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17 Attorneys for Plaintiff James Joshua Mayfield

18 [Additional counsel cont. next page]

19 **UNITED STATES DISTRICT COURT**

20 **EASTERN DISTRICT OF CALIFORNIA**

21 JAMES JOSHUA MAYFIELD, JAMES
 22 ALLISON MAYFIELD, JR. and TERRI
 23 MAYFIELD,

24 Plaintiffs,

25 vs.

26 IVAN OROZCO, in his individual capacity,
 27 SHERIFF SCOTT JONES, in his individual and
 28 official capacity, JAMES LEWIS, in his individual
 and official capacity, RICK PATTISON, in his
 individual and official capacity, COUNTY OF
 SACRAMENTO, UNIVERSITY OF
 CALIFORNIA DAVIS HEALTH SYSTEM, DR.
 GREGORY SOKOLOV, in his individual
 capacity, DR. ROBERT HALES, in his individual
 capacity, and Does 1-5,

Defendants.

Case No.: 2:13-CV-02499-JAM-AC

[Assigned to the Honorable John A. Mendez –
 Courtroom 6]

**JOINT AMENDED ORDER REGARDING
 PLAINTIFFS' MOTION TO APPROVE
 SETTLEMENT AND ESTABLISH A SPECIAL
 NEEDS TRUST**

Complaint filed: December 3, 2013

Trial Date: May 1, 2017

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**JOINT AMENDED [PROP] ORDER RE:
PLTFS' MTN TO APPROVE SETTLEMENT**

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14 REGENTS OF THE UNIVERSITY OF CALIFORNIA, now sued as the UNIVERSITY OF CALIFORNIA
15 DAVIS HEALTH SYSTEM, DR. GREGORY SOKOLOV, sued in his individual capacity, and DR.
16 ROBERT HALES, sued in his individual capacity

1 **ORDER**

2 All Parties to this matter submit the following Joint Amended [Proposed] Order Regarding
3 Plaintiffs' unopposed Motion to Approve Settlement and Establish a Special Needs Trust.

4 Having considered the moving papers, arguments of counsel, the documents on file in this case,
5 and after a hearing on Plaintiffs' Motion to Approve Settlement and Establish a Special Needs Trust, IT
6 IS HEREBY ORDERED:

7 Plaintiffs' Motion to Approve Settlement and Establish a Special Needs Trust is granted in part
8 and denied in part.

9
10 **1. Motion to Approve Settlement**

11 The Court denies the request that James Allison Mayfield, Jr. and Terri Mayfield receive 15% of
12 the total settlement but grants the request to approve the settlement with James Allison Mayfield, Jr. and
13 Terri Mayfield receiving 5% of the total settlement. The Court orders that James Joshua Mayfield is to
14 receive 95% of the settlement proceeds and that Plaintiffs' counsel is to receive 40% of the total
15 settlement for attorneys' fees, as well as the costs identified below.

16 Based on the foregoing, the Court orders that the settlement proceeds in this case be distributed as
17 follows:

18 **A. Settlement Proceeds to James Joshua Mayfield**

19 Total = \$5,000,000

20 95% of total = \$4,750,000

21 40% fees from \$4,750,000 = \$1,900,000

22 \$4,750,000 - \$1,900,000 = \$2,850,000

23 Total costs = \$388,721.34

24 95% of total = \$369,285.27

25 \$2,850,000 - \$369,285.27 = \$2,480,714.73

26 Total to James Joshua Mayfield = \$2,480,714.73

27 Total to the James Joshua Mayfield Special Needs Trust from Defendant the Regents of the
28 University of California = \$1,240,357.36

1 Total to the James Joshua Mayfield Special Needs Trust from Defendant County of
2 Sacramento = \$1,240,357.37

3 **B. Settlement Proceeds to James Allison Mayfield, Jr. and Terri Mayfield**

4 Total = \$5,000,000
5 5% of total = \$250,000

6 40% of fees from \$250,000 = \$100,000
7 \$250,000 - \$100,000 = \$150,000

8 Total costs = \$388,721.34
9 5% of total = \$19,436.07

10 \$150,000 - \$19,436.07 = \$130,563.93

11 Total to James Allison Mayfield, Jr. and Terri Mayfield = \$130,563.93

12 Based on the foregoing, the Court orders that a total of \$2,480,714.73 be placed in the James
13 Joshua Mayfield Special Needs Trust and that \$2,519,285.27 be paid to the Hadsell Stormer & Renick
14 client trust account for the distribution to James Allison Mayfield, Jr. and Terri Mayfield, and for
15 Plaintiffs' attorneys' fees and costs.

16 Total to the Hadsell Stormer & Renick client trust account from Defendant the Regents of the
17 University of California = \$1,259,642.64.

18 Total to the Hadsell Stormer & Renick client trust account from Defendant County of Sacramento
19 = \$1,259,642.63.

20 Defendants are to provide these payments within 30 days of this Order.

21
22 **2. Motion to Establish a Special Needs Trust for James Joshua Mayfield**

23 The Court grants the Motion to Establish a Special Needs Trust and orders the following with
24 regard to the James Joshua Mayfield Special Needs Trust:

25 1. The United States District Court, Eastern District of California establishes the James
26 Joshua Mayfield Special Needs Trust and Lisa Berg is directed to execute it on behalf of James Joshua
27 Mayfield;

28 2. The Trustee shall petition the San Joaquin County Probate Court to bring the James

1 Joshua Mayfield Special Needs Trust under its ongoing court jurisdiction as defined by California Rule
2 of Court 7.903;

3 3. The payment of all monies due James Joshua Mayfield in this settlement shall be paid
4 directly to the James Joshua Mayfield Special Needs Trust;

5 4. Lisa Berg shall serve as the initial Trustee of the James Joshua Mayfield Special Needs
6 Trust with bond to be filed in the amount required by California Rules of Court 7.207 in the San Joaquin
7 County Probate Court;

8 5. Any past or future compensation owed to the parents of James Joshua Mayfield for his
9 caregiving and services is to be determined by the San Joaquin County Probate Court, this Court has not
10 considered that issue;

11 6. The Court finds that James Joshua Mayfield has a disability that substantially impairs his
12 ability to provide for his own care or custody, and constitutes a substantial handicap;

13 7. The Court finds that James Joshua Mayfield is likely to have special needs that will not be
14 met without the Trust;

15 8. The Court finds that the money to be paid to the Trust does not exceed the amount that
16 appears reasonably necessary to meet James Joshua Mayfield's special needs;

17 9. The Trustee of the James Joshua Mayfield Special Needs Trust is authorized to invest in
18 mutual funds and bonds with maturity dates greater than five years; and

19 10. The Court approves and directs the payment of \$4,215 to The Urbatsch Law Firm, P.C.,
20 for the legal services rendered to James Joshua Mayfield.

21
22
23
24 Dated: 11/6/2017

/s/ John A. Mendez
JOHN A. MENDEZ
United States District Court Judge