

AT THE REQUEST OF THE PARTIES NAMED BELOW, THE MEDIATOR HAS PREPARED THE FOLLOWING:

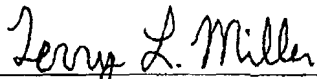
MEMORANDUM OF SETTLEMENT

Case: **MILLER V. PORT OF SEATTLE**

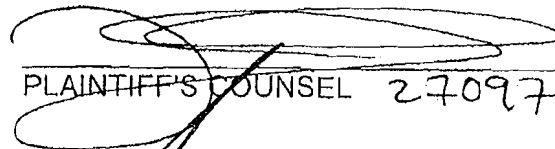
The parties agree to settle this case as follows:

1. Defendant will pay plaintiff \$1,250,000.00, a portion of which may be in the form of a structure, solely at plaintiff's option; it is understood that the payment of the settlement (and/or funding of a structure) will be made on or before Jan. 7, 2011, at the discretion of defendant's insurer; any component of the settlement funds to be structured must be done through EPS Settlements brokers Monique Dean/Scott MacGregor and placed with a Chartis-approved life insurance company; payment will not be placed into any 468B trust; the parties agree that \$423,000.00 of the total settlement represents damages for pain and suffering; consummation of settlement subject to Port Commission approval;
2. Plaintiff will sign a release of all claims and a medical indemnity and hold harmless agreement as to any known liens or subrogation claims, including but not limited to the Department of Labor & Industries (approval of settlement indicated below); no Medicare payments have been made and none and anticipated (appropriate language in this respect will be included in the settlement documents);
3. The parties will work together to formalize this agreement with appropriate documentation;
4. The pending action will be dismissed with prejudice and without costs;
5. A copy of this memorandum may be introduced into evidence in any proceeding to enforce this settlement (CR 2A).

Dated: October 26, 2010.



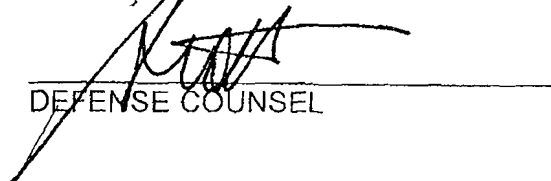
PLAINTIFF




PLAINTIFF'S COUNSEL 27097



FOR DEFENDANT'S INSURER



DEFENSE COUNSEL



APPROVED: FOR DEPT. L&I