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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LaRELL FRANKLIN, et al.,
Plaintiffs,
v.
ALLSTATE CORPORATION et al.,
Defendant

No. C-06-1909 MMC

**ORDER VACATING ORDER
APPROVING MINORS' COMPROMISE
INCIDENT TO SETTLEMENT OF ACTION
AGAINST ALLSTATE DEFENDANTS;
RESETTING HEARING**

Upon reviewing the Order Approving Minors' Compromise Incident to Settlement of Action Against Allstate Defendants, filed February 4, 2008, the Court has noted a typographical error in the language submitted by petitioner, specifically, petitioner's reference to the "California Uniform Trust Minors Act (CA UTMA)," as found on page 2, which the Court understands to be a reference to the "California Uniform Transfers to Minors Act (CA UTMA)."

Further, absent a hearing to determine the advisability of doing so, the Court is not inclined to adopt petitioner's proposal under the statutory provisions on which petitioner appears to be relying, which provisions afford petitioner considerable discretion as to the manner of expending the minors' settlement funds. See Cal. Prob. Code § 3914(a) (providing "[a] custodian may deliver or pay to the minor or expend for the minor's benefit

1 as much of the custodial property as the custodian considers advisable for the use and
2 benefit of the minor, without court order . . ."); see also Cal. Prob. Code § 3602(c) (setting
3 forth alternatives for disposition of minor's settlement funds).

4 Accordingly, the Court hereby VACATES the Order Approving Minors' Compromise
5 filed February 4, 2008, and hereby RESETS the hearing on the Second Amended Petition
6 for Approval of Minors' Compromise, for February 8, 2008 at 9:00 a.m. Petitioner should
7 be personally present for such hearing. If petitioner is unavailable on such date, counsel
8 for petitioner may propose an alternate date for the hearing on the matter. In advance of
9 the hearing, petitioner may also submit a declaration addressing the above-referenced
10 concerns.

11 **IT IS SO ORDERED.**

12 Dated: February 5, 2008

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15 MAXINE M. CHESNEY
16 United States District Judge