

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

I.R. a minor, individually and as a successor in interest to Raul Rosas and by and through her *guardian ad litem*, Claudia Nava, et al..

Plaintiffs,

V.

CITY OF FRESNO, a municipality, et al.,

Defendants.

Raul Rosas, an individual, and Eva Rosas, an individual, et al.,

Plaintiffs,

V.

CITY OF FRESNO, a municipality, et al.,

Defendants.

1:12-cv-00558-AWI-GSA

(Consolidated with Case No. 1:13-cv-00850
AWI-GSA)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
PLAINTIFF'S MOTION FOR APPROVAL
OF SETTLEMENT AND COMPROMISE
OF MINORS' CLAIMS AND REQUEST
FOR EXTENSION OF TIME BE
GRANTED**

(Doc. No. 131)

On January 12, 2015, the Magistrate Judge issued Findings and Recommendations that Plaintiff's Motion for Approval of Settlement and Compromise of Minors' Claims and Request for Extension of Time be granted. (ECF No. 131.) These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be

1 filed within fifteen (15) days after service of the Order. No objections were filed.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
3 *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the
4 Magistrate Judge's Findings and Recommendations are supported by the record and proper
5 analysis.

6 Accordingly, IT IS HEREBY ORDERED THAT:

- 7 1. The Findings and Recommendations issued January 12, 2015, are ADOPTED IN
8 FULL;
- 9 2. The settlement of minor I.R. and H.R.'s action against the Defendants in the
10 amount of \$30,000 distributed as \$15,000 to each minor plaintiff is APPROVED;
- 11 3. Petitioners' request that Claudia Nava receive an immediate disbursement of
12 \$1,000 (\$500 for each minor plaintiff), to be used solely for the present needs of
13 the two minor children, including food, clothing, and furniture, is APPROVED;
- 14 4. Plaintiffs shall inform Defendants as to the amounts and payees of the settlement
15 drafts consistent with this Order within five (5) days after the date of this Order;
- 16 5. Petitioners shall purchase annuity policies from MetLife with the funds set aside
17 for the Minors in amounts consistent with those set forth in the Findings and
18 Recommendations. MetLife shall act as the guarantor for assignee of the
19 payments;
- 20 6. Annuity disbursements shall be made payable and be issued directly to:
 - 21 a. I.R. in the amounts of \$2,800 on July 17, 2029 and \$6,043 on July 17,
22 2031; and,
 - 23 b. H.R. in the amounts of \$2,350 on May 12, 2025 and \$5,175 on May 12,
24 2027.
 - 25 c. In the event that any of the Minors becomes deceased before reaching the
26 ages described above, the settlement proceeds used to purchase that
27 deceased minor child's annuity and any interest derived therefrom as of the
28 date of said death is to be distributed to the surviving minor plaintiff; and,

d. Except as set forth herein, there shall be no access to any of the funds allocated to the Minors until the specified dates, absent a Court order.

7. Petitioners shall submit proof of the funding of the above referenced annuities to the Court within sixty (60) days;
8. The request for attorneys' fees in the amount of \$9,999 and costs in the amount of \$7,234 is approved; and,
9. All claims against the Defendants will be dismissed with prejudice by a separate order to be submitted by the parties. Plaintiff's counsel shall submit such dismissal within five (5) days after: (a) payment of the agreed settlement amount is made; and (b) the required proof outlined in paragraph 6 has been submitted to the Court. Any currently existing deadline to file a dismissal is extended accordingly.

IT IS SO ORDERED.

Dated: January 28, 2015

Ashblu
SENIOR DISTRICT JUDGE