

1 Bruce G. Fagel, (103674)
 2 LAW OFFICES OF BRUCE G. FAGEL &
 3 ASSOCIATES
 4 100 North Crescent Drive, Suite 360
 5 Beverly Hills, California 90210
 6 Tel: (310) 281-8700
 7 Fax: (310) 281-5656
 8 BruceFagel@fagellaw.com

9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 I.P., A MINOR, BY AND THROUGH
 13 HER GUARDIAN AD LITEM,
 14 FACUNDO PALACIO DIAZ, MICAELA
 15 PALACIO,

16 Plaintiffs,

17 v.

18 UNITED STATES OF AMERICA,

19 Defendant.

20 Case No. 2:13-cv-01012 JAM-CKD

21 ~~PROPOSED~~ ORDER
 22 APPROVING DISPOSITION OF
 23 PROCEEDS OF JUDGMENT

24 Courtroom 6, 14th floor
 25 Judge: Hon. John A. Mendez

26 1. Petitioner FACUNDO PALACIO DIAZ, parent and guardian ad litem of the
 27 minor plaintiff I.P., a female, age 4 years of age (born xx/xx/2012), has petitioned for court
 28 approval of a proposed disposition of the proceeds of a judgment for a minor.

2. Claimant I.P., is a minor described in California Probate Code section 3600 for
 which the Court gave judgment. The judgment was entered against defendant United
 States of America, the "payer":

3. **The Court Finds** that all notices required by law have been given.

4. **The Court Orders:**

a. The petition is granted and the proposed disposition of the proceeds of the
 judgment is approved. The gross amount of the judgment in favor of claimant is
 \$9,602,805, less \$243,500 for a prior settlement with Banner Health, for a net judgment of

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1 \$9,359,305. The Court previously awarded net court costs in the amount of \$24,922 in favor
2 of Plaintiff I.P., for a total judgment award of \$9,384,227. Up-front cash to be paid by payer
3 to Petitioner and his attorneys is \$2,619,675.

4 b. The payer shall disburse the proceeds of the up-front cash approved by this order
5 in the following manner:

6 **(1) Payment of Fees and Expenses, Liens and Special Needs Trust**

7 Fees and expenses shall be paid by one or more checks or drafts, drawn
8 payable to the order of the petitioner and the petitioner's attorney, which are hereby
9 authorized to be paid out of the up-front cash proceeds of the judgment:

10 (a) Attorney's fees in the total amount of \$2,293,329 payable to Bruce G.
11 Fagel, Esq.

12 (b) Reimbursement for costs and expenses in the amount of
13 \$98,467 payable to Bruce G. Fagel, Esq.

14 (c) Medi-Cal lien of \$87,521.30 payable to Bruce G. Fagel, Esq., in trust, for
15 transmittal to Medi-Cal / Department of Health Services.

16 (d) \$140,358 payable to Bruce G. Fagel, Esq., in trust, for deposit to the
17 Special Needs Trust of I.P.

18 (e) Total allowance for fees, costs and expenses and the Medi-Cal lien and
19 payment to the Special Needs Trust from the judgment is \$2,619,675.

20 **(2) Balance**

21 The balance of the judgment available for claimant after payment of all
22 allowed fees and expenses, medical liens and Special Needs Trust deposit is:
23 \$6,739,630.

24 The balance shall be disbursed as follows:

25 (a) By one or more checks or drafts in the total amount of \$6,739,630 drawn
26 payable to the Trustee of I.P., according to the schedule of future payments referred to in
27 the Joint Amended Order Applying Periodic Payments (Document 175).

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(3) Further Orders

Upon payment of \$6,739,630 to the Trustee of I.P., and \$250,000 to Micaela Palacio and \$2,619,675 to Petitioner for I.P., and his attorneys, Plaintiffs are ordered to file a satisfaction of judgment and dismissal of the entire case.

IT IS SO ORDERED.

Dated: *4-19-2016*



JOHN A. MENDEZ
United States District Court Judge

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