

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

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

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 issue a
check in the sum of **\$37,641.08** made payable to PACIFIC LIFE &
ANNUITY SERVICES, INC. to be delivered to ATLAS
SETTLEMENT GROUP, INC. Atlas Settlement Group will tender
the check in the amount of \$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 advanced by counsel total **\$22,076.74** which amount will be borne equally by all Plaintiffs; and,

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

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

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

IT IS SO ORDERED.

DATED: 12/6/2017

/s/ John A. Mendez

Hon. John A. Mendez

United States District Court Judge