

1 **THE HONORABLE MARSHA J. PECHMAN**

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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 THAN ORN, individually, THALISA ORN,
12 individually, J.O. and C.O., by their
13 Guardian, CLARISSE ORN,

14 **Plaintiffs,**

15 vs.

16 CITY OF TACOMA, a municipal
17 corporation; and KRISTOPHER CLARK, in
18 his individual capacity,

19 **Defendants.**

CASE NO. 3:13-cv-05974-MJP

ORDER GRANTING PLAINTIFFS'
MOTION TO APPROVE MINOR
SETTLEMENT

20 This matter comes before the Court on Plaintiffs' Motion to Approve Minor Settlement.
21 (Dkt. No. 236.) Having reviewed the Motion, the report of Virginia L. DeCosta, the Settlement
22 Guardian Ad Litem (SGAL), dated December 21, 2020, which recommends approval of the
23 settlement, Defendants' Stipulation to Plaintiffs' Motion to Approve Minor Settlement (Dkt.
24 No. 238), the records and pleadings herein, the Court ORDERS as follows:

25 Plaintiffs' Motion to Approve Minor Settlement is GRANTED, which renders
26 Plaintiffs' Motion to Enforce the Settlement Agreement MOOT (Dkt. No. 234). The settlement
as outlined in the Plaintiffs' Motion to Approve Minor Settlement and the SGAL's Report of

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1 Court Appointed Settlement Guardian Ad Litem Recommending Approval is approved by the
2 Court as reasonable and appropriate, the terms of which are outlined below:

3 The total amount of the settlement between Plaintiffs and Defendants is eight million
4 dollars (\$8,000,000). Within ten (10) days of the date of this order, the Defendants' insurer,
5 will deliver full payment of the settlement amount to Plaintiffs' counsel. The payment shall be
6 made payable to "Pfau Cochran Vertetis Amala, PLLC in Trust for Plaintiffs Than Orn, Thalisa
7 Orn, and Clarisse Orn as guardian for minors J.O. and C.O."

9 It is further ORDERED that after payment of \$4,269,861.77 (attorney fees of
10 \$3,600,000.00, costs advanced of \$505,027.34, HCA lien of \$160,834.43, and trust legal fees
11 of \$4,000.00) the remainder of the settlement funds shall be apportioned so that each plaintiff
12 receives the following net proceeds from the settlement:

- | | | |
|----|----------------|------------------|
| 13 | A. Minor J.O. | - \$330,000.00 |
| 14 | | |
| 15 | B. Minor C.O. | - \$330,000.00 |
| 16 | C. Thalisa Orn | - \$330,000.00 |
| 17 | D. Than Orn | - \$2,740,138.23 |

18 It is further ORDERED that

- 19 1. The above-referenced attorney's fees and costs advanced, as outlined in the
20 Plaintiffs' Motion to Approve Minor Settlement and in the SGAL report are
21 reasonable and shall be paid from the settlement proceeds.
- 22 2. The Plaintiffs' attorneys shall ensure that all payments required to satisfy the above-
23 referenced HCA lien claim are paid out of the settlement proceeds.
- 24 3. Clarisse Orn, birth mother and natural guardian of J.O. and C.O., is authorized to
25 execute any and all settlements and other papers, including but not limited to release
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1 of claim documents, that may be required to finalize and effectuate this settlement
2 agreement.

3 4. As outlined in the SGAL Report, the Court approves disbursement of the funds
4 necessary for the purchase of musical instruments for the minor children from their
5 apportionment of settlement proceeds; specifically the purchase of a cello for J.O.
6 and a violin for C.O. The anticipated cost is within the range of \$10,000 to \$15,000
7 per instrument.

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9 5. As outlined in the SGAL report, the remainder of the proceeds of the settlement
10 apportioned to J.O. and C.O. will be placed into a Trust for each child, with BECU's
11 Trust Department serving as professional trustee. The anticipated funding amount
12 for each Trust is in the range of \$315,000 to \$320,000. Plaintiffs' counsel is required
13 to provide the trustee with confirmation of the purchase of, and with the purchase
14 price of, the above-referenced musical instruments for record keeping of the minors'
15 net proceeds and any disbursements therefrom. Plaintiffs' counsel must also, within
16 60 days of the entry of this order, file proof of the funding of each Trust in
17 accordance with the SGAL Report and this order.

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19 6. The fees and costs of SGAL Virginia L. DeCosta, totaling \$4,808.50, are reasonable
20 and are hereby approved. Because the work of the SGAL in this case inures to the
21 benefit of the Defendants by ensuring the finality of settlement and release of the
22 minor Plaintiffs' claims against the Defendants, the Defendants must pay, separate
23 and in addition to the settlement amount, the above-referenced SGAL fees and costs.
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1 Dated this 5th day of January, 2021.
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5 Marsha J. Pechman
6 United States District Judge
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