



State of Utah

SPENCER J. COX  
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*Lieutenant Governor*

**Department of Government Operations**  
**Division of Risk Management**

MARVIN DODGE  
*Executive Director*

RACHEL GEORGE TERRY  
*Division Director*

**SETTLEMENT AUTHORITY MEMORANDUM**

Date: December 4, 2025

To: Marvin Dodge, Executive Director, Department of Government Operations  
Governor Spencer Cox  
Legislative Management Committee

From: Rachel George Terry, State Risk Manager

Re: Settlement Authority Approval  
Claim No.: 20425-001  
Claimant: Tamara Maust, as Personal Representative of the Estate and Heirs of Thomas Underhill

**Authority Requested: \$2,000,000.00**

**Factual and Legal Background:**

This case arises out of the death of Thomas Underhill, who died while in the custody of the Utah Department of Corrections (UDOC) from complications from a kidney stone. Plaintiff is Mr. Underhill's mother, Tamara Maust, as personal representative of the estate and heirs of Mr. Underhill.

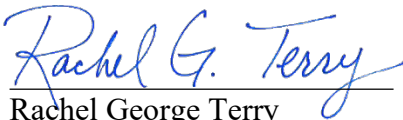
Plaintiff has filed lawsuits in state and federal court against UDOC and three individual defendants, alleging that the defendants failed to provide appropriate medical treatment in violation of the Utah and U.S. Constitutions.

The parties participated in mediation. After a full day of mediation, the parties were at an impasse. The mediator recommended a settlement of \$2.5 million. The parties subsequently agreed to settle for \$2 million, pending the necessary approvals. As part of the settlement, UDOC will meet with Ms. Maust to discuss her concerns with the prison health care system and hear her suggestions for policy and procedure improvements. A copy of the proposed settlement agreement is included.

**Settlement Rationale:**

UDOC has strong legal defenses, but if those fail then the case would go to trial, and an adverse jury verdict is likely. In two recent cases involving individuals who died while in custody, juries awarded significant judgments in plaintiffs' favor: \$10 million in *Stella v. Davis County* and \$15 million in *Jensen v. Duchesne County*.

Considering the significant exposure in this case, I recommend approval of the \$2 million settlement.



Rachel George Terry  
Director/State Risk Manager  
Utah Department of Government Operations  
Division of Risk Management