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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANIKA SLAGOWSKI, a minor by and)
through her Guardian ad litem, WILLIAM)
TERRELL,)
Plaintiff,)
v.)
DELAWARE NORTH PARKS AND)
RESORT, DNC PARKS AND RESORTS)
AT YOSEMITE, INC., MELVIN FRIDAY)
and DOES 1 through 25, inclusive,)
Defendants.)

1:11-cv-160 AWI GSA

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RE: PETITION
FOR MINOR’S COMPROMISE IN PART**

(Doc. No. 78)

Plaintiff, Anika Slagowski, is a minor in this action (“minor”). On October 19, 2012, the minor’s guardian ad litem, William Terrell, filed a Petition for Minor’s Compromise (“the Petition”). See Court’s Docket, Doc. No. 75. On November 5, 2012, the Magistrate Judge issued Findings and Recommendations recommending that the petition be granted in part. See *id.* Doc. No. 78. Specifically, the Magistrate Judge reduced the amount of costs reimbursed to Plaintiff’s attorney by \$700.00. The Magistrate Judge also indicated that the minor’s attorney could withhold \$5,000.00 to pay outstanding costs, but that within sixty (60) days, the minor’s attorney must file a detailed accounting of the outstanding costs paid, with proof that any remaining funds were transferred to the minor’s account.

The Findings and Recommendations were served on all parties and contained notice that any objections were to be filed within fifteen days. No party filed objections, however, on

1 November 20, 2012, the parties filed a stipulation noting that the \$700.00 reduction in costs
2 should be added to the minor's net recovery.¹ See Court's Docket, Doc. No. 80.

3 Accordingly, upon a review of the Findings and Recommendations and the parties'
4 stipulation, IT IS HEREBY ORDERED that the Findings and Recommendations dated November
5 5, 2012, are ADOPTED IN PART as outlined below :

- 6 1. Defendants, Delaware North Parks and Resorts, DNC Parks & Resorts at Yosemite
7 Inc., and Melvin Friday, have settled all of Anika Slagowski's claims for
8 \$590,000.00. This amount is fair.
- 9 2. The request for attorneys' fees in the amount of \$147,500.00 and \$160,267.28² for
10 advanced costs should be approved. The amount for advanced costs includes
11 \$5,000.00 as a reserve for outstanding costs yet to be billed. Within **sixty (60)**
12 days, Plaintiff's counsel shall submit an itemized accounting of all outstanding
13 costs paid, and proof that any remaining balance was transferred into the minor's
14 account outlined below;
- 15 3. The Court approves the distribution of funds to Strategic Recovery Partnership,
16 Inc., in the amount of \$61,877.85 to satisfy the outstanding lien for medical
17 services as set forth in the Petition;
- 18 4. The remaining balance of the settlement in the amount of \$220,354.87, shall be
19 transferred to William Terrell, in his capacity of guardian ad litem, for the benefit
20 of Anika Slagowski under the California Uniform Transfers to Minors Act. Mr.
21 William Terrell is appointed as the custodian of that account. The balance of the
22 settlement amount shall be used to purchase high-grade zero coupon bonds through
23 Morgan Stanley Smith and Barney;

24
25 ¹ Initially, on November 16, 2012, the parties filed a stipulation indicating a portion of the
26 \$700.00 should be allocated to the minor, as well as to the minor's attorney for attorneys' fees.
27 (Doc. 79). On November 20, 2012, the parties filed an amended stipulation indicating that the
28 minor shall receive the entire \$700.00. (Doc. 80).


² This amount reflects the \$700.00 reduction previously described. The \$700.00 has been
added the minor's net settlement amount pursuant to the stipulation of the parties.

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- 5. There shall be no access to any of the funds from this account until the minor reaches at least the age of **eighteen (18)** absent a Court order;
- 6. Petitioner, William Terrell shall have **sixty (60)** days to submit proof of the funding of the above referenced account to the Court; and
- 7. The Court will dismiss of all claims against all defendants listed above with prejudice. Plaintiff's counsel shall submit such dismissal within **five (5)** days after payment of the agreed settlement amount is made, *and* after the required proofs outlined above have been submitted to the Court.

IT IS SO ORDERED.

Dated: November 21, 2012


UNITED STATES DISTRICT JUDGE