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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD SIALOI, et al.,
Plaintiffs,
v.
CITY OF SAN DIEGO, et al.,
Defendants.

Case No.: 11-CV-2280 JLS (KSC)
**ORDER REGARDING
SETTLEMENT MOTIONS**
(ECF Nos. 195, 196, 197)

Presently before the Court are the parties’ motions to settle this case: (1) Joint Motion for Entry of Judgment Awarding Costs and Fees to Plaintiffs, (“Judgment Mot.,” ECF No. 195); Joint Motion to Take Plaintiffs’ Motion for Attorney’s Fees Off Calendar, (“Fee Mot.,” ECF No. 196); and (3) Joint Motion re Deposit of Funds for Minor Plaintiff “T.R.S.” and Authorization to Dismiss Minor’s Appeal, (“Deposit Mot.,” ECF No. 197).

The parties have reached a settlement in this case and stipulate to the following:

1. On December 15, 2016, the Court entered judgment on the jury verdict in favor of September Sialoi in the amount of \$17,500, Sialoi Sialoi, Jr. in the amount of \$17,500 and Edward Sialoi in the amount of \$115,000 [Doc. Number 165].

- 1 2. The parties are awaiting the final award of costs per cost bills submitted
2 with the court.
- 3 3. Currently pending is Plaintiffs’ Motion for Attorneys’ Fees, scheduled
4 for hearing before this Court on July 6, 2017 at 1:30 pm. Defendants’
5 opposition to this motion is due on June 22, 2017, and Plaintiffs’ reply
6 to Defendants’ opposition is due on June 29, 2017.
- 7 4. In addition to the aforementioned judgment in the aggregate amount of
8 \$150,000, the Parties jointly stipulate and request judgment be entered
9 in favor of Plaintiffs in the amount of \$12,000.00 (twelve thousand
10 dollars) for costs and the amount of \$700,000.00 (seven hundred
11 thousand dollars) for attorney’s fees.
- 12 5. With this Court’s approval of the proposed entry of judgment for fees
13 and costs, the Parties request the Court deem Plaintiffs’ motion for
14 attorney’s fees moot and otherwise taken off calendar. It is the intent of
15 the parties to mutually dismiss appeals pending before the Ninth
16 Circuit, subject to the Court’s approval of said dismissal as to the only
17 remaining minor plaintiff “T.R.S.”.

17 (Judgment Mot. 1–2.) Good cause appearing, the Court **GRANTS** the parties’ Joint Motion
18 (ECF No. 195). Accordingly, in addition to the \$150,000 judgment already granted to
19 Plaintiffs, judgment **SHALL** be entered in favor of Plaintiffs in the amount of \$12,000 for
20 costs, and in the amount of \$700,000 for attorneys’ fees. Given this stipulation of attorneys’
21 fees, the Court **GRANTS** the parties’ request to remove the pending motion for attorneys’
22 fees from the Court’s calendar, (*see* Fee Mot.), and more specifically **DENIES AS MOOT**
23 Plaintiffs’ currently pending motion for attorneys’ fees (ECF No. 182).

24 Finally, the parties note that there is one remaining minor Plaintiff in this action,
25 “T.R.S.”, who was seven years old at the time of this incident and is now thirteen years
26 old. (Deposit Mot. 1.) While the jury found against T.R.S., the parties jointly seek to
27 provide \$5,000 to T.R.S., to be provided to T.R.S. in a blocked bank account for the benefit
28 of T.R.S. as described in the attached declaration. (*Id.* at 1–2 (citing Marrinan Decl., ECF

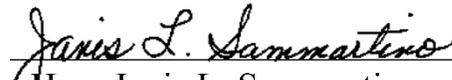
1 No. 197-1).) After a review of the declaration, and good cause appearing, the Court
2 **GRANTS** the parties' Joint Motion (ECF No. 197). Accordingly, the Court **ORDERS** as
3 follows:

- 4
- 5 1. The guardian ad litem for minor plaintiff T.R.S., Lago Sialoi, through
6 Plaintiffs' attorney, Michael R. Marrinan, shall deposit \$5,000.00 of the
7 funds paid by the City of San Diego in this matter into a blocked savings
8 account at a federally insured bank, for the benefit of T.R.S.;
 - 9 2. No funds shall be released from this blocked account prior to the date
10 on which T.R.S. turns 18 years old without a court order; and,
 - 11 3. The guardian ad litem for minor Plaintiff T.R.S., Lago Sialoi, and
12 Plaintiffs' attorney Michael R. Marrinan, are authorized to dismiss the
13 appeal filed on behalf of T.R.S. in this matter.

14 Given the Court's Order, the Court awaits the parties' dismissal of their pending
15 cross appeals to the Ninth Circuit as well as any final motions necessary to close this case.

16 **IT IS SO ORDERED.**

17 Dated: June 20, 2017

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19 Hon. Janis L. Sammartino
20 United States District Judge
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