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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 Kristi Lauris, et al.,

12 Plaintiffs,

13 v.

14 Novartis AG, et al.,

15 Defendants.

Case No. 1:16-cv-00393-SAB

ORDER MODIFYING APPROVAL OF  
SETTLEMENT AND COMPROMISE OF  
MINOR'S CLAIMS

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17 On November 6, 2018, an order issued granting Plaintiffs' petition for approval of  
18 settlement and compromise of minor Plaintiff L.L.'s claims. (ECF No. 435.) In approving the  
19 petition, the Court ordered that Plaintiff L.L.'s settlement amount be deposited into a fixed  
20 annuity with New York Life as forth in the declaration of Richard M. Elias (filed as ECF No.  
21 429). Id.

22 Subsequently, Plaintiffs' counsel informed the Court of unforeseen difficulties in  
23 purchasing the fixed term annuity due to concerns about tax penalties that apply to any  
24 withdrawals of income earned by the annuity taken prior to age fifty-nine and a half. As an  
25 alternative, Plaintiffs' counsel has proposed that the settlement amount be deposited into a  
26 guaranteed period income ("GPI") annuity with a term of seven years. The GPI annuity  
27 provides that the annuity amount plus interest will be paid to L.L. in equal payments over the  
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1 course of seven years. Such payments are not subject to any tax penalties.

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3 The Court finds that the proposed GPI annuity is an appropriate investment for Plaintiff  
4 L.L. that will ensure that she will have the ability to pay for the reasonable expenses that she  
5 will incur during her college career, while preventing her from gaining immediate access to all  
6 of the settlement funds.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The November 6, 2018 order is modified and a GPI annuity with New York Life  
9 shall be purchased for the minor;
- 10 2. Plaintiffs' counsel shall file under seal proof that the monies were deposited into  
11 said GPI annuity within five days of the purchase of the GPI; and
- 12 3. Except as described specifically herein, all other aspects of the November 6,  
13 2018 order remain intact.

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15 IT IS SO ORDERED.

16 Dated: **December 21, 2018**

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UNITED STATES MAGISTRATE JUDGE