

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HENRY A., by his next friend M.J.; CHARLES and CHARLOTTE B., by their next friend R.D.; LEO C.; VICTOR C.; MAIZY and JONATHAN D. by their next friend S.W.; LINDA E.; CHRISTINE F., and OLIVIA G. by their next friend E.F., and MASON I., by his next friend M.J., individually and on behalf of others so situated,

Plaintiffs,

vs.

MICHAEL WILLDEN, Director of the Nevada Department of Health and Human Services; DIANE COMEAUX, former Administrator of Nevada Division of Child and Family Services; AMBER HOWELL, Administrator of Nevada Division of Child and Family Services; VIRGINIA VALENTINE, former Clark County Manager; DON BURNETTE, Clark County Manager; CLARK COUNTY; TOM MORTON, former Director of Clark County Department of Family Services; LISA RUIZ-LEE, Director of Clark County Department of Family Services; SYLVIA CLARK, Senior Family Services Specialist; YVETTE CHEVALIER, Caregiver Services Manager; TERESA CRAGON, Case Manager; DARREL FORD, Licensing Investigator; DEBBIE MALLWITZ, Family Services Specialist II; PATRICIA MARTIN, Family Services Specialist; THOR MARTINEZ, Family Services Specialist I; PHILOMENA OSEMWENGIE, Senior Family Services Specialist; STACEY SCOTT, Family Services Specialist I; SONYA WEATHERS, Family Services Specialist II; and DOES XI-XX,

Defendants.

Case No.: 2:10-CV-00528-RCJ-PAL

ORDER APPROVING COMPROMISE SETTLEMENT AND DISTRIBUTION

1 This matter having come before the Court on Plaintiffs' Petition to Approve Compromise
2 Settlement and Distribution ("plaintiffs' Petition"), and having been duly considered, it is hereby
3 ORDERED THAT:

4 1. Plaintiffs' Petition to Approve Compromise Settlement and Distribution is
5 GRANTED.

6 **JG**

7 2. CLARK COUNTY Defendants shall pay THREE HUNDRED TWENTY-FIVE
8 THOUSAND DOLLARS (\$325,000.00) to settle JG's claims.

9 3. The majority of the proceeds for JG's settlement shall be used to purchase a tax-
10 free structured settlement annuity that will not begin to pay out until JG reaches 18 years of age.
11 CLARK COUNTY shall pay THREE HUNDRED AND FIVE THOUSAND DOLLARS
12 (\$305,000.00) to Pacific Life and Annuity Services, Inc. to purchase this annuity from Pacific
13 Life Insurance Company. Pacific Life Insurance Company will make payments to JG pursuant to
14 the annuity schedule that is attached as Exhibit D to plaintiffs' Petition. Attachment 1 sealed
15 annuity schedule filed contemporaneous to this order setting forth the terms and conditions of the
16 annuity for JG.¹

17 4. TWENTY THOUSAND DOLLARS (\$20,000.00) shall be placed into the
18 Attorney Client Account, to be held in trust for JG subject to N.R.S. 41.200 until further Order of
19 this Court or until JG turns 18, whichever occurs sooner.

20 5. Petitioner LM shall file with the Court proof of the deposit of the funds in the
21 Attorney Client Account, and the establishment of the above annuity, within 30 days of the receipt
22 of funds.

23 **CD**

24 6. CLARK COUNTY Defendants shall pay THREE HUNDRED FIFTY
25 _____

26 ¹ Attachment 1 is attached as Exhibit E to the Petition to Approve Compromise Settlement
27 and Distribution.
28

1 THOUSAND DOLLARS (\$350,000.00) to settle CD's claims.

2 7. CLARK COUNTY Defendants shall pay THREE HUNDRED AND FIFTY
3 THOUSAND DOLLARS (\$350,000.00) to the CD TRUST, with Dacotah Bank acting as
4 Administrative Trustee, pursuant to Exhibits G, H, and I of plaintiffs' Petition.

5 8. Petitioner HS shall file with the Court proof that the settlement funds have been
6 placed into the trust within 30 days after receiving the funds.

7 **DR**

8 9. CLARK COUNTY Defendants shall pay ONE HUNDRED FIFTY THOUSAND
9 DOLLARS (\$150,000.00) to settle DR's claims.

10 10. Half of the proceeds from DR's settlement shall be used to purchase a tax-free
11 structured settlement annuity that will not begin to pay out until DR reaches 18 years of age.

12 CLARK COUNTY shall pay SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) to Pacific
13 Life and Annuity Services, Inc. to purchase an annuity from Pacific Life Insurance Company.
14 Pacific Life Insurance Company will make payments to DR pursuant to the annuity schedule that
15 is attached as Exhibit M to plaintiffs' Petition.

16 11. CLARK COUNTY shall pay SEVENTY-FIVE THOUSAND DOLLARS
17 (\$75,000.00) to Barco Assignments Ltd. to purchase an annuity from Liberty Life Assurance
18 Company of Boston. Liberty Life Assurance Company of Boston will make payments to DR
19 pursuant to the annuity schedule that is attached as Exhibit N to plaintiffs' Petition. Attachment 2
20 sealed annuity schedule filed contemporaneous to this order setting forth the terms and conditions
21 of the two annuities.²

22 12. Petitioners AR and DR shall file with the Court proof of the establishment of the
23 above annuities within 30 days of the receipt of funds.

24 **SG**

25 _____
26 ² Attachment 2 is attached as Exhibit O to the Petition to Approve Compromise
27 Settlement and Distribution.
28

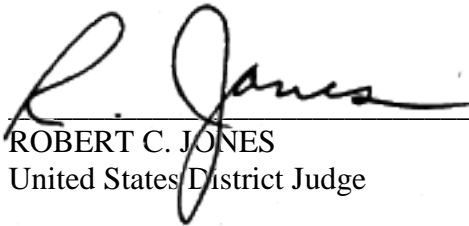
1 13. CLARK COUNTY Defendants shall pay ONE HUNDRED THOUSAND
2 DOLLARS (\$100,000.00) to settle SG’s claims.

3 14. Under the Settlement Agreement and Release, the proceeds for SG’s settlement
4 will be used to purchase a tax-free structured settlement annuity that will not begin to pay out
5 until SG reaches 18 years of age. With the Court’s permission, CLARK COUNTY shall pay
6 ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) to Pacific Life and Annuity Services,
7 Inc. to purchase an annuity from Pacific Life Insurance Company. Pacific Life Insurance
8 Company will make payments to SG pursuant to the annuity schedule that is attached as Exhibit P
9 to plaintiffs’ Petition. Attachment 3 sealed annuity schedule filed contemporaneous to this order
10 setting forth the terms and conditions of the annuity.³

11 15. Petitioners AR and DR shall file with the Court proof of the establishment of the
12 above annuity within 30 days of the receipt of funds.

13
14 The Clerk of the Court shall file the attachment/exhibits “sealed annuity schedules” under
15 seal pursuant to the Court order dated October 5, 2010.

16 **IT IS SO ORDERED.**
17 Dated this 9th day of January, 2015.

18
19 
20 ROBERT C. JONES
21 United States District Judge

22
23
24
25 _____
26 ³ Attachment 3 is attached as Exhibit Q to the Petition to Approve Compromise
27 Settlement and Distribution.
28