

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THE ESTATE OF CHRISTOPHER
MCDANIEL, CAMERON MCDANIEL,
individually and as Successor in
Interest to CHRISTOPHER
MCDANIEL, DAMON MCDANIEL
individually, and GUNNER MCDANIEL,
individually, by and through his
Guardian Ad Litem CATHY LOWELL

Plaintiff,

vs.

COUNTY OF KERN, KERN COUNTY
SHERIFF'S DEPARTMENT, AARON
WARMERDAM, JEFFREY KELLEY,
and DOES 1 THROUGH 25,
INCLUSIVE.

Defendants

Case No.: 1:15-CV-01320-JAM-JLT

**ORDER ON STIPULATED PETITION
FOR APPROVAL OF MINOR'S
COMPROMISE OF CLAIMS**

Date: December 5, 2017
Time: 1:30 p.m.
Courtroom: 6

I. INTRODUCTION

Plaintiff GUNNAR MCDANIEL is a minor in this action. Pending before the Court is a Petition for Minor's Compromise filed on November 21, 2017 by CATHY LOWELL,

1 Guardian Ad Litem to GUNNAR MCDANIEL and Defendants COUNTY OF KERN,
2 KERN COUNTY SHERIFF'S DEPARTMENT, AARON WARMERDAM and JEFFREY
3 KELLEY.

4 Based on the Stipulated Petition for Approval of Minor's Compromise of Claim, **IT**
5 **IS HEREBY ORDERED** that:

6 A. Total Settlement in the amount of \$225,000 and payable as follows is
7 **APPROVED**; and,

8 1. Defendants Kern County, Kern County Sheriff's Department,
9 Deputy Aaron Warmerdam and Deputy Jeffrey Kelley will pay the
10 sum of **\$37,641.08** directly to ATLAS SETTLEMENT GROUP, INC.
11 Atlas Settlement Group will pay the \$37,641.08 to Pacific Life
12 Insurance Company for an annuity with a lifetime payout totaling
13 \$42,183.23 for the benefit of minor child GUNNAR MCDANIEL with
14 disbursements to be made as follows:

15 a. \$7,500 payable annually for four (4) years
16 commencing on August 5, 2021 with last guaranteed
17 payment on August 5, 2024. outlined above; and

18 2. Defendants County of Kern, Kern County Sheriff's Department,
19 Deputy Aaron Warmerdam and Deputy Jeffrey Kelley will also pay
20 the sum of **\$187,358.92** directly to Michael J. Curls Client Trust
21 Account for Cameron McDaniel, Damon McDaniel as follows:

22 a. Settlement Proceeds in the amount of **\$75,282.16**
23 shall be distributed to the adult plaintiffs as follows:

24 (1) Cameron McDaniel **\$37,641.08**

25 (2) Damon McDaniel **\$37,641.08**

26 b. Attorneys' fees and costs shall be paid to the Law
27 Office of Michael J. Curls as follows:

28 (1) Costs and expenses that were incurred and/or

1 advanced by counsel total **\$22,076.74** which
2 amount will be borne equally by all Plaintiffs;
3 and,

4 (2) Attorney's fees in the amount of **\$90,000** to be
5 borne equally by all Plaintiffs

6 B. The parties shall submit proof of the funding of the above-referenced
7 annuity to the Court within sixty (60) days; and,

8 C. All claims against the Defendants will be dismissed with prejudice by a
9 separate order to be submitted by the parties. Plaintiffs' counsel will submit such
10 dismissal within five (5) days after (a) payment of the agreed settlement amount is
11 made; and (b) the required proof outlined in paragraph B. has been submitted to the
12 Court.

13
14 **IT IS SO ORDERED.**

15
16 DATED: November 27, 2017

17
18
19 /s/ JOHN A. MENDEZ

20 John A. Mendez
21 Judge of the United States District Court