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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GAREDAKIS, et al.,

Plaintiffs,

v.

BRENTWOOD UNION SCHOOL
DISTRICT, et al.,

Defendants.

Case No. 14-cv-04799-PJH

**ORDER GRANTING MOTION FOR
SETTLEMENT**

Re: Dkt. No. 352

Before the court is plaintiff M.G., a minor, by and through his guardian ad litem Michael Garedakis' motion for order confirming settlement. Dkt. 352. The matter is fully briefed and suitable for decision without oral argument. Having read plaintiff's unopposed motion, and carefully considered plaintiff's arguments and the relevant legal authority, and good cause appearing, the court hereby GRANTS plaintiff's motion for the following reasons.

BACKGROUND

A full recitation of the facts can be found in the court's April 29, 2016 order regarding defendants' motion for summary judgment. Dkt. 218. As relevant here, plaintiff M.G. is the sole remaining plaintiff in this case and has reached a settlement with defendants on plaintiff's remaining state law claims.

DISCUSSION

A. Legal Standard

"District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors." Robidoux v. Rosengren,

1 638 F.3d 1177, 1181 (9th Cir. 2011). “Rule 17(c) provides, in relevant part, that a district
2 court ‘must appoint a guardian ad litem—or issue another appropriate order—to protect a
3 minor or incompetent person who is unrepresented in an action.’” Id. (quoting Fed. R.
4 Civ. P. 17(c)). “In the context of proposed settlements in suits involving minor plaintiffs,
5 this special duty requires a district court to ‘conduct its own inquiry to determine whether
6 the settlement serves the best interests of the minor.’” Id. (quoting Dacanay v. Mendoza,
7 573 F.2d 1075, 1080 (9th Cir. 1978)).

8 In cases involving approval of a settlement related to a minor’s federal claims,
9 courts “limit the scope of their review to the question whether the net amount distributed
10 to each minor plaintiff in the settlement is fair and reasonable, in light of the facts of the
11 case, the minor's specific claim, and recovery in similar cases,” and should “evaluate the
12 fairness of each minor plaintiff's net recovery without regard to the proportion of the total
13 settlement value designated for adult co-plaintiffs or plaintiffs' counsel—whose interests
14 the district court has no special duty to safeguard.” Id. at 1181–82 (citing Dacanay, 573
15 F.2d at 1078).

16 Robidoux limited its holding to federal claims. 638 F.3d at 1179 n.2. However,
17 district courts have applied Robidoux’s holding to a minor plaintiff’s settlement of state
18 law claims. See, e.g., Frary v. Cty. of Marin, No. 12-CV-03928-MEJ, 2015 WL 3776402,
19 at *2 (N.D. Cal. June 16, 2015) (citing Mitchell v. Riverstone Residential Grp., No. Civ. S–
20 11–2202 LKK, 2013 WL 1680641, at *1 (E.D. Cal. Apr. 17, 2013)). Accordingly, the court
21 applies Robidoux’s reasoning to plaintiff’s state law claims.

22 **B. Analysis**

23 Under the terms of the settlement, plaintiff M.G. will receive a net recovery of
24 \$115,000, which plaintiff’s guardian ad litem requests be placed into a Special Needs
25 Trust (the “Trust”) under 42 U.S.C. § 1396p(d)(4)(A). Plaintiff has attached a redacted
26 copy of the trust as Exhibit 1 to the motion. Plaintiff’s attorneys have agreed to waive
27 their claim for attorney’s fees or for reimbursement of litigation costs. The parties have
28 agreed to attorney’s fees to the attorney responsible for preparation of the Trust.

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future filings and reporting necessary for oversight of the Trust by the Eighth Judicial District Court.

8. The court orders that attorney’s fees in the amount of \$2,000.00 shall be paid by the Trustee of the Special Needs Trust to The Law Offices of Laura E. Stubberud for preparation of the Trust for plaintiff.

IT IS SO ORDERED.

Dated: March 23, 2020

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge