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

K.C.A. (by and through his guardian,
Amanda Purvis), individually, and as a
successor in interest to his father, Mark
Armendo, deceased, PATRICE CLINES,
individually,

Plaintiffs,

v.

COUNTY OF SAN DIEGO,

Defendant.

Case No.: 20-cv-02504-W-BLM

**ORDER (1) ADOPTING REPORT
AND RECOMMENDATION [DOC.
56] WITH MODIFICATION, AND (2)
GRANTING AMENDED MOTION
TO CONFIRM MINORS'
COMPROMISE [DOC. 48]**

On June 3, 2022, Plaintiffs filed a petition for approval of minor’s compromise. (*Petition* [Doc. 48].) On November 10, 2022, Magistrate Judge Barbara L. Major issued a Report and Recommendation (“Report”) recommending the Court grant the petition. (*Report* [Doc. 56] at 1:25.) The Report ordered any objections filed by November 25, 2022. (*Id.* at 11:5-6.) On November 14, 2022, the parties submitted a joint statement regarding the Report. (*Joint Statement* [Doc. 57].) The parties did not object to the Report and waived the applicable objection period but requested that the Report be modified such that the final order requires payment to Brody McBride Law, 2011

1 Palomar Airport Road, Suite 101 Carlsbad, CA 92011 instead of to Lamere Legal.
2 (*Petition* at 1:23-28; *Report* at 10, item 1.)

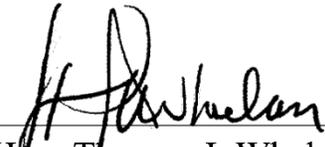
3 Having reviewed the petition, the Report, and the joint statement, the Court accepts
4 Judge Major's recommendation and **ADOPTS** the Report [Doc. 56] in its entirety, except
5 as to the modification requested by the parties. For the reasons stated therein, the Court
6 finds the compromise and settlement of the claims of minor K.C.A are fair and
7 reasonable and in his best interests and, therefore, **GRANTS** the petition [Doc. 56] and
8 **ORDERS** as follows:

- 9 (1) within twenty-one (21) days of this Order, Defendant must provide
10 Plaintiffs' counsel with a check in the amount of \$75,000.00 made payable
11 to Brody McBride Law, 2011 Palomar Airport Road, Suite 101 Carlsbad,
12 CA 92011;
- 13 (2) upon receipt of the \$75,000.00, Plaintiffs' counsel shall retain \$27,375.00
14 for attorney's fees and use the remaining money to pay the hard costs
15 incurred during the litigation, the remaining medical liens, and Plaintiff Ms.
16 Clines;
- 17 (3) within thirty (30) days of this Order, the minor's net settlement proceeds,
18 \$9,441.50, are to be deposited in K.C.A.'s 529 education savings account,
19 which is an interest-bearing, federally insured account; and
- 20 (4) a joint motion for dismissal of the instant case must be filed within five days
21 after Plaintiffs' counsels' receipt of the settlement check.

22 In light of the foregoing, Defendant's motion to dismiss the complaint [Doc. 41] is
23 **TERMINATED** as moot.

24 **IT IS SO ORDERED.**

25 Dated: November 21, 2022

26 
27 _____
28 Hon. Thomas J. Whelan
United States District Judge