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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCO MACIAS, *et al.*

 Plaintiffs,

 v.

City of Delano., *et al.*

 Defendants.

Case No. 1:18-cv-01634-ADA-CDB

FINDINGS AND RECOMMENDATIONS TO
GRANT PLAINTIFFS’ EX PARTE PETITION
FOR APPROVAL OF MINOR’S
COMPROMISE

(Docs. 79, 81)

14-DAY DEADLINE

On April 25, 2023, Plaintiffs filed an ex parte petition for approval of minor’s compromise for Plaintiff M.M. (Doc. 79). On May 12, 2023, the Court issued an order requiring Plaintiffs to submit supplemental briefing. (Doc. 80). The Court found the petition satisfied the requirements of Local Rules 202(c) and 202(e). *Id.* at 4-5. However, the Court determined supplemental briefing was necessary to develop the record on steps the parties took to obtain this settlement, the suitability of the settlement amount, and the proposed attorneys’ fees. *Id.*

On May 27, 2023, Plaintiffs filed a supplement in support of the petition for approval of compromise for minor Plaintiff M.M. (Doc. 81). Plaintiffs address the steps the parties took to settle this matter and represented “that the proposed compromise settlement [is] fair, reasonable, and in the best interests of said minor [P]laintiff.” *Id.* at 3. Plaintiffs provide case authority citing examples of recoveries in similar cases demonstrating the suitability of the settlement amount. *Id.* Plaintiffs also

1 argue the attorneys' fees set at 33.3% is "appropriate and reasonable because this matter was within
2 ninety (90) days of the Final Pretrial Conference" and "substantial work in preparation for trial,
3 including but not limited to pretrial filings and preparing exhibits and witnesses, was completed." *Id.*

4 Plaintiffs' petition and supplemental briefing satisfies the requirement of Local Rule 202(b)(2).
5 Plaintiffs have disclosed sufficient information for the Court to determine the compromise is fair.
6 Further, Plaintiffs' supplemental briefing provides supporting authority that shows the compromise is
7 fair and reasonable. Moreover, Plaintiffs' supplemental briefing establishes good cause for Plaintiffs'
8 attorneys' fees, based on the expenditure of time and resources litigating this case. Accordingly, in
9 light of Plaintiffs' ex parte petition for M.M. for approval of minor's compromise (Doc. 79), the attached
10 declaration (Doc. 79-1), and Plaintiffs' supplemental brief (Doc. 81), the undersigned finds the
11 proposed minor's compromise is a fair and reasonable settlement of this action, and recommends
12 granting the ex parte petition.

13 Accordingly, IT IS HEREBY RECOMMENDED that:

- 14 1. Plaintiffs' ex parte petition to approve minor's compromise for minor Plaintiff M.M. (Doc.
15 79) be GRANTED; and
- 16 2. The Court approve the minor's compromise according to the terms set forth in the ex parte
17 petition to approve the minor's compromise for minor Plaintiff M.M.

18 These findings and recommendations will be submitted to the United States district judge
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) days
20 after being served with these findings and recommendations, Plaintiff may file written objections with
21 the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
22 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
23 result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)
24 (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

25 IT IS SO ORDERED.

26 Dated: May 31, 2023

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28 _____
UNITED STATES MAGISTRATE JUDGE