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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

**KRISTA GARCIA, by and through her  
guardian ad litem Lorraine Marin,**  
  
**Plaintiff,**  
  
**v.**  
  
**CLOVIS UNIFIED SCHOOL  
DISTRICT, DOUGLAS BURNS, BARRY  
JAGER, GREG BASS, ANN-MAURA  
CERVANTES, MAI YIA MOUA, and  
DOES 1 through 20, inclusive,**  
  
**Defendants.**

**1:08-CV-1924 AWI DLB  
ORDER REGARDING EX  
PARTE PETITION TO  
APPROVE MINOR'S  
SETTLEMENT PURSUANT  
TO LOCAL RULE 202(b)**

(Doc. No. 78)

Minor-Plaintiff Krista Garcia has filed an ex parte application for the approval of a settlement.

Pursuant to Local Rule 202(b), all settlements reached on behalf of a minor must be approved by the Court. "In those actions in which the minor . . . is represented by an appointed representative pursuant to appropriate state law . . . the settlement or compromise shall first be approved by the state court having jurisdiction over the personal representative." Local Rule 202(b)(1). Following approval by the state court, the minor is to file the state court approval order and all supporting and opposing documents with this Court. See Local Rule 202(b)(1).

1 Once those documents are received, this Court “may either approve the settlement or  
2 compromise without hearing or calendar the matter for hearing.” Id.

3 This case was originally removed from the Fresno County Superior Court. Prior to  
4 removal, the Fresno Superior Court appointed Lorraine Marin as Garcia’s guardian ad litem. See  
5 Court’s Docket Doc. No. 8 at Ex. 7.

6 On August 24, 2010, the Fresno Superior Court approved of Garcia’s settlement. See  
7 id. at Doc. No. 78-1. The essential terms are that School District has agreed to pay Garcia  
8 \$145,000 in exchange for the settlement of the state court action, this action, and the appeal  
9 currently pending in the Ninth Circuit. See id. at Doc. No. 78-2. All individual Defendants are  
10 to be dismissed with prejudice. See id. After attorneys fees, other costs and expenses, and a sum  
11 for future medical treatment are subtracted, Garcia’s net recovery amounts to \$98,415.87. See id.  
12 at Doc. No. 78-1. In part, the Fresno County Superior Court ordered the proceeds of the  
13 settlement to be deposited in a blocked bank account, and the account belongs to Krista Garcia.  
14 See id. at Doc. Nos. 78-1, 78-11.

15 On August 27, 2010, Garcia filed her application for approval of settlement in this Court.  
16 Garcia has submitted the relevant state court documents, including the order approving the  
17 settlement signed by Superior Court Judge Franson on August 24, 2010. Included in Garcia’s  
18 state court documents is a statement of support of the settlement by the Defendants.

19 On September 3, 2010, Garcia filed under seal a report from a health care provider. Since  
20 September 3, 2010, there have been no further filings by any party.

21 After reviewing the state court order approving settlement, all of the documents  
22 associated with that approval, and the submission filed under seal, the Court is of the opinion that  
23 the compromise is fair and in the best interest of minor-Plaintiff Krista Garcia. Furthermore, in  
24 light of the state court filings and orders, the Court does not believe that a hearing is necessary.  
25 See Local Rule 202(b)(1).

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Minor-Plaintiff Krista Garcia's ex parte application for approval of settlement is  
3 GRANTED;
- 4 2. The settlement reached by the parties, as embodied by (and incorporated by reference for  
5 all purposes) Court's Docket Doc. Nos. 78-1, 78-2, & 78-11, is APPROVED; and
- 6 3. Within twenty-one days of this order, the parties shall file the appropriate dismissal  
7 papers with this Court.
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9 IT IS SO ORDERED.

10 Dated: September 20, 2010

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13 CHIEF UNITED STATES DISTRICT JUDGE  
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