

1 a copy of the Mediated Settlement Agreement and Release of Claims. (ECF Nos. 106,
2 107.)

3 In the context of proposed settlements involving minors, the Court has a special
4 duty to “conduct its own inquiry to determine whether the settlement serves the best
5 interests of the minor.” Robidoux v. Rosengren, 638 F.3d 1177, 1181 (9th Cir. 2011)
6 (citations omitted). The focus on such inquiry is the net recovery to the minor plaintiff,
7 and whether that recovery is fair and reasonable. Id. at 1181-82. The Court should
8 consider “the facts of the case, each minor's claims, and typical recovery by minor
9 plaintiffs in similar cases.” Id. at 1182. Here, the petition sets out the facts of the case,
10 the minor's claims, and the proposed recovery. However, it does not address the typical
11 recovery by minor plaintiffs in similar cases.

12 Additionally, Local Rule Local Rule 202(b) sets forth that “[n]o claim by or against
13 a minor or incompetent person may be settled or compromised absent an order by the
14 Court approving the settlement or compromise.” Local Rule 202(b)(2) further requires
15 that an application for approval of a settlement of a minor include: “the age and sex of
16 the minor or incompetent, the nature of the causes of action to be settled or
17 compromised, the facts and circumstances out of which the causes of action arose,
18 including the time, place and persons involved, the manner in which the compromise
19 amount or other consideration was determined, including such additional information as
20 may be required to enable the Court to determine the fairness of the settlement or
21 compromise” Here, the petition generally addresses these factors. However, little
22 information has been provided that would allow the Court to assess the fairness or
23 reasonableness of the settlement, in particular the amount allocated to providing future
24 education and services for A.A.

25 Based on the foregoing, Plaintiffs are HEREBY ORDERED to submit
26 supplemental briefing within fourteen (14) days of the date of service of this order,
27
28

1 addressing the typical recovery by minor plaintiffs in similar cases and any other
2 information that would enable the Court to determine the fairness of the settlement.

3
4 IT IS SO ORDERED.

5 Dated: September 29, 2017

1st Michael J. Seng
6 UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28