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8 Attorneys for Plaintiffs Elizabeth Tackaberry  
 9 and J.E.L., a minor, by and through  
 her Guardian ad Litem Jovita Muñoz Lopez

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 ELIZABETH TACKABERRY and J.E.L., a  
 13 minor, by and through her Guardian ad  
 Litem, Jovita Muñoz Lopez,

No. 08-CV05762 WHA

**~~PROPOSED~~ ORDER APPROVING  
 MINOR'S COMPROMISE.**

14 Plaintiffs,

15 v.

16 THE COUNTY OF ALAMEDA; ALAMEDA  
 17 COUNTY SHERIFF'S DEPARTMENT;  
 SHERIFF GREGORY AHERN, individually  
 18 and in his official capacity; SANTA RITA  
 JAIL; CITY of LIVERMORE; LIVERMORE  
 POLICE DEPARTMENT; STEVE  
 19 SWEENEY, in his official capacity and  
 individually; PUBLIC HEALTH SERVICES,  
 20 INC; and DOES 1 to 100, inclusive,

21 Defendants.

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 24 The Court, having reviewed the settlement terms, the facts and circumstances  
 25 surrounding the case, and the PETITION FOR COURT APPROVAL OF MINOR'S  
 26 COMPROMISE of Plaintiff J.E.L., a minor, by and through her Guardian ad Litem Jovita  
 27 Muñoz Lopez, and supporting documents, and good cause appearing therefore,  
 28

1 THE COURT Hereby approves the settlement conditions set forth in Plaintiff's  
2 PETITION FOR COURT APPROVAL OF MINOR'S COMPROMISE and supporting  
3 documents and declarations, and

4 IT IS ORDERED that the gross amount of settlement in favor of claimant is  
5 \$106,666.67. The proceeds of the settlement shall be disbursed in the following  
6 manner:

7 Fees, costs, and expenses: Fees, costs, and expenses shall be paid by one or  
8 more checks or drafts, drawn payable to the following persons/entities.

9 1) Reimbursement for advanced costs and expenses: \$9,789.30 shall be  
10 payable to Curtis Legal Group.

11 2) Payment for attorney's fees: \$26,666.67 shall be payable to Curtis Legal  
12 Group.

13 Total allowance for fees, costs, and expenses from the settlement: \$36,455.97.

14 Balance: The balance of the settlement available for claimant after payment for  
15 all allowed fees, costs and expenses is: \$70,210.70. The balance shall be paid by one  
16 or more checks or drafts drawn payable to the following persons/entities:

17 3) Blocked account: \$35,105.35 shall be payable to the petitioner as trustee for  
18 the claimant. Each such check or draft must bear an endorsement on the face or  
19 reverse that it is for deposit in an interest-bearing, federally insured account in the  
20 name of petitioner as trustee for claimant, and no withdrawals may be made except as  
21 provided by a further written order under this case name and number, signed by a  
22 judicial officer, and bearing the seal of this court. When the minor attains the age of 18  
23 years, the depository, without further order from this court, is authorized and directed to  
24 pay by check or draft directly to the former minor, upon proper demand, all moneys  
25 including interest deposited under this order. The money on deposit is not subject to  
26 escheat.

27 4) Annuity: \$35,105.35 shall be payable to the petitioner as trustee for the  
28 claimant. Each such check or draft must bear an endorsement on the face or reverse

1 that it is for deposit in a single-premium deferred annuity in the name of petitioner as  
2 trustee for claimant, and no withdrawals may be made except as provided by a further  
3 written order under this case name and number, signed by a judicial officer, and  
4 bearing the seal of this court. The money on deposit is not subject to escheat, and

5 IT IS FURTHER ORDERED, that within 30 days of receipt of a check or draft  
6 described above under paragraphs 3 and 4, the petitioner or petitioner's attorney must  
7 deposit the check or draft in the petitioner's name as trustee for the claimant into one or  
8 more blocked accounts and annuities as described above, and

9 IT IS FURTHER ORDERED, that upon receipt of the full amount of the  
10 settlement sum approved by this order and the deposit of funds, the petitioner is  
11 authorized and directed to execute to the payers a full, complete, and final release and  
12 discharge of any and all claims and demands of the claimant by reason of the incident  
13 described in the petition and the resultant injuries to the claimant. Petitioner is further  
14 authorized and directed to properly execute a dismissal with prejudice.

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DATED: August 2, 2010.

UNITED STATES

