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COURT OF COMMON PLEAS
PROBATE DIVISION
HAMILTON COUNTY, OHIO

IN THE MATTER OF THE ESTATE

OF

NEIL A. ARMSTRONG, DECEASED

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CASE NO. 2012005552

Judge Cissell

**APPLICATION FOR
APPROVAL OF
ATTORNEYS' FEES
[FILING UNDER SEAL]**

Pursuant to Local Rules 70.1 and 71.1 of this Court, Taft Stettinius & Hollister LLP, counsel to the Estate of Neil A. Armstrong ("Estate"), requests that this Court approve attorneys' fees in connection with the wrongful death settlement in the amount of \$150,000 and costs in the amount of \$10,000. The executor and the sons of the decedent have consented to this fee. The decedent's sons have agreed that the fees and costs will be paid from their share of the settlement. An itemized fee statement and affidavit in support will be provided to the Court for in camera review. The grounds for this application are set forth in the following Memorandum in Support. This application and attachments are being filed under seal as requested in the Motion to Approve filed by the children and grandchildren of the decedent.

MEMORANDUM IN SUPPORT

As this Court is aware, under Ohio law, the fiduciary for a decedent's Estate is charged with responsibility for filing wrongful death cases and for seeking approval of settlements of such cases. In this case, the Executor, Carol H. Armstrong, Neil Armstrong's surviving spouse, is not personally participating in any settlement. However, the Estate has incurred fees and costs in the process of fulfilling its duties of analyzing, presenting and administering the proposed settlement reached on behalf of Neil Armstrong's two sons, his sister and brother, and his six

210.00

grandchildren.

Estate counsel has handled this matter on an hourly basis rather than under a contingency arrangement. Neil Armstrong's two sons, Eric Armstrong and Mark Armstrong, and his six grandchildren, are represented by Wendy Armstrong (wife of Mark Armstrong). She handled the negotiation of the settlement amount and she is representing Mr. Armstrong's sons and grandchildren at no charge. No other counsel, such as wrongful death counsel, are participating in this settlement on behalf of the family (though guardian ad litem fees will likely be incurred.)

When the settlement amount was agreed upon in the summer of 2014, Estate counsel became intensively involved in a complex process. It was necessary to act quickly because the statute of limitations was running. The parties entered into a one-month tolling agreement which has since been extended. Estate counsel informed Mr. Armstrong's sister and brother of the settlement discussions; prepared and filed the documents seeking approval of the settlement; and coordinated related meetings, filings and hearings with the Court and counsel.

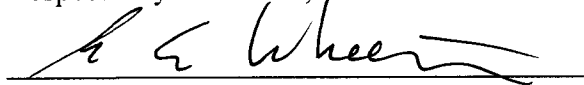
This settlement presented special challenges because of the desire of Neil Armstrong's children and grandchildren to request that the Court seal all matters relating to the settlement. Estate counsel worked extensively on Mr. Armstrong's sons' and grandchildren's proposals concerning confidentiality.

As the beneficiaries under the wrongful death statute worked through the settlement process, it was necessary for estate counsel to conduct legal research on the standing of various family members under Ohio's wrongful death law, on confidentiality issues, and on handling claims by minors, including a minor with special needs.

The itemized fee statement and affidavit supporting this Application will be submitted to the Court for review in camera. The fees requested were reasonable, necessary and in the best interest of the Estate and the participants in the wrongful death settlement. Settlement

participants Eric A. Armstrong and Mark S. Armstrong have agreed to the requested fees and costs and further agree that the fees and costs will be paid equally from their shares of the settlement. For these reasons, counsel to the Estate requests that the Court approve its fee request in the amount of \$150,000 and costs advanced in the amount of \$10,000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Susan E. Wheatley", is written over a horizontal line.

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*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:

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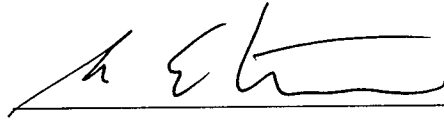
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Dean A. Armstrong
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A handwritten signature in black ink, appearing to read "Dean A. Armstrong", written over a horizontal line.