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## Verdicts & Settlements

### **Consent judgment entered in Peterson wrongful death suit**

**On Dec. 9, 2001, the defendant, Michael Peterson, allegedly beat to death his wife, Kathleen Peterson.**

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**The plaintiff's evidence at trial would have shown: An initial assault; hours later, the wife came around and even stood up; the defendant assaulted her again; and, this second assault succeeded in killing her.**

**The defendant was indicted for first-degree murder with malice, premeditation and deliberation.**

**The wife's daughter from an earlier marriage, Caitlin Atwater, in her capacity as administratrix of her mother's estate, filed a wrongful death action against the defendant. The civil action was**

**initially stayed pending the trial of the criminal case.**

**On Oct. 10, 2003, following a unanimous jury verdict, the defendant was convicted of first-degree murder with malice, premeditation and deliberation. He appealed.**

**The stay was lifted. In January 2004, the plaintiff obtained summary judgment on the issue of liability against the defendant.**

**The wrongful death action was set for trial in June 2007. The defendant's deposition was scheduled for Jan. 29, 2007, but on Jan. 22, 2007, the parties entered into a partial and conditional settlement.**

**The terms of this partial, conditional settlement were: The civil action would be again stayed pending resolution of the criminal appeal; the wrongful death action would be reopened and tried to a jury if the defendant succeeded in reversing his conviction and in being acquitted upon retrial; and, if a conviction for murder was upheld, then a consent judgment would be entered against the defendant for \$25 million in compensatory damages, together with the court costs and interest.**

**The Court of Appeals and the Supreme Court affirmed the defendant's conviction.**

**The consent judgment was signed by Judge Hudson on Jan. 28, 2008, and this judgment was filed and entered in Durham County Superior Court.**

**At the time of its entry, this judgment, including pre-judgment interest and court costs, totaled in**

**excess of \$35.5 million.**

**In a parallel action an adversary proceeding in federal bankruptcy court the plaintiff obtained summary judgment >on Feb. 13, 2008, in which the Hon. William L. Stocks, U.S. Bankruptcy judge, ruled that the debt owed by the defendant from the wrongful death >judgment >in state court was non-dischargeable in bankruptcy.**

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