

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

PETER W. ALFERT, SBN 83139
HINTON ALFERT & KAHN LLP
200 Pringle Ave., Suite 450
Walnut Creek, California 94596
Telephone: (925) 279-3009
Facsimile: (925) 279-3342

TODD BOLEY, SBN 68119
ZOYA YARNYKH, SBN 258062
LAW OFFICE OF TODD BOLEY
2381 Mariner Square Drive, Suite 280
Alameda, CA 94501
Telephone: (510) 836-4500
Facsimile: (510) 649-5170

Attorneys for PLAINTIFFS JENNIFER HUGUNIN, PATRICK HUGUNIN, D.H., KEITH CALDWELL, NICOLE HILL, X.C., TRISHA PITTS, CARL PITTS, and N.P.

ALLISON S. HYATT, SBN 217567
HYATT LAW, PC
915 Highland Pointe Drive, Suite 250
Roseville, CA 95678
Telephone: (916) 724-5205
Facsimile: (916) 724-5201

Attorney for PLAINTIFFS TODD VROOMAN LAURA VROOMAN, and S.V., RICHARD ROGERS, TERRILL ROGERS and P.R., MICHELE MANCOUR and G.I.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JENNIFER HUGUNIN, PATRICK HUGUNIN, D.H., a minor by and through his guardian ad litem JENNIFER HUGUNIN; KEITH CALDWELL, NICOLE HILL, X.C., a minor by and through his guardian ad litem KEITH CALDWELL, TRISHIA PITTS, CARL PITTS, N.P., a minor by and through his guardian ad litem TRISHIA PITTS, TODD VROOMAN, LAURA VROOMAN, S.V., a minor by and through his guardian ad litem TODD VROOMAN, RICHARD ROGERS, TERRILL ROGERS, P.R., a minor by and through his guardian ad litem RICHARD ROGERS, MICHELLE MANCOUR and G.I., a minor by and through his guardian ad litem MICHELLE MANCOUR,

Plaintiffs,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT, SHERRY MCDANIEL, CHARLES THIBIDEAU, BETTY JO WESSINGER, JANNA CAMBRA, KEVIN BROWN, ROGER STOCK, DR. TODD CUTLER, and DOES 1-30,
Defendants.

Case No: 2:15-cv-00939-MCE-DAD

ORDER GRANTING MOTION TO APPROVE ACCEPTED RULE 68 OFFER OF JUDGMENT ON BEHALF OF MINOR P.R.

1 Based on the Motion To Approve Accepted Rule 68 Offer Of Judgment On Behalf Of
2 Minor P.R. (“Motion”) filed on November 19, 2015 by Plaintiff Richard Rogers as appointed
3 Guardian Ad Litem for minor plaintiff, P.R., and its supporting documents, the personal
4 appearance of Mr. Rogers and counsel at the December 17, 2015 hearing on the Motion, and for
5 good cause shown for all relief requested therein, the Motion is GRANTED and the following is
6 ordered:

7 The October 8, 2015 Joint Rule 68 Offer of Judgment by Defendants Rocklin Unified
8 School District (“RUSD”), Sherry McDaniel, Charles Thibideau, Betty Jo Wessinger, Janna
9 Cambra, Kevin Brown, Roger Stock and Dr. Todd Culter for Plaintiffs Richard Rogers,
10 Terrill Rogers and P.R. is approved and the Clerk is ordered to enter Judgment accordingly
11 pursuant to Rule 68 of the Federal Rules of Civil Procedure in favor of Plaintiffs P.R.,
12 Richard Rogers and Terrill Rogers.

13 IT IS FURTHER ORDERED that the distribution of proceeds from the Offer of Judgment,
14 as set forth in the Motion, is approved and the special needs trust submitted with the
15 moving papers is also approved. A special needs trust for the benefit of P.R. must be
16 established as set forth in the moving papers and supporting exhibit.

17 IT IS FURTHER ORDERED that venue for the on-going oversight of the special needs
18 trust established by the order herein shall lie with the Placer County Superior Court, and the
19 trustees of the special needs trust shall file an account and report with the Court in the
20 manner and frequency called for by the California Probate Code.

21 IT IS FURTHER ORDERED that the sum of \$502,419.93 (five hundred two thousand, four
22 hundred nineteen dollars and ninety three cents) is to be paid directly to the special needs
23 trust of P.R., but of those funds, \$50,000 shall be held in an account that is accessible to the
24 trustees of the trust and the balance shall be held in a blocked account the funds of which
25 may only be made available to the trustees upon further order of the Placer County Superior
26 Court.

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

IT IS FURTHER ORDERED that the trustees of the special needs trust for P.R. shall post bond in the amount of \$50,000.

IT IS FURTHER ORDERED that attorneys' fees in the amount of \$3,500 (three thousand five hundred dollars and zero cents) shall be paid from the special needs trust to the Dale Law Firm for the preparation of the special needs trust for Minor Plaintiff P.R.

IT IS SO ORDERED.

Dated: December 22, 2015



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT