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 8 and Baby S.A.*

6 **IN THE UNITED STATES DISTRICT COURT**  
 7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

8 JOHN F. HUTCHENS, ZAMORA  
 9 MOTON, and BABY S.A., by John F.  
 10 Hutchens, next friend,

10 *Plaintiffs,*

11 v.

12 ALAMEDA COUNTY SOCIAL  
 13 SERVICES, RUDOLFO HERNANDEZ,  
 14 ALAMEDA COUNTY MEDICAL  
 15 CENTER, and DOES 1-20,

15 *Defendants.*

No. 06-6870 SBA

**ORDER MODIFYING ORDER  
 OF JULY 17, 2009 APPROVING  
 MINOR'S COMPROMISE**

**Courtroom: 3  
 The Honorable Sandra Brown  
 Armstrong, Judge Presiding**

16 The court having considered the Joint Application by Plaintiff  
 17 Baby S.A. and Defendant Alameda County Medical Center to Modify the Order  
 18 of July 17, 2009 Approving Minor's Compromise, and for reasons that are just  
 19 and in the best interests of the minor, makes the following requested  
 20 modification of it's order approving minor's compromise.

21 IT IS HEREBY ORDERED that this court's Order Approving Minor's  
 22 Compromise in the amount of \$17,500 dated July 17, 2009 be modified so that  
 23 the settlement funds for Baby S.A. may be distributed as follows:  
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1 (1) Defendant APMC shall make a single settlement payment of \$10,000  
2 for settlement of all plaintiffs claims, of which **\$2,500** is attributable to the  
3 settlement of Baby S.A.'s claims and shall be used for the sole benefit of the  
4 minor. Plaintiffs' attorneys shall distribute the \$2,500 to Baby S.A.'s parents,  
5 John F. Hutchens and Zamora Moton, in equal shares, and both parents are  
6 ordered to use or maintain these funds for the sole benefit of Baby S.A.

7 (2) The balance of **\$15,000** due Baby S.A. from Defendants ACSS and  
8 Hernandez shall remain deposited in the interest bearing annuity sponsored by  
9 Prudential to be paid to Baby S.A. in two installments according to the  
10 following revised periodic payment schedule:

11 (a) On November 4, 2023, Baby S.A.'s 18<sup>th</sup> birthday,  
12 Prudential shall pay Baby S.A. **\$15,000**;

13 (b) On November 4, 2030, Baby S.A.'s 25<sup>th</sup> birthday,  
14 Prudential shall pay Baby S.A. **\$21,664.17**;

15 (c) The total payout to Baby from the Prudential sponsored  
16 annuity will be \$36,664.17.

17 The court finds that terms of the modification are authorized  
18 under California Probate Code § 3611. Furthermore, the court finds that the  
19 requested modification is in the best interests of the minor, since the money  
20 will still be used for the benefit of the minor and will eliminate the potential for  
21 future litigation thereby promoting finality and certainty of outcome in the  
22 case.  
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All parties are ordered to execute all documents necessary to effect the  
modification ordered herein.

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Dated: 12/16/09

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Judge Sandra B. Armstrong

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