

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,

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

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

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

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

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

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

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

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

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

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

(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

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

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

14 **IT IS SO ORDERED.**

15  
16 DATED: November 27, 2017  
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19 **/s/ JOHN A. MENDEZ**

20 John A. Mendez

21 Judge of the United States District Court  
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