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7 **Attorneys for Plaintiff, Cruz Hernandez, A Minor**

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND DIVISION**

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 12 **CRUZ HERNANDEZ, a minor, by and**
 13 **through his Guardian ad Litem, Alicia**
Telles-Hernandez,

14 **Plaintiff,**

15 **vs.**

16 **UNITED STATES OF AMERICA,**

17 **Defendant.**

) **CASE NO. 06-3350-SBA**

) **STIPULATION AND ORDER**
) **REGARDING SHORTENING TIME ON**
) **NOTICE OF MOTION AND MOTION FOR**
) **ORDER AUTHORIZING COMPROMISE**
) **OF MINOR'S CLAIM**

) **Trial Date: May 20,2009**

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 21 **SUBJECT TO THE APPROVAL OF THE COURT, THE PARTIES, BY AND**
 22 **THROUGH THEIR COUNSEL OF RECORD, STIPULATE AS FOLLOWS:**

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 24 1. Judgment with Findings of Fact and Conclusions of Law in this matter was
 25 entered on October 15, 2009 and amended on October 16, 2009. [Docket
 26 256-258].
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STIPULATION AND ORDER REGARDING SHORTENING TIME ON NOTICE OF MOTION AND
MOTION FOR ORDER AUTHORIZING COMPROMISE OF MINOR'S CLAIM

- 1 2. The parties were ordered to Mandatory Settlement Conference on November
2 2, 2009 before Magistrate Judge Elizabeth D. Laporte. The settlement
3 conferences were held on November 13, 2009 and December 18, 2009.
4 [Docket 269, 276, 279]
- 5 3. Plaintiffs agreed to settlement terms on December 18, 2009. [Docket 279]
6 The settlement terms agreed to by plaintiffs are subject to the approval of the
7 U.S. Attorney General and his designees.
- 8 4. On January 22, 2010 the parties filed a Stipulation and Order Regarding
9 Minors Compromise Hearing to be heard before Magistrate Judge Elizabeth
10 D. Laporte which was granted on January 25, 2010. [Docket 280, 282]
- 11 5. In the 3.5 months since the December 18, 2009 settlement conference, when
12 plaintiffs and their counsel signed the settlement stipulation, both parties
13 through their counsel have worked diligently on the settlement and release
14 requirements by the Department of Justice in Washington, D.C.
- 15 6. Plaintiffs are required by the terms of the settlement stipulation to obtain a
16 court order approving the minor's compromise on behalf of Cruz Hernandez,
17 in order to facilitate the Attorney General's review and consideration of the
18 settlement terms to which plaintiffs have already agreed.
- 19 7. In the same time period the Plaintiff, by and through his Guardian Ad Litem,
20 Alicia Telles-Hernandez has worked diligently on issues pertaining to
21 implementation of the settlement for the benefit of Plaintiff, Cruz Hernandez, a
22 minor, through the advice and consultation of a certified specialist in Estate
23 Planning, Trust and Probate Law. Upon approval by this Court Plaintiff's
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Guardian Ad Litem and surviving parent, Alicia Telles-Hernandez is prepared to implement the settlement proceeds.

8. Because it has taken 3.5 months to get to this point it is in the best interest of Plaintiff, Cruz Hernandez, for an order shortening time to hear the Motion For Order Authorizing Compromise of Minor's Claim so that Plaintiff may obtain the funds subject to the settlement of December 18, 2009.

9. Likewise, the shortening of time to hear the Motion for Order Authorizing Compromise of Minor's Claim will facilitate the Attorney General's review and decision regarding this case, and as a result, the United States joins in this request to shorten time.

10. THEREFORE, the parties stipulate and request the following schedule for the Motion for Order Authorizing Compromise of Minor's Claim:

- a. Motion filing date: April 6, 2010
- b. Opposition filing date: April 13, 2010
- c. Reply filing date: April 15, 2010
- d. Hearing date: April 20, 2010

SO STIPULATED.

DATED: April 5, 2010

MATHEWS FUNK & ASSOCIATES,
A Law Corp.

By: _____
/s/
STANTON T. MATHEWS
Attorneys for Plaintiff,
CRUZ HERNANDEZ, A Minor

