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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

J.G., A.G., A.P., and L.P., in each case by  
and through their guardian ad litem, Maria  
Pantoja, individually and as a successor in  
interest to Richard Posadas, deceased, and  
LOURDES VAUGHNAN, individually,

Plaintiffs,

v.

CITY OF ARVIN; KEVIN  
ARCHULETA; ALDO ORNALES;  
PATRICIA STEWART,

Defendants.

Case No. 1:20-cv-00941-JLT-CDB

**ORDER REQUIRING PLAINTIFFS TO  
SUBMIT SUPPLEMENTAL BRIEFING  
ON PETITION FOR COMPROMISE OF  
MINORS' CLAIMS**

**FOURTEEN DAY DEADLINE**

(ECF No. 10)

On November 11, 2022, plaintiffs J.G., A.G., A.P., and L.P., by and through their guardian ad litem, Maria Pantoja, filed an unopposed Ex Parte Application for Approval of Compromise of the Claims of Minor Plaintiffs. (ECF No. 24.) The petitions addressed the compromise of the minors' claims under California Rules of Court 7.950 and 7.951 as well as Federal Rule of Civil Procedure 17(c).

“District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors.” Robidoux v. Rosengren, 638 F.3d 1177, 1181 (9th Cir. 2011). “In the context of proposed settlements in suits involving minor plaintiffs, this special duty requires a district court to ‘conduct its own inquiry to determine whether the

1 settlement serves the best interests of the minor.” Robidoux, 638 F.3d at 1181 (quoting Dacanay  
2 v. Mendoza, 573 F.2d 1075, 1080 (9th Cir. 1978)).

3 The Local Rules for this district provide that “[n]o claim by or against a minor . . . may be  
4 settled or compromised absent an order by the Court approving the settlement or compromise.”  
5 L.R. 202(b). “In actions in which the minor . . . is represented by an appointed representative  
6 pursuant to appropriate state law, excepting only those actions in which the United States courts  
7 have exclusive jurisdiction, the settlement or compromise shall first be approved by the state  
8 court having jurisdiction over the personal representative.” L.R. 202(b)(1). In all other actions,  
9 the motion for approval of a proposed settlement shall be filed pursuant to Local Rule 230, and  
10 must disclose, among other things, the following:

11 the age and sex of the minor or incompetent, the nature of the causes  
12 of action to be settled or compromised, the facts and circumstances  
13 out of which the causes of action arose, including the time, place and  
14 persons involved, the manner in which the compromise amount or  
15 other consideration was determined, including such additional  
16 information as may be required to enable the Court to determine the  
17 fairness of the settlement or compromise, and, if a personal injury  
18 claim, the nature and extent of the injury with sufficient particularity  
19 to inform the Court whether the injury is temporary or permanent. If  
reports of physicians or other similar experts have been prepared,  
such reports shall be provided to the Court. The Court may also  
require the filing of experts’ reports when none have previously been  
prepared or additional experts’ reports if appropriate under the  
circumstances. Reports protected by an evidentiary privilege may be  
submitted in a sealed condition to be reviewed only by the Court in  
camera, with notice of such submission to all parties.

20 L.R. 202(b)(2). “When the minor or incompetent is represented by an attorney, it shall be  
21 disclosed to the Court by whom and the terms under which the attorney was employed; whether  
22 the attorney became involved in the application at the instance of the party against whom the  
23 causes of action are asserted, directly or indirectly; whether the attorney stands in any relationship  
24 to that party; and whether the attorney has received or expects to receive any compensation, from  
25 whom, and the amount.” L.R. 202(c).

26 Additionally, under Robidoux, the Court is to consider if the “net amount distributed to  
27 [the] minor plaintiff in the settlement is fair and reasonable, in light of the facts of the case, the  
28 minor’s specific claim, and **recovery in similar cases.**” Robidoux, 638 F.3d at 1181-82

1 (emphasis added).

2 Here, plaintiffs' Ex Parte Application does not contain sufficient information to enable the  
3 Court to determine under Robidoux whether the proposed compromise is "fair and reasonable."  
4 Specifically, in support of the proposed compromise figure of \$225,000, plaintiffs fail to explain  
5 how that amount is tethered to the facts and circumstances under which this action arose,  
6 including whether any particular challenges were encountered that justify the proposed settlement  
7 amount. Likewise, plaintiffs wholly fail to address recoveries in similar cases in sufficient detail  
8 for the Court to consider the fairness of the settlement here. Furthermore, plaintiffs do not set  
9 forth how they reached the reimbursement figure of \$7,949.67 to be divided among the minor  
10 plaintiffs.

11 Based on the foregoing, IT IS HEREBY ORDERED that within **fourteen (14) days** of the  
12 date of entry of this order, plaintiffs shall file a supplemental brief addressing the issues identified  
13 in the paragraph above.

14 IT IS SO ORDERED.

15 Dated: November 16, 2022

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18 UNITED STATES MAGISTRATE JUDGE

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