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12 Attorneys for KARLA FERNANDEZ, Individually
13 and as Guardian ad Litem for MAURICIO
14 FERNANDEZ, a minor, as the heirs of
15 Carlos Casillas-Fernandez, Deceased

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA - OAKLAND BRANCH

18 KARLA FERNANDEZ, Individually and
19 as Guardian ad Litem for MAURICIO
20 FERNANDEZ, a minor, as the heirs of
21 Carlos Casillas-Fernandez, Deceased,

21 Plaintiffs,

22 vs.

23 TASER INTERNATIONAL, INC., et al.,

24 Defendants.
25

Case No.: C 06-04371 SBA

AMENDED ~~[PROPOSED]~~ ORDER
APPROVING SETTLEMENT AND
COMPROMISE OF MINOR'S CLAIM

Date: March 26, 2009
Time: 10:00 a.m.
Ctrm: B - 15th Floor

1 AMENDED ORDER

2 The petition of KARLA FERNANDEZ (“Petitioner”) for approval of the proposed
3 compromise of minor MAURICIO FERNANDEZ (“Minor”) against defendants, CITY
4 OF SANTA ROSA, SANTA ROSA POLICE, CHIEF EDWIN FLINT, SANTA ROSA
5 POLICE OFFICERS BRIAN SINIGIANI, MATTHEW SANCHEZ, DANIEL JONES,
6 JAMES GRIFFIN, ROBERT ST. PIERRE and GARY NEGRI (hereinafter collectively
7 referred to as “Payor”) came on regularly for hearing on March 26, 2009 at 10:00 a.m. in
8 Dept. B of the above-entitled court. Upon the evidence introduced, the court finds that
9 the facts set forth in said petition are correct and that it is in the best interests of Minor
10 that said claim be compromised and settled for the amount stated in the petition and
11 that the proceeds of such settlement be paid, distributed, and deposited in the manner
12 hereinafter specifically provided.

13 IT IS THEREFORE ORDERED:

14 A. That said compromise be and is hereby approved and that upon payment of
15 the sum of \$205,000.00 (Two Hundred Five Thousand Dollars), being the total amount
16 of the settlement sum herein approved, Payor shall be fully and forever released and
17 discharged of and from all claims, charges, and demands of Minor and his guardian ad
18 litem, Petitioner, arising from the incident mentioned in said petition.

19 B. That Payor shall issue a check in the total amount of \$205,000 (Two
20 Hundred Five Thousand Dollars), made payable to “Karla Fernandez, Individually, and
21 as Guardian Ad Litem for Mauricio Fernandez, a minor, and Their Attorney of Record,
22 Randall H. Scarlett.”

23 C. That attorney Randall H. Scarlett, on behalf of Minor, shall return to Payor
24 a total amount of \$35,352.70 (Thirty-Five Thousand Three Hundred Fifty-Two Dollars
25 and Seventy Cents) and Payor shall reissue a check in the same amount, constituting a
26 single lump sum payment, made payable to “PASS Corp.”

27 D. That the payment of \$35,352.70 (Thirty-Five Thousand Three Hundred
28 Fifty-Two Dollars and Seventy Cents) for Minor from Payor shall be structured through

1 the purchase of an Annuity from Prudential Insurance Company of America
2 (“Prudential”), an “A+XV” rated life carrier by A.M. Best Insurance Ratings Service. The
3 payments will be assigned to Prudential Assigned Settlement Services Corporation
4 (“PASS Corp.” as “Assignee”) by way of a Qualified Assignment by Payor; the payments
5 will be guaranteed through the issuance of a Letter of Guarantee from Prudential
6 assumed under the Qualified Assignment. In accordance with the structured
7 settlement agreement, the Assignee will fund the obligation to make payments through
8 the purchase of an Annuity from Prudential, who shall make the future periodic
9 payments to Minor as follows: \$14,553.48 paid annually for four years certain only,
10 beginning on November 30, 2020 and ending November 30, 2023. Any payments made
11 after the death of Minor shall be made to the Estate of Mauricio Fernandez. After the
12 age of majority, Minor may submit a change of beneficiary in writing to the Assignee.
13 The designation must be in a form acceptable to the Assignee.

14 E. Upon receipt of the settlement check referred to above, the Scarlett Law
15 Group shall disburse the settlement proceeds as follows:

- 16 1. Payment of Fees and Expenses On Behalf of Minor, Mauricio
17 Fernandez
- 18 a. Attorney’s fees payable to Scarlett Law Group: \$ 15,375.00
19 b. Reimbursement for Litigation Costs payable to Scarlett Law
20 Group: \$ 10,772.30
21 c. Grand total of allowances for fees / expenses: \$ 26,147.30
- 22 2. Balance
- 23 The balance of the settlement for Petitioner and Minor after
24 payment of the above fees and expenses is: \$128,852.70

25 This balance shall be disbursed to Karla Fernandez, individually (funds may be
26 disbursed from Petitioner’s attorney’s trust account). These are the gross funds (70%)
27 payable to Petitioner for her individual claim, from which it is expected attorney’s fees
28 and the remainder of the costs will be deducted.

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1 F. Upon receipt of the full amount of the settlement funds referred to in
2 Paragraph A above, Petitioner is authorized and ordered to execute the "Settlement
3 Agreement and Full and Final Release of All Claims and Actions," attached as Exhibit
4 "B" to the Declaration of Randall H. Scarlett, filed with the Petition. Petitioner is
5 further authorized and directed to execute any and all documents reasonably necessary
6 to carry out the terms of the settlement.

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Dated: October 19, 2009



MARIA-ELLEN JAMES
Magistrate of the United States District Court

APPROVED AS TO FORM:

CAROLINE L. FOWLER, City Attorney
MATTHEW L. LeBLANC, Assistant City Attorney

By  10/8/09

MATTHEW L. LeBLANC, ESQ

Attorneys for Defendants CITY OF SANTA ROSA,
SANTA ROSA POLICE, CHIEF EDWIN FLINT,
SANTA ROSA POLICE OFFICERS BRIAN SINIGIANI,
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