

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK)	CASE NO. 2023-CP-46-02312
)	
Kimberly T. Alexander as Personal)	
Representative of the Estate of Christopher J.)	
Kernaghan,)	
)	
Plaintiff,)	PETITION FOR APPROVAL OF
)	FINAL SETTLEMENT
)	
vs.)	
)	
Christopher Mullis,)	
)	
Defendant.)	
)	

Petitioner, Kimberly T. Alexander as Personal Representative of the Estate of Christopher J. Kernaghan (“Petitioner”), respectfully petitions and shows unto the Court as follows:

BACKGROUND

1. Petitioner is the duly qualified and appointed Personal Representative of the Estate of Christopher J. Kernaghan (“Christopher”) and was issued a Certificate of Appointment by the York County Probate Court on July 20, 2023, which is attached as **Exhibit A**.¹
2. On June 3, 2023, Christopher was mowing the lawn at home with his three-year-old son on his lap when Defendant Mullis, an underage intoxicated driver, struck and killed Christopher.
3. On July 25, 2023, Petitioner filed this action against Defendant Mullis seeking damages for wrongful death and survival.
4. Subsequent investigation into this case revealed that, shortly before the fatal crash, Defendant Mullis purchased alcohol as an underaged minor at QuikTrip Store #1061 located at 3836

¹ All exhibits to this Petition, which include confidential family court information, as well as financial and trust documents for the benefit of minors, are being submitted to the Court *in camera*.

Celanese Road, Rock Hill, South Carolina, which is owned and operated by QuikTrip Corporation (“QuikTrip”).

5. Although not named as a Defendant in this action, Petitioner and QuikTrip conducted a pre-suit mediation of Petitioner’s potential claims against QuikTrip on March 25, 2025. QuikTrip denies all liability for Petitioner’s claims and damages.

6. As a result of that mediation, Petitioner has now reached a full and final settlement of her claims against Defendant Mullis and QuikTrip and seeks settlement approval from this Court.

STATUTORY BENEFICIARIES

7. Christopher Kernaghan died unmarried and without a will.

8. Therefore, the sole statutory beneficiaries to any proceeds from this action are Christopher’s minor children:

a. J.K., age 12.

b. C.K., age 11.²

c. R.K., age 5.³

SETTLEMENT DETAILS

9. Petitioner’s settlement with Defendant Mullis and QuikTrip comes as a result of those parties’ insurance companies offering the following in cash and future periodic payments:

² The legal guardians of J.K. and C.K. are their maternal grandmother and grandfather, Pamela Griffin and Michael Griffin. *See* May 5, 2021 NC District Court Order attached as **Exhibit B**.

³ The legal guardians of R.K. are his aunt and uncle, Amanda Wallace and Tristan Wallace. *See* August 16, 2024 SC Family Court Order attached as **Exhibit C**.

R.K. also sustained personal injuries in the June 3, 2023 collision. R.K.’s personal injury claim has been asserted in a separate action styled as *Amanda Wallace and Tristan Wallace as Guardians of R.K., a minor, et al. v. Christopher Mullis, Case No. 2023-CP-46-01804*. The March 25, 2025 mediation with QuikTrip also resulted in a settlement of R.K.’s personal injury case, which settlement is the subject of a different Petition for Settlement Approval filed in that separate action. This present Petition deals only with the wrongful death claim for Christopher’s statutory beneficiaries.

a. Twenty-Five Thousand Dollars (\$25,000.00) from Owners Insurance Company, Defendant Mullis' insurance carrier; and

b. Ten Million Dollars (\$10,000,000.00) from QuikTrip's insurance carriers.⁴

10. This settlement payment is offered by Defendant Mullis, QuikTrip, and their insurers in exchange for full and final settlement agreement(s) and release(s) executed by Petitioner.

11. The settlement agreement(s) and release(s) constitute a final resolution of all Petitioner's claims which were brought, or could have been brought against Defendant Mullis and QuikTrip.

12. Petitioner and her attorneys have carefully considered and evaluated this matter and based on the facts and circumstances have apportioned the settlement of Ten Million and Twenty-Five Thousand Dollars (\$10,025,000.00) to the wrongful death claim.⁵

13. Petitioner, as Personal Representative of Christopher's Estate, requests Court approval of the survival and wrongful death apportionment under this settlement.

14. Petitioner is aware of one outstanding lien from the South Carolina Department of Crime Victim Compensation, in the amount of \$6,500.00 for funeral expenses. Petitioner paid the remaining balance of \$1,665.02 for Christopher's funeral expenses. Petitioner asks that the Court allow reimbursement of these expenses from the total wrongful death settlement proceeds.

15. Petitioner has retained the law firm Yarborough Applegate in Charleston, South Carolina. Under the terms of the contingency fee agreement with her attorneys, Petitioner has

⁴ QuikTrip had a total of \$41 million dollars in available insurance coverage in this case, through numerous insurance carriers. QuikTrip and its insurers have agreed to pay \$40 million to resolve all claims stemming from this June 3, 2023 incident, which includes not only the Estate's wrongful death claim and R.K.'s personal injury claim, but also three (3) other claims (including another wrongful death claim of a passenger in Mullis' vehicle).

