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18 [Additional counsel cont. next page]

19 **UNITED STATES DISTRICT COURT**  
20 **EASTERN DISTRICT OF CALIFORNIA**

21 JAMES JOSHUA MAYFIELD, JAMES  
22 ALLISON MAYFIELD, JR. and TERRI  
23 MAYFIELD,

24 Plaintiffs,

25 vs.

26 IVAN OROZCO, in his individual capacity,  
27 SHERIFF SCOTT JONES, in his individual and  
28 official capacity, JAMES LEWIS, in his individual  
and official capacity, RICK PATTISON, in his  
individual and official capacity, COUNTY OF  
SACRAMENTO, UNIVERSITY OF  
CALIFORNIA DAVIS HEALTH SYSTEM, DR.  
GREGORY SOKOLOV, in his individual  
capacity, DR. ROBERT HALES, in his individual  
capacity, and Does 1-5,

Defendants.

Case No.: 2:13-CV-02499-JAM-AC

[Assigned to the Honorable John A. Mendez –  
Courtroom 6]

**JOINT AMENDED ORDER REGARDING  
PLAINTIFFS' MOTION TO APPROVE  
SETTLEMENT AND ESTABLISH A SPECIAL  
NEEDS TRUST**

Complaint filed: December 3, 2013

Trial Date: May 1, 2017

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**JOINT AMENDED [PROP] ORDER RE:  
PLTFS' MTN TO APPROVE SETTLEMENT**

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14 REGENTS OF THE UNIVERSITY OF CALIFORNIA, now sued as the UNIVERSITY OF CALIFORNIA  
15 DAVIS HEALTH SYSTEM, DR. GREGORY SOKOLOV, sued in his individual capacity, and DR.  
16 ROBERT HALES, sued in his individual capacity  
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**ORDER**

All Parties to this matter submit the following Joint Amended [Proposed] Order Regarding Plaintiffs' unopposed Motion to Approve Settlement and Establish a Special Needs Trust.

Having considered the moving papers, arguments of counsel, the documents on file in this case, and after a hearing on Plaintiffs' Motion to Approve Settlement and Establish a Special Needs Trust, IT IS HEREBY ORDERED:

Plaintiffs' Motion to Approve Settlement and Establish a Special Needs Trust is granted in part and denied in part.

**1. Motion to Approve Settlement**

The Court denies the request that James Allison Mayfield, Jr. and Terri Mayfield receive 15% of the total settlement but grants the request to approve the settlement with James Allison Mayfield, Jr. and Terri Mayfield receiving 5% of the total settlement. The Court orders that James Joshua Mayfield is to receive 95% of the settlement proceeds and that Plaintiffs' counsel is to receive 40% of the total settlement for attorneys' fees, as well as the costs identified below.

Based on the foregoing, the Court orders that the settlement proceeds in this case be distributed as follows:

**A. Settlement Proceeds to James Joshua Mayfield**

Total = \$5,000,000

95% of total = \$4,750,000

40% fees from \$4,750,000 = \$1,900,000

\$4,750,000 - \$1,900,000 = \$2,850,000

Total costs = \$388,721.34

95% of total = \$369,285.27

\$2,850,000 - \$369,285.27 = \$2,480,714.73

Total to James Joshua Mayfield = \$2,480,714.73

Total to the James Joshua Mayfield Special Needs Trust from Defendant the Regents of the University of California = \$1,240,357.36

1 Total to the James Joshua Mayfield Special Needs Trust from Defendant County of  
2 Sacramento = \$1,240,357.37

3 **B. Settlement Proceeds to James Allison Mayfield, Jr. and Terri Mayfield**

4 Total = \$5,000,000  
5 5% of total = \$250,000

6 40% of fees from \$250,000 = \$100,000  
7 \$250,000 - \$100,000 = \$150,000

8 Total costs = \$388,721.34  
9 5% of total = \$19,436.07

10 \$150,000 - \$19,436.07 = \$130,563.93

11 Total to James Allison Mayfield, Jr. and Terri Mayfield = \$130,563.93

12 Based on the foregoing, the Court orders that a total of \$2,480,714.73 be placed in the James  
13 Joshua Mayfield Special Needs Trust and that \$2,519,285.27 be paid to the Hadsell Stormer & Renick  
14 client trust account for the distribution to James Allison Mayfield, Jr. and Terri Mayfield, and for  
15 Plaintiffs' attorneys' fees and costs.

16 Total to the Hadsell Stormer & Renick client trust account from Defendant the Regents of the  
17 University of California = \$1,259,642.64.

18 Total to the Hadsell Stormer & Renick client trust account from Defendant County of Sacramento  
19 = \$1,259,642.63.

20 Defendants are to provide these payments within 30 days of this Order.

21  
22 **2. Motion to Establish a Special Needs Trust for James Joshua Mayfield**

23 The Court grants the Motion to Establish a Special Needs Trust and orders the following with  
24 regard to the James Joshua Mayfield Special Needs Trust:

25 1. The United States District Court, Eastern District of California establishes the James  
26 Joshua Mayfield Special Needs Trust and Lisa Berg is directed to execute it on behalf of James Joshua  
27 Mayfield;

28 2. The Trustee shall petition the San Joaquin County Probate Court to bring the James

1 Joshua Mayfield Special Needs Trust under its ongoing court jurisdiction as defined by California Rule  
2 of Court 7.903;

3 3. The payment of all monies due James Joshua Mayfield in this settlement shall be paid  
4 directly to the James Joshua Mayfield Special Needs Trust;

5 4. Lisa Berg shall serve as the initial Trustee of the James Joshua Mayfield Special Needs  
6 Trust with bond to be filed in the amount required by California Rules of Court 7.207 in the San Joaquin  
7 County Probate Court;

8 5. Any past or future compensation owed to the parents of James Joshua Mayfield for his  
9 caregiving and services is to be determined by the San Joaquin County Probate Court, this Court has not  
10 considered that issue;

11 6. The Court finds that James Joshua Mayfield has a disability that substantially impairs his  
12 ability to provide for his own care or custody, and constitutes a substantial handicap;

13 7. The Court finds that James Joshua Mayfield is likely to have special needs that will not be  
14 met without the Trust;

15 8. The Court finds that the money to be paid to the Trust does not exceed the amount that  
16 appears reasonably necessary to meet James Joshua Mayfield's special needs;

17 9. The Trustee of the James Joshua Mayfield Special Needs Trust is authorized to invest in  
18 mutual funds and bonds with maturity dates greater than five years; and

19 10. The Court approves and directs the payment of \$4,215 to The Urbatsch Law Firm, P.C.,  
20 for the legal services rendered to James Joshua Mayfield.

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24 Dated: 11/6/2017

/s/ John A. Mendez  
JOHN A. MENDEZ  
United States District Court Judge