

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

M.M., et al.,
Plaintiffs,
v.
LAFAYETTE SCHOOL DISTRICT, et al.,
Defendants.

Case No. 10-cv-04223-SI (LB)

**ORDER APPROVING COMPROMISE
OF MINOR'S CLAIMS**

Re: ECF No. 168

INTRODUCTION

This case concerns C.M. and his parents' claims against the defendants — Lafayette School District and Lafayette Board of Education — for an alleged failure to provide C.M. with a free and appropriate public education in relation to his special education needs as a student with a specific learning disability.¹ C.M. is a high-school student with disability-related deficits in reading and processing.²

In 2009, the plaintiffs first initiated administrative proceedings against the defendants under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §§ 1400, and the Rehabilitation Act, 29 U.S.C. § 794.³ The administrative law judge denied all relief and the

¹ ECF No. 168-1 at 2.

² Id.

³ Id. at 1.

1 plaintiffs appealed the decision in the United States District Court.⁴ The district court affirmed the
2 decision; the plaintiffs then appealed to the Ninth Circuit.⁵ The Ninth Circuit reversed the district
3 court’s order and remanded to the district court.⁶ The parties disputed the scope of the Ninth
4 Circuit’s mandate, but the district court determined that the plaintiff’s remedy was reimbursement
5 of educational services that the parents funded through June 2009.⁷ In 2016, the district court
6 awarded the plaintiffs \$16,654.02 as full reimbursement for the educational services the parents
7 had funded through June 2009.⁸ The parties then engaged in court-assisted settlement negotiations
8 and ultimately reached a settlement.⁹ The plaintiffs now ask the court to approve the settlement of
9 C.M.’s claims.¹⁰ The court finds that the proposed settlement is reasonable and in the best interests
10 of C.M. and grants the plaintiffs’ petition for approval of the settlement.

11
12 **GOVERNING LAW**

13 “District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to
14 safeguard the interests of litigants who are minors.” *Robidoux v. Rosengren*, 638 F.3d 1177, 1181
15 (9th Cir. 2011). “Rule 17(c) provides, in relevant part, that a district court ‘must appoint a
16 guardian ad litem — or issue another appropriate order — to protect a minor or incompetent
17 person who is unrepresented in an action.’” *Id.* (quoting Fed. R. Civ. P. 17(c)). “In the context of
18 proposed settlements in suits involving minor plaintiffs, this special duty requires a district court
19 to ‘conduct its own inquiry to determine whether the settlement serves the best interests of the
20 minor.’” *Robidoux*, 638 F.3d at 1181 (quoting *Dacanay v. Mendoza*, 573 F.2d 1075, 1080 (9th Cir.
21 1978)).

22
23 _____
24 ⁴ *Id.* at 3.

25 ⁵ *Id.*

26 ⁶ *Id.*

27 ⁷ *Id.*

28 ⁸ *Id.* at 4.

⁹ *Id.*

¹⁰ *Id.* at 1.

1 The Ninth Circuit has also made clear that, in cases involving the settlement of federal claims,
2 district courts should “limit the scope of their review to the question whether the net amount
3 distributed to each minor plaintiff in the settlement is fair and reasonable, in light of the facts of
4 the case, the minor’s specific claim, and recovery in similar cases,” and should “evaluate the
5 fairness of each minor plaintiff’s net recovery without regard to the proportion of the total
6 settlement value designated for adult co-plaintiffs or plaintiffs’ counsel — whose interests the
7 district court has no special duty to safeguard.” Robidoux, 638 F.3d at 1181-82 (citing Dacanay,
8 573 F.2d at 1078).

9
10 **ANALYSIS**

11 Under the settlement, the defendants will pay \$385,000, allocated as follows: (1) the plaintiffs
12 will receive \$82,500 as reimbursement for educational services they funded for C.M. and litigation
13 expenses; and (2) attorney Lina Foltz will receive \$302,500 for attorney’s fees for this case and all
14 related cases.¹¹

15 C.M.’s parents personally funded C.M.’s education through Tilden Preparatory School,
16 thereby advancing their goal to provide C.M. the special-education services that he needs. The
17 court finds the settlement reasonable: it reimburses the parents for funding C.M.’s education and
18 the litigation expenses, and it provides reasonable attorney’s fees.

19
20 **CONCLUSION**

21 The court approves the minor’s compromise.

22 **IT IS SO ORDERED.**

23 Dated: January 24, 2017

24 

25 LAUREL BEELER
26 United States Magistrate Judge

27
28 ¹¹ Id. at 4.