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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

TARA GARLICK, et al.,)	Case No.: 1:13-cv-01051 - LJO - JLT
Plaintiffs,)	
v.)	ORDER ADOPTING IN FULL THE FINDINGS
)	AND RECOMMENDATIONS GRANTING
COUNTY OF KERN, et al.,)	APPROVAL OF THE COMPROMISE ON
)	BEHALF OF MINOR PLAINTIFF J.S.
Defendants.)	
)	

This matter arises out of the death of David Silva which, it is claimed, was caused by the application of excessive and unreasonable use of force by various law enforcement officers. Minor Plaintiff J.S. is a surviving child of the decedent, and seeks approval of the settlement reached with Defendants, by and through her mother and guardian ad litem Adriane Dominguez. (Doc. 248) On August 2, 2016, the magistrate judge recommended the settlement be approved, and the funds distributed as proposed by the parties. (Doc. 251)

The parties were given fourteen days to file any objections to the recommendation. (Doc. 251 at 6) In addition, the parties were “advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order.” (Id., citing Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)). To date, no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case.

1 Having carefully reviewed the file, the Court finds the Findings and Recommendations are supported
2 by the record and proper analysis.

3 Accordingly, **IT IS HEREBY ORDERED:**

- 4 1. The Findings and Recommendations dated August 2, 2016 (Doc. 251) are **ADOPTED**
5 **IN FULL;**
- 6 2. The petitions to approve settlement of the J.S. claims (Docs. 239, 248) are **GRANTED;**
- 7 3. The County of Kern is **DIRECTED** to pay \$158,400 to “ADRIANE DOMINGUEZ, as
8 the Guardian Ad Litem for JADE SILVA, a minor, in trust to the Law Office of John L.
9 Burris”;
- 10 4. The State of California be **DIRECTED** to pay \$21,600 to “ADRIANE DOMINGUEZ,
11 as the Guardian Ad Litem for JADE SILVA, a minor, in trust to the Law Office of John
12 L. Burris”;
- 13 5. The request for attorneys’ fees in the amount of \$45,000 and costs (in the amount of
14 \$2,866.30), is **APPROVED;**
- 15 6. Of the settlement amount, \$10,695.98 **SHALL** be disbursed immediately by the Law
16 Office of John Burris to Adriane Dominguez to pay for ballet lessons, a laptop
17 computer and orthodontia services for the child. The remainder of the settlement
18 proceeds, \$121,437.72, **SHALL** be placed in an interest-bearing blocked trust account
19 at an FDIC insured banking institution for the benefit of J.S. This amount will be
20 disbursed to J.S. on her 18th birthday; and
- 21 7. The parties **SHALL** file a stipulation for dismissal of the action with prejudice, and
22 lodge a separate order, within ten days of the date of service of this Order.

23
24
25 IT IS SO ORDERED.

26 Dated: August 22, 2016

/s/ Lawrence J. O’Neill
27 UNITED STATES CHIEF DISTRICT JUDGE