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Attorneys for Plaintiff C.B., a minor

FILED

APR 03 2015

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY  DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

C.B., a minor,

Plaintiff,

v.

CITY OF SONORA; CHIEF OF POLICE
MACE MCINTOSH; OFFICER HAL
PROCK,

Defendants.

CASE NO. 1:09-CV-00285-AWI-SMS

ORDER FOR DISBURSEMENT

IT IS HEREBY ORDERED THAT:

Judgment was entered on September 30, 2011, on the docket of the above-titled action in this court in favor of Plaintiff, C.B., a minor, as Judgment Creditor, against Defendant CITY OF SONORA in the amount of \$100,000.00, against Defendant MACE MCINTOSH in the amount of \$120,000, and against Defendant HAL PROCK in the amount of \$65,000, as Judgment Debtors. Attorney's Fees of \$163,275.00 were awarded on September 30, 2011, on the docket of the above-titled action in this court in favor of Plaintiff, C.B., a minor, as Judgment Creditor, against all Defendants, CITY OF SONORA; CHIEF OF POLICE MACE MCINTOSH; OFFICER HAL PROCK, as Judgment Debtors.

On November 18, 2011, the court approved the Defendants' supersedeas bond deposit in the amount of 125% of the Judgment, including attorney's fees, i.e. \$542,385.36.

ORDER FOR DISBURSEMENT
Case No.: 1:09-CV-00285- AWI-SMS

1 On October 15, 2014, on En Banc Appeal, the Ninth Circuit Court of Appeals affirmed
2 in part and reversed in part this court's judgment, but only reduced the Judgment amount to
3 \$105,000 against Defendant MACE MCINTOSH, and to \$60,000 against Defendant HAL
4 PROCK. The reduced Judgment against all Defendants/Judgment Debtors totals \$265,000.

5 Since the entry of Judgment in this court, the following sums accrued: Interest of
6 \$10,302.24 accrued on the Judgment, computed at 1.1% APR, pursuant to 28 U.S.C. §1961(a)
7 and (b). Interest of \$6,347.55 accrued on the awarded Attorney's Fees, computed at
8 1.1% APR, pursuant to 28 U.S.C. §1961(a) and (b).

9 No payments were made by said Defendants/Judgment Debtors as of this date.

10 Plaintiff timely filed a Motion for Attorney's Fees on October 27, 2014, and a
11 Supplemental Motion for Attorney's Fees on March 4, 2015. Defendant opposed both motions.
12 Both of these motions are still pending before the Ninth Circuit Court of Appeals.

13 Defendants/Judgment Debtors exhausted all appellate remedies, including petitioning
14 for a Writ of Certiorari to the Supreme Court of the United States, which petition was denied
15 on February 23, 2013. The Ninth Circuit Court of Appeals issued a Mandate on February 25,
16 2015.

17 Accordingly, IT IS HEREBY ORDERED that Clerk is directed to disburse the funds as
18 follows:

19 Disburse to the Plaintiff as prevailing party the Judgment Amount of \$265,000.00,
20 Attorney's Fees of 163,275.00, interest in the amount of \$10,302.24 accrued on the Judgment,
21 and \$6,347.55 accrued on the awarded Attorney's Fees. Therefore, the Clerk is directed to
22 disburse the total amount of \$444,924.79 to Plaintiff.

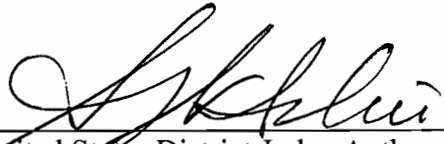
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Disburse the remaining funds (i.e., \$97,460.57) to the Defendants.

IT IS SO ORDERED.

Dated: April 3, 2015



Senior United States District Judge Anthony W. Ishii