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UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

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12 MARY G. LOPEZ, individually and as  
13 Successor-In-Interest on behalf of Decedent,  
14 SALVADOR V. LOPEZ; SALVADOR M.  
15 LOPEZ, individually and as Successor-In-  
16 Interest on behalf of Decedent, SALVADOR  
17 V. LOPEZ; OSVALDO RENE LOPEZ, a  
18 minor, by and through Guardian ad Litem,  
19 MARY G. LOPEZ; TOMMY GREGORY  
20 LOPEZ, a minor, by and through Guardian ad  
21 Litem, MARY G. LOPEZ; and MEGHIN  
22 LEANNE LOPEZ, a minor, by and through  
23 Guardian ad Litem, MARY G. LOPEZ,

CASE NO.: 1:07-CV-01417-OWW-NEW  
(TAG)

**ORDER APPROVING COMPROMISE OF  
PENDING ACTION OF CLAIMANT  
MEGHIN LEANNE LOPEZ, A MINOR**

Department: Courtroom 3 (7<sup>th</sup> Floor)  
Judge: Hon. Oliver W. Wanger

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20 Plaintiffs,

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vs.

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23 BNSF RAILWAY COMPANY; NATIONAL  
24 RAILROAD PASSENGER CORPORATION  
(AMTRAK); STATE OF CALIFORNIA;  
25 CALIFORNIA DEPARTMENT OF  
TRANSPORTATION (CALTRANS);  
26 COUNTY OF KERN; CITY OF DELANO;  
CITY OF McFARLAND; CITY OF WASCO;  
and DOES 1 through 200, Inclusive,

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Defendants.

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1. **Petitioner**, Tommie Cruz, has petitioned for court approval of a proposed compromise of a disputed claim of a minor or a pending action involving a minor, or a proposed disposition of the proceeds of a judgment for a minor or an adult person with a disability.

2. **Hearing:** No hearing is required.

3. **Relationship of claimant:** Petitioner is claimant's grandmother and guardian ad litem.

4. **Claimant:** Meghan Leanne Lopez, is a minor.

5. **Defendant:** The claim or action to be compromised is asserted, or the judgment is entered, against, Defendants, NATIONAL RAILROAD PASSENGER CORPORATION and BNSF RAILWAY COMPANY.

6. **THE COURT FINDS** that all notices required by law have been given.

## 7. THE COURT ORDERS:

a. The petition is granted and the proposed compromise of claim or action or the proposed disposition of the proceeds of the judgment is approved. The gross amount or value of the settlement or judgment in favor of claimant is \$29,575.13.

b. The payer shall disburse the proceeds of the settlement or judgment approved by this order in the following manner:

### **(1) Payment of the fees and expenses**

Fees and expenses shall be paid by one or more checks or drafts, drawn payable to the order of the petitioner and the petitioner's attorney, if any, or directly to third parties entitled to receive payment identified in this order for the following items of expense or damage, which are hereby authorized to be paid out of the proceeds of the settlement or judgment:

a. Attorneys fees in the total amount of \$5,000.00 payable to McNicholas & McNicholas, LLP:

b. Other authorized disbursements payable directly to third parties in the total amount of \$4,575.13 for litigation costs.

c. Total allowance for fees and expenses from the settlement or judgment: \$9,575.13.

## (2) **Balance**

The balance of the settlement or judgment available for claimant after payment of all allowed fees and expenses is: \$20,000.00.

The balance shall be disbursed as follows:

a. \$20,000.00 will be invested in a single-premium deferred annuity, subject to withdrawal only upon the authorization of the court. The terms and conditions of the annuity are specified in the Settlement Proposal for an Annuity for Osvaldo Rene Lopez, Tommy Gregory Lopez, and Meghan Leanne Lopez attached herein as Exhibit "2."

**8. Further orders of the court concerning disposition of the settlement proceeds:**

There are no further orders from the court.

## 9. Authorization to execute settlement documents

a. The petitioner is authorized and directed to execute any and all documents necessary to carry out the terms of the settlement.

10. Bond is not required.

11. A copy of this order shall be served on the payer forthwith.

## 12. Additional orders

The court makes the following additional order:

Dated: December 21, 2009

/s/ OLIVER W. WANGER  
United States District Court Judge