

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LIFE INSURANCE COMPANY OF THE
SOUTHWEST,

Plaintiff in Interpleader,

v.

JOEY MUA, et al.,

Defendants in
Interpleader.

Case No. 1:22-cv-00075-ADA-EPG

ORDER ADOPTING IN FULL FINDINGS
AND RECOMMENDATIONS,
RECOMMENDING THAT THE
APPLICATION FOR APPROVAL OF
MINORS' SETTLEMENT BE APPROVED

(ECF Nos. 44, 47)

This matter is before the Court on the application for approval of minors' settlement filed by Defendant Youa Lee, who is the state-appointed Guardian of Minors C.A.M. and E.K.M. (ECF No. 44.) The Court referred the application to the assigned Magistrate Judge for the preparation of findings and recommendations and/or other appropriate action. (ECF No. 46.)

On September 8, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that the application be approved. (ECF No. 47.) The Parties were permitted fourteen days to file objections to the findings and recommendations. (*Id.* at 8.) To date, no objections have been filed and the time to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

///

1 Accordingly,

- 2 1. The Findings and Recommendations issued on September 8, 2023, (ECF No. 47), are
3 ADOPTED in FULL;
- 4 2. The application for approval of the Minors' settlement, (ECF No. 44), is APPROVED;
- 5 3. The funds deposited with the Court shall be distributed as follows:
- 6 a. \$115,000 to be deposited to Defendant-in-Interpleader Mainhia Vue, through her
7 counsel of record, Kim Flores, Berliner Cohen, LLP, 548 West 21st St., Merced,
8 California 95340 telephone (209) 385-0700 and (209) 385-3789 email:
9 Kim.Flores@berliner.com. The payment should be made payable to the "Berliner
10 Cohen LLP Attorney Client Trust Account" and mailed to that office address.
11 Counsel for Mainha Vue shall provide any other documents needed by the Clerk to
12 complete this disbursement;
- 13 b. The remaining funds, *i.e.*, the remaining principal and any interest that has accrued,
14 shall be paid for the benefit of the four other Defendants-in-Interpleader of the Mua
15 Family. Defendant-in-Interpleader Joey Mua and Defendant-in-Interpleader Lillian
16 Mua are to receive each 25% of the remaining funds, through their counsel of record,
17 with the check made payable to "Adept Law Firm, Attorney Client Trust Account"
18 sent to Joseph S. Fogel, Adept Law Firm, 4500 Park Granada, Suite 202 F,
19 Calabasas, CA 91302-1663 telephone (818) 986-7100. This payment shall be a total
20 of 50% of the remaining funds, including any amounts of interest that have accrued
21 after the deposit of the funds with the Court. Counsel for Lillian Mua and Joey Mua
22 shall provide any other documents needed by the Clerk to complete this
23 disbursement;
- 24 c. The other 50% of the remaining funds, including any amounts of interest that have
25 accrued after the deposit of the funds with the Court, shall be paid for the benefit of
26 Defendants-in-Interpleader C.A.M., a minor (25%) and E.K.M., a minor (25%),
27 with the check made payable to "Adept Law Firm, Attorney Client Trust Account"
28 sent to Joseph S. Fogel, Adept Law Firm, 4500 Park Granada, Suite 202 F,

1 Calabasas, CA 91302-1663 telephone (818) 986-7100;

2 i. Counsel for the Minors' claim is approved and granted, and their counsel
3 may deduct 25% of the amounts received for each minor as attorney fees,
4 and may deduct the amount of \$337.50 from each minor's funds for costs,
5 with the remaining net amounts for the benefit of each minor. The State
6 Court filing required the payment of additional costs for filing the Petition
7 for Approval (\$460.77), for payment of a Court reporter fee (\$30.00) and the
8 cost for the order (\$12.72) for total additional costs of \$503.49 paid on behalf
9 of the minors, and which is an additional cost for repayment;

10 ii. Those remaining net amounts, for each minor, shall be deposited in a blocked
11 account, for the benefit of the minor, available to the minor upon turning 18.
12 The account shall be at a Federally regulated and FDIC insured financial
13 institution. The Court shall retain jurisdiction over the Minor's interests,
14 until each turns 18; and

15 4. The parties are directed to file a stipulation of dismissal within thirty days of the
16 disbursement of the funds.

17
18
19
20 IT IS SO ORDERED.

21 Dated: October 18, 2023

22 
23 _____
24 UNITED STATES DISTRICT JUDGE
25
26
27
28