⁵ Thorough investigation into this case has revealed no evidence of conscious pre-death pain and suffering. Thus, no portion of the settlement funds is being allocated to the survival claim.

agreed to pay attorneys' fees in the amount of Forty Percent (40%) of the gross recovery, plus expenses of \$28,556.90. *See Exhibit D* (Disbursement Sheet). Petitioner believes these fees and expenses are reasonable and appropriate and would ask the Court to approve and authorize the payment of the same.

PAYMENT DETAILS FOR MINOR BENEFICIARIES

16. The beneficiaries of this settlement are minors under the age of eighteen (18). Therefore, Petitioner desires that the settlement proceeds be paid, in part, in the form of future periodic payments (or "structured settlements") and, in part, placed into settlement protection trusts.

17. By way of this settlement, Defendants and their insurers have offered to pay the following sums for the benefit of the minor beneficiaries, all of which are more fully set forth and described in **Exhibits E, F, and G** (Structured Settlement/Annuity and Trust Documents):

- a. J.K., age 12 – \$1,992,759.36 as follows:
 - i. \$800,000.00 in a Tax-Excludable Structured Settlement;
 - ii. \$200,000.00 in a Deferred Annuity; and
 - iii. \$992,759.36 in a Settlement Protection Trust with Advocacy Trust, LLC as Trustee. *See Ex. E.*
- b. C.K., age 11 – \$1,992,759.36 as follows:
 - i. \$800,000.00 in a Tax-Excludable Structured Settlement;
 - ii. \$200,000.00 in a Deferred Annuity; and
 - iii. \$992,759.36 in a Settlement Protection Trust with Advocacy Trust, LLC as Trustee. *See Ex. F.*
- c. R.K., age 5 – \$1,992,759.36 as follows:
 - i. \$1,500,000.00 in a Tax-Excludable Structured Settlement; and

ii. \$492,759.36 in a Settlement Protection Trust with Advocacy Trust, LLC as Trustee. *See Ex. G.*⁶

18. Any payments to be made after the death of the minors shall be made to the Estate of the minor. After reaching the age of majority, the minor may submit a change in beneficiary in writing to the Assignee. The designation must be in a form acceptable to the Assignee.

14. Petitioner further requests that the Court allow Petitioner to accept the settlement amounts as set forth herein and allow Petitioner to execute the appropriate Release(s) with Defendant Mullis, QuikTrip, and their insurers, as well as any trust documents or other documents necessary to effectuate this settlement.

WHEREFORE, Petitioner, Kimberly T. Alexander as Personal Representative of the Estate of Christopher J. Kernaghan, prays and requests that she be authorized and directed to accept the full and final settlement offers in this matter as set forth above and that she be authorized to make the disbursements as set forth herein.

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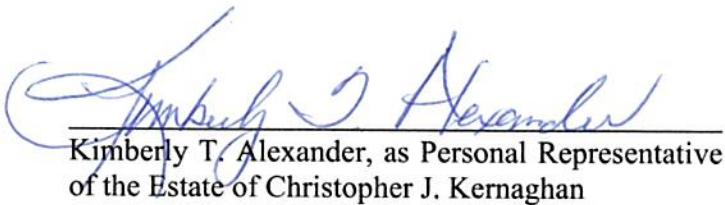
Charleston, South Carolina
May 28, 2025

⁶ In addition to R.K.'s one-third (1/3) statutory beneficiary share of the wrongful death proceeds, R.K. is also receiving additional proceeds for his individual personal injury claim, which is reflected in the separate Petition being filed in that case.

STATE OF North Carolina)
COUNTY OF Mecklenburg)

VERIFICATION OF PETITIONER

I, Kimberly T. Alexander, as Personal Representatives for the Estate of Christopher J. Kernaghan, hereby affirm that I have read the aforementioned Petition for Approval of Final Settlement, and I hereby affirm and swear that the information set forth therein is accurate. I hereby request that the Court approve the settlement of the claims as set forth therein.

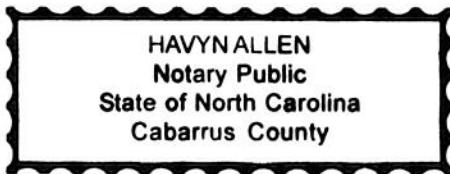

Kimberly T. Alexander, as Personal Representative
of the Estate of Christopher J. Kernaghan

Dated: 5/27/2025

Sworn to and subscribed before me, this 27
day of May, 2025:



Notary Public in the State of North Carolina
My Commission Expires: March 6, 2030



ATTORNEY'S CERTIFICATE

I, David B. Lail, believe that the settlement is fair, reasonable, and in the best interests of the Estate of Christopher Kernaghan and respectfully recommend that the Court approve it.



David B. Lail, Esq.

ATTORNEY FOR PETITIONER