

1 **IT IS ORDERED** setting a Final Settlement Approval Hearing before the
2 undersigned Magistrate Judge on **Monday, April 30, 2012 at 2:00 p.m.**

3 **IT IS FURTHER ORDERED** that Plaintiffs' counsel and Plaintiffs Lisa St. Clair
4 and Richard Poulin must be physically present at the Final Settlement Approval Hearing.
5 Counsel for H.P. must be prepared to answer the Court's questions why the parties'
6 settlement for the agreed-upon amounts for H.P. and her parents are in the minor's best
7 interests, why the Court should approve the settlement, and why counsels' fees and expenses
8 are reasonable and appropriate, and how H.P.'s money will be managed in her best interests
9 in the future. The minor is invited, but not required, to attend the Final Settlement Approval
10 Hearing.

11 **IT IS FURTHER ORDERED** that Plaintiffs' counsel must prepare and file a motion
12 for approval of settlement and attorneys' fees and litigation expenses under seal on or before
13 **Friday, April 6, 2012**, which sets forth with specificity the following:

14 1. the total amount and exact division of the settlement funds amongst the Plaintiffs
15 in present value;

16 2. a detailed discussion of the reasonableness of Plaintiffs' requested attorneys' fees
17 and litigation expenses, including a discussion of the eight factors to consider in determining
18 the reasonableness of attorneys' fees pursuant to Ethical Rule ("ER") 1.5, Arizona Rules of
19 Professional Conduct. *See, Matter of Conservatorship of Fallers*, 181 Ariz. 227, 889 P.2d
20 20 (Az.Ct.App. 1994); *In re Guardianship of Sleeth*, 226 Ariz. 171, 244 P.3d 1169
21 (Az.Ct.App. 2010); *see also, Wright ex rel. Wright v. Wright*, 337 S.W.3d 166, 186 (Tenn.
22 2011) ("[w]e hold that no single factor found within [ER] 1.5 merits special emphasis over
23 the other factors in determining a reasonable fee in cases involving a minor, and we decline
24 to add other factors. Instead, the trial court may conclude that certain factors merit greater
25 weight under the unique circumstances of a particular case"). Plaintiffs' counsel shall
26 provide as exhibits a complete copy of Plaintiffs' fee agreement and an affidavit of
27 Plaintiffs' counsel, containing the information required by LRCiv 54.2(c), (d)(2), (3)- (4)(A)-
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1 (D), and (5)(e)(1)-(3¹).

2 3. how Plaintiffs' fees and costs will be fairly apportioned among his three clients;
3 and

4 4. Plaintiffs' proposed plan to establish a Maricopa County Superior Court
5 guardianship for H.P. and appointment of an appropriate guardian pursuant to A.R.S. § 14-
6 5311 to, among others, authorize and approve H.P.'s necessary medical, surgical or other
7 professional care and treatment, purchase of durable medical goods, A.R.S. § 14-5209(B)-
8 (C); give consents or approvals necessary for H.P.'s care, comfort and maintenance, A.R.S.
9 § 14-5312(A)-(B); protect, monitor, and preserve H.P.'s net *res* of the settlement funds and
10 other property²; and perform such other procedural and substantive duties in H.P.'s best
11 interests as allowed by Arizona law.

12 **IT IS FURTHER ORDERED** that Defendant and its insurance company must file
13 a Notice of Deposit and deposit the entire settlement funds into the District of Arizona's
14 Court Registry Investment System ("CRIS"³) on or before **Friday, April 6, 2012**. *See*,
15 LRCiv 67.1.

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18 ¹ If Plaintiffs' counsel did not keep track of his time because he represents Plaintiffs
19 on a contingency fee basis only, Plaintiffs' counsel shall provide his best estimate of the time
he/they spent working on the case as if counsel were paid on an hourly basis.

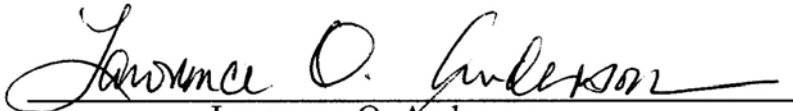
20 ² "Guardians have the duty to make broad care decisions for the wards in their care
21 and are required to care for their wards' personal effects, including their [property]." *In re*
22 *Conservatorship for Geake*, 2008 WL 2352481, * 2 (Az.Ct.App. June 5, 2008) (citing
A.R.S. §§ 14-5209, -5312 (2005)).

23 ³ Under the federal CRIS program, money deposited in every district court case is
24 pooled with the money on deposit with the Treasury, with a credit back to all district courts
25 with funds in CRIS, which is used to purchase Government Account Series securities
26 through the Bureau of Public Debt. *See* 28 U.S.C. §§ 2041, 2045; *Six Mexican Workers v.*
27 *Arizona Citrus Growers*, 904 F.2d 1301, 1308 n. 5 (9th Cir. 1990). CRIS operates on a
28 weekly cycle tied to a Thursday maturity date of these securities. CRIS will deduct a 10%
fee from the amount of interest earned weekly. The 10% fee covers the cost to the court of
managing the investments. *See*, § 920.50, Registry Fees, *Guide to Judiciary Policy*, Vol. 13,
Ch. 9; LRCiv 67.1(c).

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IT IS FURTHER ORDERED vacating the final pretrial conference set for
Monday, April 30, 2012 and the jury trial scheduled to commence on Monday, May 7, 2012.

Dated this 12th day of March, 2012.


Lawrence O. Anderson
United States Magistrate Judge