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5 Attorney for Plaintiff
6 CHADERICK A. INGRAM and
Petitioner LAWRENCE PERNELL
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 CHADERICK A. INGRAM,)	CASE NO. CIV S-08-2490 KJM DAD
12 Plaintiff,)	
13 v.)	EX PARTE PETITION FOR COURT
14)	APPROVAL OF SETTLEMENT;
15 GRANT JOINT UNION HIGH SCHOOL)	ORDER
DISTRICT, et al,)	[FRCP Rule 17; EDCA Rule 202]
16 Defendants.)	

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18 Petitioner Lawrence Pernell, guardian ad litem for the Plaintiff, states as follows:

19 1. Plaintiff, Chaderick Ingram, an adult male, filed an initial Complaint in
20 Sacramento County Superior Court (Case Number 34-2008-00019165) on August 13, 2008,
21 alleging a cause of action against the District and individuals Beck and Scott.

22 2. On October 20, 2008, Defendants removed the case to the Eastern District Court
23 of California pursuant to the provisions of 28 U.S.C. §1441(b) in that Plaintiff alleged claims of
24 excessive force against the defendants resulting in a violation of petitioner's civil rights under 42
25 U.S.C. §1983. This claim arose out of an incident which occurred on or about August 16, 2007,
26 between the plaintiff and the individual defendants, during which the defendants apprehended
27 the plaintiff and issued a ticket.

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1 3. Plaintiff filed amended complaints in the Eastern District Court on October 31,
2 2008 and September 14, 2009.

3 4. On September 9, 2010, the Court dismissed the District as a defendant pursuant to
4 its motion to dismiss.

5 5. On December 23, 2010, the Honorable District Court Judge Morrison C. England,
6 Jr. found Plaintiff to be mentally incompetent pursuant to 18 U.S.C. § 4241(d) in connection
7 with Plaintiff's separate criminal case.

8 6. On February 16, 2011, Defendants Beck and Scott filed a Motion for Judgment on
9 the Pleadings on the grounds that Plaintiff lacked capacity to sue and was unable to represent
10 himself in Court without the representation of an attorney.

11 7. On March 28, 2011, the Court appointed attorney Joanna R. Mendoza for the
12 limited purpose of representing Plaintiff in connection with Defendant Beck's and Scott's
13 Motion for Judgment on the Pleadings.

14 8. On April 1, 2011, the Court deferred ruling on Beck and Scott's Motion for
15 Judgment on the Pleadings to provide an opportunity for Ms. Mendoza to find a guardian ad
16 litem for Plaintiff, and for settlement discussions to occur between the Parties.

17 9. On April 7, 2011, the Court signed an order appointing Lawrence Pernell, the
18 plaintiff's adult brother, as guardian ad litem for Plaintiff.

19 10. Thereafter, the parties engaged in settlement discussions and negotiated a
20 settlement agreement which provides for a release of all claims against the defendants in
21 exchange for a payment of ten-thousand dollars (\$10,000) to be made to the plaintiff to be
22 memorialized in a standard release and settlement agreement as drafted by counsel for both sides
23 and approved by the parties. For purposes of the settlement agreement, the parties have agreed
24 that no physical injury was caused by the defendants. No defendant has offered to pay money to
25 any person or persons other than the plaintiff to settle claims arising out of the same incident
26 which is the subject of plaintiff's complaint.

27 11. In accordance with the applicable California law (pursuant to Schwarzer, Tashima
28 & Wagstaffe, CAL. PRAC. GUIDE: FED. CIV. PRO. BEFORE TRIAL (The Rutter Group

1 2010), 15:137-138), petitioner further states, to the best of his knowledge: a) the plaintiff's action
2 is **not** for damages for the death of a person caused by a wrongful act or neglect of another; b) no
3 portion of the net proceeds of the settlement in favor of plaintiff is to be placed in a trust; c) there
4 are no unresolved disputes concerning liens to be satisfied from the proceeds of the judgment or
5 settlement; d) plaintiff's and petitioner's attorney did not become involved with this matter,
6 directly or indirectly, at the request of a party against whom the claim is asserted or any
7 insurance carrier; e) plaintiff's and petitioner's attorney is not representing, employed by, or
8 associated with a defendant in this matter or an insurance carrier; f) all defendants that have
9 appeared in the pending action are participating in the proposed compromise and settlement; and
10 g) the total of the settlement described in Paragraph 10 above is less than \$50,000 and therefore
11 may be approved by the Court on an expedited basis. [Cal. Judicial Council Form MC-350EX,
12 Item 3].

13 12. Petitioner has made a careful and diligent inquiry and investigation to ascertain
14 the facts relating to the incident, the responsibility for the incident, and the nature, extent and
15 seriousness of the plaintiff's claims. Petitioner fully understands that if the compromise
16 proposed in this petition is approved by the Court and is consummate, the plaintiff will be
17 forever barred from seeking any further recovery of compensation from the settling defendants
18 even though the plaintiff's claims may in the future appear to be more serious than they are now
19 thought to be.

20 13. The attorney representing the plaintiff and petitioner, Joanna R. Mendoza, is not
21 representing or employed by any other party involved in this matter and has not received, nor does
22 she expect to receive, any attorney's fees or other compensation for services provided in connection
23 with this action. The plaintiff will receive the entire settlement amount of ten-thousand dollars
24 (\$10,000) upon approval by the Court.

25 14. There is no conservatorship of the estate of the plaintiff. Petitioner requests that the
26 entire proceeds of the settlement be disbursed directly to the plaintiff.

27 15. Petitioner recommends the compromise settlement to the Court as being fair,
28 reasonable, and in the best interest of the plaintiff and requests that the Court approve this

1 compromise settlement and make such other and further orders as may be just and reasonable.
2 Once the settlement is approved by the Court and the parties execute the final settlement
3 agreement, a full dismissal of this action, with prejudice, will be sought.

4 DATED: June 15, 2011

LAW OFFICES OF JOANNA R. MENDOZA, P.C.

5 /Joanna R. Mendoza/
6 JOANNA R. MENDOZA
7 Attorney for Plaintiff

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct to the best of my knowledge and understanding.

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/s/
LAWRENCE PERNELL

ORDER

The petition for an order approving the settlement is GRANTED.

IT IS SO ORDERED.

DATED: July 20, 2011.


UNITED STATES DISTRICT JUDGE