

Honorable Benjamin H. Settle
Hearing Location: Tacoma

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 TACOMA DIVISION

NICHOLAS CHRISTOFORO, an infant, by
 and through his mother and next friend,
 Jessica Christoforo,

and

JESSICA CHRISTOFORO,

and

JAMES CHRISTOFORO,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

NO: CV 4-5462 BHS

ORDER APPROVING ANNUAL
 ACCOUNTING

NOTE ON MOTION CALENDAR:
 OCTOBER 20, 2023

WITHOUT ORAL ARGUMENT

THIS MATTER having come on regularly for hearing before The Honorable Benjamin H. Settle on the date shown below upon the Petition of Trustee for the entry of an order approving its annual accounting and fees, filed by Wells Fargo Bank, N.A., Trustee of the Nicholas Christoforo Reversionary Special Needs Trust, u/a dtd March 30, 2006 ("Trust"), the Trustee being represented by Aiken, St. Louis & Siljeg, P.S., and the Court having considered the Petition, the Trustee's Annual Accounting, and being fully advised in the premises, Now Therefore, the Court Makes the Following:

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I. FINDINGS OF FACT

1.1 **Jurisdiction.** The facts alleged in the Petition of Trustee for Order Approving Annual Accounting and Fees, and the Trustee’s Annual Accounting are true and include all of the facts necessary to give the Court jurisdiction over this matter.

1.2 **Acts of Trustee.** It appears to the Court that all acts required of the Trustee have been performed and are valid and proper. The expenses incurred for the period May 1, 2022 through April 30, 2023 are reasonable and necessary and within the terms and purpose of the Trust.

1.3 **Correctness of Annual Accounting.** It appears to the Court that the accounting submitted by the Trustee is correct.

1.4 **Guardian ad Litem Report.** The guardian ad litem completed her investigation and recommends approval of the annual accounting.

1.5 **Notice.** Notice of the hearing on this matter has been properly provided to the parties entitled to receive such notice.

1.6 **Trustee Fees.** The fees charged by Wells Fargo Bank, N.A., as Trustee, are reasonable and necessary for the administration of the Trust.

1.7 **Legal Fees and Costs.** The fees incurred by Aiken, St. Louis & Siljeg, P.S. as the attorneys for the Trustee are reasonable and necessary for the administration of the Trust.

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II. CONCLUSIONS OF LAW

2.1 **Jurisdiction.** The Court has retained jurisdiction over the parties and the subject matter of this trust proceeding.

2.2 **Approval of Accounting.** The Court should enter an Order approving the accounting and all acts of the Trustee for the period from May 1, 2022 through April 30, 2023.

1 Based on the foregoing Findings of Fact and Conclusions of Law, the Court makes the
2 following:

3 **III. ORDER**

4 3.1 **Approval of Accounting of Trustee.** The accounting of Wells Fargo Bank,
5 N.A., the Trustee of the Nicholas Christoforo Reversionary Special Needs Trust, u/a dtd
6 March 30, 2006, and all of the Trustee's accounts, actions, investments, and expenditures set
7 forth in the accounting for the period from May 1, 2022 through April 30, 2023 are approved.

8 3.2 **Approval of Fees of Trustee.** The Trustee shall receive reasonable
9 compensation for services pursuant to its published fee schedule, and is authorized to deduct
10 the same, as well as all other expenses and costs of administration, from the funds in its
11 hands. The fees of Wells Fargo Bank, N.A., as Trustee of the Nicholas Christoforo
12 Reversionary Special Needs Trust, u/a dtd March 30, 2006 for the period from May 1, 2022
13 through April 30, 2023 in the total amount of \$43,103.59 are approved. The payment of the
14 approved fees and costs from the assets of the Trust shall be and hereby is ratified.

15 3.3 **Approval of Legal Fees.** The fees and costs of Aiken, St. Louis & Siljeg, P.S.
16 that were incurred during the period from August 4, 2022 through August 31, 2023 in the total
17 amount of \$2,256.05 are approved as reasonable and necessary for the administration of the
18 Trust, and the Trustee is directed to pay its attorneys' fees and costs from the assets of the
19 Trust as incurred, subject to approval at the next annual accounting.

20 3.4 **Approval of Guardian ad Litem Fees and Costs.** The fees and costs of the
21 guardian ad litem, Brianna Johnston Hanks, in the amount of \$660.00 for the period from July
22 27, 2023 to August 22, 2023 are approved as reasonable and necessary and shall be paid from
23 the assets of the Trust.

24 3.5 **Discharge of Guardian ad Litem.** Brianna Johnston Hanks is discharged as
guardian ad litem in this matter.

1 3.6 **Appointment of Successor Guardian ad Litem.** Craig E. Coombs shall be
2 and hereby is appointed as the successor guardian ad litem. He will review the annual
3 accountings of the Trustee going forward.

4 3.7 **Next Reporting Deadline.** The deadline for filing the Trustee’s next annual
5 accounting is July 30, 2024. That accounting shall cover the period from May 1, 2023
6 through April 30, 2024.

7 DATED this 24th day of October, 2023.

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11 _____
12 BENJAMIN H. SETTLE
13 United States District Judge

14 Presented by:

15 AIKEN, ST. LOUIS & SILJEG, P.S.

16 By /s/ Richard L. Furman Jr.

17 Richard L. Furman Jr., WSBA No. 31101
18 Attorneys for Trustee

19 Approved for entry; copy received:

20 UNITED STATES ATTORNEY’S OFFICE

21 By /s/ Kristin B. Johnson

22 Kristin B. Johnson, WSBA No. 28189
23 Attorneys for United States of America

24 By /s/ Brianna Johnston Hanks

Brianna Johnston Hanks, WSBA No. 52782
Guardian ad Litem