

1 Shane M. Cahill, # 227972  
 2 McCormick, Barstow, Sheppard,  
 3 Wayte & Carruth LLP  
 4 P.O. Box 28912  
 5 5 River Park Place East  
 6 Fresno, CA 93720-1501  
 7 Telephone: (559) 433-1300  
 8 Facsimile: (559) 433-2300

(SPACE BELOW FOR FILING STAMP ONLY)

9 Attorneys for Defendant  
 10 KIRA DAVIS

11 UNITED STATES DISTRICT COURT  
 12 EASTERN DISTRICT OF CALIFORNIA

13 METROPOLITAN LIFE INSURANCE  
 14 COMPANY,

Case No. 1:08-CV-01719-SMS

Plaintiff,

**ORDER APPROVING PETITION TO  
 COMPROMISE THE DISPUTED CLAIM  
 OF MINOR MICHAEL BURTON, JR. AND  
 TO DEPOSIT MONEY INTO BLOCKED  
 ACCOUNT**

v.

15 MICHAEL BURTON, M.B. and KIRA  
 16 DAVIS,

Date: February 22, 2010  
 Time: 10:00 a.m.  
 Magistrate Judge: Sandra M. Snyder

Defendants.

17  
 18 The parties to this lawsuit reached a settlement, the terms of which are set forth in the  
 19 General Release executed by Michael Burton, Sr. on November 2, 2009, by Kira Davis on  
 20 August 10, 2009 and by M.B., Jr., a minor, by and through his duly appointed Guardian ad Litem  
 21 Ruth E. Basta, on November 2, 2009 (the "General Release."). The General Release provided for  
 22 payment by MetLife of \$34,667.67, plus any applicable interest, to M.B., Jr. and, because he is a  
 23 minor, the General Release required that the compromise of M.B., Jr.'s claim must be approved  
 24 by this Court.

25 The petition of Ruth Basta, as guardian ad litem for M.B., Jr. to approve the compromise  
 26 of M.B., Jr.'s claim and to deposit funds into a blocked account or blocked accounts came on for  
 27 hearing on February 22, 2010, at 10:00 a.m. in Courtroom 7 of the above-entitled court. Ruth  
 28 Basta, as guardian ad litem for M.B., Jr., M.B., Jr., Michael Burton, Sr., and attorney Shane

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1 Cahill were all present. Counsel for Metropolitan Life Insurance Company (“MetLife”),  
2 Kathleen Hurly, appeared via telephone. Ruth Basta was sworn in and voir dire was conducted  
3 by Shane Cahill regarding the petition approving the compromise of the claim asserted by M.B.,  
4 Jr. Good Cause appearing to grant the Petition, the COURT ORDERS AS FOLLOWS:

5 1. The petition is granted and the proposed disposition of the proceeds of the  
6 settlement on behalf of M.B.Jr. is approved. The gross amount of the settlement (as set forth in  
7 the General Release) in favor of M.B., Jr. is **\$34,666.67**, plus any applicable interest.

8 2. METROPOLITAN LIFE INSURANCE COMPANY shall disburse the proceeds  
9 of the settlement in accordance with the General Release. Payment of the compromise of the  
10 claim of M.B., Jr., which is approved by this order, shall be paid in the following manner:

11 (a) Pursuant to Probate Code § 3600 *et. seq.*, MetLife shall pay the amount of  
12 \$34,666.67, plus any applicable interest, by one or more checks or drafts, drawn payable to the  
13 order of Ruth Basta, as trustee and Guardian ad Litem for M.B., Jr. Each such check or draft  
14 must bear an endorsement on the face or reverse that it is for deposit in one or more interest-  
15 bearing, federally insured accounts in the name of Ruth Basta, as trustee for Claimant M.B., Jr.

16 (b) Fees and expenses shall be paid by Ruth Basta, as trustee and Gaurdian ad  
17 Litem for M.B., Jr. by one or more checks or drafts, drawn payable to the order of McCormick,  
18 Barstow, Sheppard, Wayte & Carruth, LLP, which are hereby authorized to be paid out of the  
19 proceeds of the settlement in the amount of \$1,131.00 for attorneys' fees, \$350.00 for costs, for a  
20 total of \$1,520.00.

21 3. Within 48 hours of receipt of a check or draft described in item 2(a), the petitioner  
22 must deposit the check or draft in the petitioner's name as trustee for the claimant in one or more  
23 blocked accounts at Travis Federal Credit Union, 2020 Harbison Drive, Vacaville, CA 95867  
24 (707-449-4000).

25 4. The petitioner must deliver to each depository a copy of this order, and a copy of  
26 the *Receipt and Acknowledgement of Order to Deposit Money Into a Blocked Account* ("receipt").  
27 The petitioner must provide a copy of the receipt to counsel Shane Cahill for filing within 15 days  
28 of the deposit. The sole responsibilities of petitioner are to place the balance in a blocked account

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1 or accounts and to timely provide counsel Shane Cahill with a copy of the receipt for filing.  
2 Counsel Shane Cahill shall file the receipt within 5 days of receipt.

3 5. The blocked account or accounts belong to claimant. Each account shall indicate  
4 the name of the minor that owns the account. The minor was born on January 8, 1999. No  
5 withdrawals of principal or interest shall be made from the blocked account or accounts without a  
6 written order under this case name and number, signed by a judge, and bearing the seal of this  
7 court, until the minor attains the age of 18 years, which shall be on January 7, 2017. When the  
8 minor attains the age of 18 years, the depository, without further court order of this Court, is  
9 authorized and directed to pay by check or draft directly to the former minor, upon proper  
10 demand, all moneys including interest deposited under this order. The money on deposit is not  
11 subject to escheat.

12 6. The petitioner is authorized and directed to execute any and all documents  
13 reasonably necessary to carry out the terms of the settlement.

14 **IT IS SO ORDERED.**

15 Dated: March 10, 2010

16 /s/ Sandra M. Snyder  
17 UNITED STATES MAGISTRATE JUDGE

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