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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

I.M. A MINOR, BY AND THROUGH HIS
PARENT AND GUARDIAN, AT LITEM,
KAMAL METHTA (FATHER), AN
INDIVIDUAL,

Plaintiff,

v.

SANTA CLARA UNIFIED SCHOOL
DISTRICT, et al.,

Defendants.

Case No. [16-cv-00719-BLF](#)

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

[Re: ECF 26]

Plaintiff Kamal Mehta petitions the Court for an order approving the settlement of his minor son’s claim. Mot., ECF 26. For the reasons stated below, the Court GRANTS the motion.

I. BACKGROUND¹

Minor I.M., by and through his guardian ad litem Kamal Mehta² (collectively “Plaintiffs”), filed this action against Santa Clara Unified School District (“SCUSD”), Robert Griffin, Joy Shmueli, and Leslie Robinson (collectively “Defendants”), alleging five causes of action: (1) violation of section 504 of the Federal Rehabilitation Act of 1973, 29 U.S.C. § 794; (2) violation of Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; (3) violation of 42 U.S.C. § 1983; (4) intentional infliction of emotional distress; and (5) negligent infliction of emotional distress. First Am. Compl. (“FAC”), ECF 9.

I.M. is diagnosed with autism, attention deficit disorder (“ADHD”), and associated deficits in speech and language, social skills, emotional regulation, and fine and gross motor activities. *Id.* ¶ 10. I.M.’s disabilities impair his ability to appreciate and understand the perspectives, emotions, and motivations of others, and he can be impulsive and appear easily frustrated or uncooperative.

¹ This section is based on allegations made in the First Amended Complaint. The Court accepts these allegations as true for the purposes of ruling on this motion.
² Mehta is also a party to this action.

1 *Id.* ¶ 11.

2 In August 2014, I.M. began attending kindergarten at Laurelwood, an elementary school in
3 SCUSD. *Id.* ¶ 18. Although Mehta authorized an assessment plan and testing, I.M. began school
4 at Laurelwood with no Individualized Education Plan (“IEP”) or Behavioral Support Plan (“BSP”)
5 in place. *Id.* Upon entering Laurelwood, I.M. struggled with behaviors characteristic of his
6 disabilities, including self-injury and acting out (sometimes aggressively) toward staff and other
7 students. *Id.* ¶ 21. In response to this conduct, Defendants transferred I.M. to another classroom.
8 *Id.* ¶ 22. Despite the obvious need for behavioral support, Defendants failed to initiate a
9 Functional Behavioral Assessment (“FBA”) or establish and implement a Behavior Support Plan
10 (“BSP”).

11 Kamal regularly and repeatedly communicated with the school, advised the District of its
12 need to provide an appropriate educational environment and support for I.M., and asserted I.M.’s
13 rights to behavioral support and academic accommodations. *Id.* ¶ 23. The school provided no
14 accommodations. Additionally, between August 22, 2014 and October 2, 2014, Defendants
15 placed at least six calls to Child Protective Services, alleging that Kamal was emotionally abusing
16 his son. *Id.* ¶ 24. These calls continued until I.M. was removed from Laurelwood. *Id.*

17 **II. LEGAL STANDARD**

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

26 In cases involving the settlement of a minor’s federal claims, a district court must consider
27 whether the proposed settlement is fair and reasonable as to each minor plaintiff. *Id.* at 1182.
28 “[T]he district court should evaluate the fairness of each minor plaintiff’s net recovery without

1 regard to the proportion of the total settlement value designated for adult co-plaintiffs or plaintiffs’
2 counsel—whose interests the district court has no special duty to safeguard.” *Id.*

3 While the *Robidoux* Court expressly limited its holding to settlement of a minor’s federal
4 claims, “district courts have found the *Robidoux* rule reasonable in the context of state law claims
5 and have applied the rule to evaluate the propriety of a settlement of a minor’s state law claims as
6 well.” *Frary v. Cnty. of Marin*, Case No. 12-cv-03928-MEJ, 2015 WL 3776402, at *1 (N.D. Cal.
7 June 16, 2015); *see also Mitchell v. Riverstone Residential Grp.*, No. S-11-2202, 2013 WL
8 1680641, at *1 (E.D. Cal. Apr. 17, 2013) (collecting cases). California law, which governs the
9 state law causes of action, also requires that a settlement for a minor be approved by the court.
10 *See* Cal. Prob. Code § 3601; Cal. Fam. Code § 6602.

11 **III. DISCUSSION**

12 Under the proposed settlement, SCUSD will pay a total of \$7,500 to Mehta for distribution
13 for his son’s needs. Mot. 3. Additionally, the parties have already settled a related dispute over
14 any educational harm that I.M. may have suffered. Tollner Decl. ¶ 4, ECF 26-1. In light of the
15 facts of the case, the minor’s claims against the Defendants, and the settlement of disputes
16 regarding educational harm, the Court finds that the net amount to be distributed is fair and
17 reasonable. The terms achieve the goal that I.M. and his father had for bringing the lawsuit.
18 Accordingly, the Court APPROVES the settlement of I.M.’s claims.


19 **IV. ORDER**

20 Based on the foregoing, it is hereby ORDERED that Kamal Mehta shall receive \$7,500 by
21 way of settlement for distribution for his son’s needs. Mehta is authorized and directed to execute
22 any and all documents reasonably necessary to carry out the terms of the settlement.

23 The parties shall file their stipulation of dismissal of the entire case with prejudice or a
24 status update on or before December 7, 2016.

25 **IT IS SO ORDERED.**

26 Dated: November 16, 2016

27 
28 BETH LABSON FREEMAN
United States District Judge