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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

MARCO ANTONIO AGUILAR and  
OLALLA KENDY AGUILAR,

Plaintiff(s),

v.

THE UNITED STATES OF AMERICA,

Defendant(s).

Case No. 2:16-CV-153 JCM (CWH)

ORDER

Presently before the court is plaintiffs' unopposed petition for approval of a settlement made on behalf of a minor. (ECF No. 34).

Accompanying the motion, inter alia, are two documents particularly relevant here. First, plaintiff filed a stipulation for compromise settlement and release of claims brought under the Federal Tort Claims Act. (ECF No. 34-6). Next, plaintiff offered a document creating an irrevocable reversionary inter vivos grantor medical care trust. (Id.).

However, the court will not approve the settlement at this time because both documents lack Assistant United States Attorney Lindsay Roberts' signature, although unpopulated fields are provided for the same. Moreover, the petition was filed solely by the plaintiffs, as is the accompanying proposed order. (ECF Nos. 34, 34-6).

This court is cognizant that a term of the settlement agreement is that "[p]laintiffs must obtain [a] court Order before the Torts Branch will seek settlement authority from the Attorney General or the Attorney General's designee." (ECF No. 34-6 at 15). However, the parties have not made explicit whether this condition is the reason why Ms. Roberts has not yet signed the documents.

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Because the present petition was not filed jointly and because there is no other submission indicating that the offered documents are those contemplated by both the defendant and the government in the course of their settlement negotiations, this court cannot approve the settlement.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' petition to approve a compromise settlement on behalf of a minor (ECF No. 34) be, and the same hereby is, DENIED, without prejudice.

IT IS FURTHER ORDERED that, if the parties wish to clarify why these documents lack the discussed signature or otherwise intend to cure the deficiency, the amended petition or relevant declaration shall be submitted within fourteen (14) days of the date of this order.

DATED May 18, 2017.

  
UNITED STATES DISTRICT JUDGE