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

E.S., a minor, by and through her guardian ad litem, Valine Gonzalez; J.F., a minor, by and through his guardian ad litem, Bridget Flores; and MARIA MORENO, in each case individually and as successor in interest to Armando Santibanez, deceased,)	Case No.: 1:13-cv-01697-LJO-BAM
)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS REGARDING UNOPPOSED PETITION FOR APPROVAL OF COMPROMISE OF THE CLAIMS OF E.S., BY AND THROUGH HER GUARDIAN AD LITEM VALINE GONZALES
Plaintiffs,)	
v.)	(Docs. 77, 78)
)	
CITY OF VISALIA; TIM HAENER; and DOES 2-10, inclusive,)	
Defendants.)	

On November 3, 2015, the magistrate judge assigned to this action issued Findings and Recommendations recommending that the Petition for Approval of Compromise of the Claims of E.S., by and through her Guardian Ad Litem Valine Gonzales be approved and granted. (Doc. 78). The Findings and Recommendations contained notice that any objections were to be filed within fourteen (14) days. Defendants filed a statement of non-opposition on November 17, 2015. (Doc. 80). No objections were filed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de
2 novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and
3 recommendations to be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Findings and Recommendations dated November 3, 2015, are ADOPTED IN
6 FULL;

7 2. The Petition for Approval of Compromise of the Claims of E.S., by and through her
8 Guardian Ad Litem Valine Gonzales, is APPROVED and GRANTED as follows:

9 a. The settlement of minor E.S.'s action against the Defendants in the amount of
10 \$225,000 is approved.

11 b. Defendants, through counsel, shall prepare and deliver the drafts for the settlement
12 proceeds in the amount of \$225,000 no later than fourteen (14) days after final
13 approval of the petition, payable as follows:

14 i. A draft for \$94,555.17 payable to the Law Offices of Dale K. Galipo. These
15 funds shall be used to satisfy the attorney fees and costs owed by minor
16 plaintiff E.S. to Plaintiffs' counsel.

17 ii. From the total gross settlement, Defendants shall issue a settlement check in
18 the amount of \$130,444.83 to fund and purchase the structured annuity for
19 the minor Plaintiff E.S. The check will be made payable to "Prudential
20 Assigned Settlement Services Corporation" (hereinafter referred to
21 Assignee(s)), which will provide periodic payments to be made by
22 Prudential Insurance Company of America (hereinafter referred to as
23 "Annuity Carrier(s)"). Annuity Carrier(s) shall provide periodic payments in
24 accordance with "Exhibit A" to the Declaration of Dale K. Galipo and as set
25 forth below.

26 iii. Disbursement drafts will be made payable and will begin being issued
27 directly to E.S. upon reaching the age of maturity according to the following
28 payment schedule:

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1. \$20,000.00 Payable Annually, guaranteed for 4 years, commencing on 7/5/2031 at age 18
 2. \$20,000.00 Lump Sum Payment on 7/5/2035 at age 22
 3. \$30,000.00 Lump Sum Payment on 7/5/2037 at age 24
 4. \$40,000.00 Lump Sum Payment on 7/5/2039 at age 26
 5. \$114,269.00 Lump Sum Payment on 7/5/2041 at age 28
- iv. Defendants will make a “qualified assignment” within the meaning of Section 130(c), of the Internal Revenue code of 1986, as amended, to Assignee(s), of the Defendants’ liability to make the periodic payments as described above and in “Exhibit A” to the Declaration of Dale K. Galipo. Such assignment, if made, shall be accepted by Plaintiff E.S. without right of rejection and shall completely release and discharge Defendants from such obligations hereunder as are assigned to Assignee(s).
- v. Defendants and/or Assignee(s) shall have the right to fund its liability to make periodic payments by purchasing a “qualified funding asset,” within the meaning of Section 130(d) of the Code, in the form of an annuity policy from the Annuity Carrier(s).
- vi. The Assignee(s) shall be the owner of the annuity policy or policies, and shall have all rights of ownership.
- vii. The Assignee(s) may have Annuity Carrier(s) mail payments directly to E.S. as set forth above. Valine Gonzales (until Plaintiff E.S. reaches the age of majority, and then E.S.) shall be responsible for maintaining the current, proper mailing address and mortality information to Assignee(s).

3. The request for attorneys’ fees in the amount of \$90,000 and costs in the amount of \$4,555.17 is approved.

IT IS SO ORDERED
Dated: November 20, 2015

/s/ Lawrence J. O’Neill
United States District Judge