number being _____.
- ☐ A judgment has been recovered for damages for decedent's wrongful death
- ☒ The amount of the settlement or judgment is \$ 6,000,000.00.
- ☐ This is a partial settlement and therefore the estate must remain open pending final disposition of the claims.
- ☐ The offer includes, or the judgment sets forth separately, reasonable funeral and burial expenses in the amount of \$ _____.
- ☐ Reasonable compensation for the fiduciary's services is \$ _____ and an itemization of such services is attached.
- ☒ A reasonable attorney fee for the attorney's services is \$ 150,000.00*and reimbursement to the attorney for case expenses is \$ 10,000.00. A copy of the attorney's fee contract that **has not** received prior approval of this Court, subject to modification, and an itemization of case expenses are attached.
- ☒ The net proceeds of \$ 5,840,000.00 *should be allocated \$ 5,840,000.00 *to the wrongful death action and \$ 0.00 to the survival action. A statement in support thereof is attached.
- ☒ A statement in support of the proffered settlement is attached.
- ☒ Supplemental forms required by local rule of court are attached.
- ☐ All of the beneficiaries of the wrongful death action are on an equal degree of consanguinity, are adults, and have agreed how the net proceeds are to be distributed.
- ☒ The beneficiaries of the wrongful death action are not on an equal degree of consanguinity, or one or more of the beneficiaries is a minor, or the beneficiaries have not agreed how the net proceeds are to be distributed.

*Note that guardian ad litem fees
will likely be incurred and will be
payable from the proceeds.

CASE NO. 2012005552

- ☒ The surviving spouse, children, and parents of the decedent and other next of kin who have suffered damages by reason of the wrongful death are as follows and the distribution should be as follows:

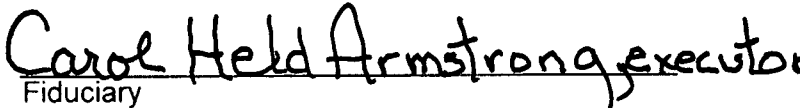
Name	Residence Address	Relationship to Decedent	Birthdate of Minor	Amount
SEE ATTACHED LIST. Note that the surviving spouse, Carol Held Armstrong, declined to participate in the settlement and is not receiving any distribution.				

- ☐ The survival claim beneficiaries are as follows:

Name	Residence Address	Relationship to Decedent	Birthdate of Minor

The fiduciary requests that the Court approve the application and authorize the fiduciary to execute a **complete** release which upon payment of the settlement shall be a **complete** discharge of the claim.


 Attorney for Fiduciary
 Susan E. Wheatley


 Fiduciary
 Carol Held Armstrong, in her capacity as Executor

Attorney Registration No. 0037396

Susan E. Wheatley (0037396)
 Julia B. Meister (0065575)
 Taft Stettinius & Hollister LLP
 425 Walnut Street, Suite 1800
 Cincinnati, Ohio 45202-3957
 Telephone: 513-381-2838

**PROBATE COURT OF HAMILTON COUNTY, OHIO
JAMES CISSELL JUDGE**

FILED UNDER SEAL

ESTATE OF NEIL A. ARMSTRONG

CASE NO. 2012005552

Attachment to Form 14.0

Surviving Spouse, children, and parents of the decedent and other next of kin who have suffered damages by reason of the wrongful death are as follows and the distribution should be as follows:

Name	Residence	Relationship To Decedent	Birthdate Of Minor	Amount
Carol Held Armstrong	4635 Drake Road Cincinnati, OH 45243	Surviving Spouse		Zero – not participating

Name	Residence	Relationship To Decedent	Birthdate Of Minor	Amount
Eric A. Armstrong	4320 Tylers Estate Drive Hamilton, OH 45069	Son	06-30-57	[\$2,598,000] [Estimate*]
Mark S. Armstrong	440 Glendale Avenue Cincinnati, OH 45246	Son	04-08-63	[\$2,598,000] [Estimate*]
June L. Hoffman	11609 S. Blackfoot Dr. Phoenix, AZ 85044	Sister	07-06-33	\$250,000
Dean A. Armstrong	P.O. Box 27 Marion, KS 66861	Brother	02-22-35	\$250,000
Kyle Patrick Armstrong	4320 Tylers Estate Drive Hamilton, OH 45069	Grandson	05-18-99	\$24,000
Lillian Marie Armstrong	4320 Tylers Estate Drive Hamilton, OH 45069	Granddaughter	06-16-00	\$24,000
Bryce Nelson Armstrong	4320 Tylers Estate Drive Hamilton, OH 45069	Grandson	10-10-01	\$24,000
Kali Nicole Armstrong	440 Glendale Avenue Cincinnati, OH 45246	Granddaughter	06-02-89	\$24,000
Andrew Alden Armstrong	440 Glendale Avenue Cincinnati, OH 45246	Grandson	03-16-92	\$24,000
Oksana Monet Goodin	9016 Wintergreen Dr. West Chester, OH 45069	Granddaughter	01-19-87	\$24,000

* Eric A. Armstrong and Mark S. Armstrong have agreed that the Estate's attorneys' fees and costs will be paid equally from their shares. Estimated attorneys' fees are \$150,000 and costs are \$10,000. In addition, Eric A. Armstrong has agreed that his share will bear the fees and costs for any guardian ad litem appointed for his minor children.

STATEMENT IN SUPPORT OF SETTLEMENT

FILED UNDER SEAL

The decedent, Neil A. Armstrong, age 82, with long-standing heart issues, was admitted to a hospital in August 2012 for vascular bypass surgery. He underwent the cardiovascular procedure, but post-surgical complications arose and he subsequently died. Certain members of the Armstrong family have made allegations of medical malpractice against the hospital and against the health care providers who provided care and treatment to Mr. Armstrong. Although the hospital and health care providers stand by the care provided to Mr. Armstrong and deny that any malpractice occurred, the hospital, on behalf of itself and the health care providers, agreed to pay a total of \$6 million to Eric A. Armstrong and Mark Armstrong, sons; June L. Hoffman, sister; Dean A. Armstrong, brother; and Kyle Patrick Armstrong (a minor), Lillian Marie Armstrong (a minor), Bryce Nelson Armstrong (a minor), Kali Nicole Armstrong, Andrew Alden Armstrong and Oksana Moet, grandchildren to avoid the publicity of the litigation that the Estate might have initiated on behalf of certain members of the family, if settlement had not been reached. The decedent's surviving spouse, Carol H. Armstrong, is not participating in the settlement and will not receive proceeds.

The settlement is reflected in a Confidential Settlement, Release, Indemnification, Covenant Not to Sue and Hold Harmless Agreement. It includes a complete and full release of all those involved in the care and treatment of Neil A. Armstrong during his August 2012 admission to the hospital. The Confidential Settlement Agreement also includes a provision for complete confidentiality. The fiduciary, Carol H. Armstrong, in her capacity as executor, has approved the settlement, subject to the approval of this Court.