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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KIANA BOLLINGER, a minor, by
and through her Guardian Ad Litem,
JACQUELINE BOLLINGER,

Plaintiffs,

v.

THE UNITED STATES OF
AMERICA, ATLANTIC POWER
CORPORATION, and DOES 1
through 20;

Defendants.

CASE NO. 16cv820-WQH-NLS
ORDER

HAYES, Judge:

The matter before the Court is the Motion for a Determination of Good Faith Settlement (ECF No. 34) filed by Defendant Atlantic Power Corporation.


Defendant moves the Court for an order determining that the settlement described in the motion was entered into in good faith. California Code of Civil Procedure § 877.6 lays out the procedure to be followed when one or more, but not at all, joint defendants enter into a settlement agreement with a plaintiff. First, “a settling party may give notice of settlement to all parties and to the court, together with an application for determination of good faith settlement.” Cal. Civ. Proc. Code § 877.6(a)(2). Then, “a nonsettling party may file a notice of motion to contest the good faith of the settlement.” *Id.* “The party asserting the lack of good faith shall have the burden of

1 proof on that issue.” *Id.* at § 877.6(d). To determine whether a settlement was made
2 in good faith, a court considers: (1) the amount of the settlement, (2) a rough
3 approximation of the plaintiff’s total recovery and the settlers’ proportionate liability,
4 (3) allocation of settlement proceeds among the plaintiff’s settlement, (4) the settlers’
5 financial condition and insurance limits, (5) evidence of fraud or collusion; and (6) a
6 recognition that a settler should pay less in settlement than he would if he were found
7 liable at trial. *Tech-Bilt Inc. v. Woodward-Clyde & Associates*, 38 Cal. 3d 488, 499-500
8 (1985).

9 No party contends that the Settlement was not entered into in good faith. Based
10 on this fact, the Court’s knowledge of the terms of the Settlement set forth in the
11 motion, and the Court’s review of the factors articulated in *Tech-Bilt*, 38 Cal. 3d at 488,
12 the Court finds that the Settlement was entered into in good faith within the meaning
13 of California Code of Civil Procedure § 877.6.

14 IT IS HEREBY ORDERED that the Motion for Determination of Good Faith
15 Settlement (ECF No. 34) is GRANTED. The Court determines that the Settlement was
16 made in good faith and approves the Settlement pursuant to California Code of Civil
17 Procedure § 877.6.

18 DATED: December 20, 2017

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20 **WILLIAM Q. HAYES**
United States District Judge

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