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

D.C., et al.,

1:11-cv-01112-AWI-SAB

Plaintiffs,

ORDER DIRECTING DEFENDANTS TO  
FILE A RESPONSE TO PLAINTIFFS'  
SUPPLEMENTAL REQUEST OR TO  
WITHDRAW PRIOR OPPOSITION

vs.

OAKDALE JOINT UNIFIED SCHOOL  
DISTRICT, et al.,

Defendants.

\_\_\_\_\_ /

On November 15, 2011, Plaintiffs filed a Request for Approval of Proposed Settlement and Release of All Claims on Behalf of a Minor (the "Request for Approval"). (ECF No. 61.) The matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 303 for findings and recommendations to the Court. (ECF No. 63.)

Defendants filed an Opposition to Petition for Minor's Compromise on November 16, 2012 ("the Opposition"). (ECF No. 62.) Defendants informed the Court that they agree to the settlement, yet felt obligated file the Opposition because Plaintiffs' Request for Approval was procedurally deficient. Specifically, Defendants noted that (1) Plaintiffs failed to indicate whether they informed the Director of Healthcare Services of California about the settlement, as required by California's Welfare and Institution Code, (2) Plaintiffs failed to indicate whether any potential Medi-Cal liens have been or will be satisfied using settlement funds, and (3) Plaintiffs failed to obtain state court approval of the settlement prior to filing their Request for Approval.

1 Plaintiffs filed a Supplemental Request for Approval of Proposed Settlement on  
2 December 6, 2012 (the "Supplemental Request"). (ECF No. #65.) In the Supplemental  
3 Request, Plaintiffs informed the Court that (1) Plaintiffs notified Medi-Cal of the proposed  
4 settlement, (2) Plaintiffs intend to pay any Medi-Cal lien or invoice in full using funds from the  
5 settlement, and (3) Plaintiffs are not required to obtain state court approval of the settlement.

6 Having considered the filings by all parties, it appears that the concerns raised in  
7 Defendants' Opposition may have been adequately addressed in Plaintiffs' Supplemental  
8 Request. However, the Court will grant Defendants an opportunity to file a response or, in the  
9 alternative, to inform the Court that Defendants wish to withdraw their Opposition. Should  
10 Defendants opt to file a response, Defendants are specifically directed to address how any  
11 remaining procedural defects impact the fairness of the settlement with respect to the minor  
12 plaintiff.

13 In the event that Defendants inform the Court that they wish to withdraw their  
14 previously filed Opposition, the Court will take the scheduled January 25, 2013 hearing off  
15 calendar and issue a decision without oral argument. Additionally, should Defendants  
16 withdraw their Opposition, the parties are directed to jointly submit a proposed order regarding  
17 the Request for Approval and Supplemental Request by January 23, 2013.

18 Based on the foregoing, it is HEREBY ORDERED that:

- 19 1. Defendants shall file a response to Plaintiffs' Supplemental Request or file a  
20 notice of intent to withdraw their Opposition; and
- 21 2. Defendants shall file their response or notice of intent to withdraw by January  
22 18, 2013.

23 IT IS SO ORDERED.

24 **Dated: January 8, 2013**

**/s/ Stanley A. Boone**  
UNITED STATES MAGISTRATE JUDGE