

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

ESTATE OF MARK ANTHONY SCOTT,  
et al.,  
  
  Plaintiffs,  
  
  v.  
  
COUNTY OF SACRAMENTO, et al.,  
  
  Defendants.

No. 2:13-cv-0024-GEB-KJN

ORDER

On April 2, 2015, the court conducted a hearing on plaintiffs’ motion to compel defendant County of Sacramento to issue a new settlement check. (ECF No. 79.) At the hearing, attorney Stewart Katz appeared on behalf of plaintiffs, and attorney Jesse Rivera appeared on behalf of defendants.

For the reasons discussed with the parties on the record at the hearing, IT IS HEREBY ORDERED that:

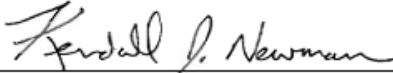
1. Plaintiffs’ motion for issuance of a new settlement check (ECF No. 79) is GRANTED on the terms outlined in this order.
2. Within 30 days of this order, and pursuant to the parties’ settlement agreement in this matter, defendant County of Sacramento shall issue and provide to plaintiffs’ counsel

1 a new settlement check made payable to Mary Scott individually.<sup>1</sup>

2 3. The court's order requiring issuance of the new settlement check, as outlined above, is  
3 with recognition that, by endorsing, cashing, and/or depositing the new settlement  
4 check made payable to Mary Scott individually, Mary Scott does so BOTH (a) in her  
5 individual capacity, AND (b) in her capacity as successor in interest to the Estate of  
6 Mark Anthony Scott, deceased. Importantly, the issuance and acceptance of a new  
7 settlement check made payable to Mary Scott individually, which is done for the  
8 essentially administrative purpose of rendering the settlement check negotiable, does  
9 not in any way alter the settlement agreement or any of the releases and  
10 indemnifications set forth in that settlement agreement.

11 IT IS SO ORDERED.

12 Dated: April 3, 2015

13   
14 \_\_\_\_\_  
15 KENDALL J. NEWMAN  
16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23

24 <sup>1</sup> Although the parties' settlement agreement calls for payment to be made to the "Estate of Mark  
25 Anthony Scott, deceased, by and through Mary Scott as Successor In Interest and Mary Scott,  
26 individually," defendant County of Sacramento, due to space and character limitations imposed  
27 by its check writing program, has issued a check made payable to "Mary Scott Individually &  
28 The Estate of Mark Anthony Scott." However, for the reasons stated in greater detail in the  
parties' briefing concerning plaintiffs' motion, no bank has been willing to accept the check as  
issued. (See ECF No. 82.) At the hearing, plaintiffs' counsel returned that check to defendants'  
counsel.