

1 JOHN L. BURRIS, Esq./ State Bar #69888
2 BENJAMIN NISENBAUM, Esq./State Bar #222173
3 LAW OFFICES OF JOHN L. BURRIS
4 Airport Corporate Centre
5 7677 Oakport Street, Suite 1120
6 Oakland, California 94621
7 Telephone: (510) 839-5200 Facsimile: (510) 839-3882

8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 TERESA SHEEHAN,
11
12 Plaintiff,

Case No. C 09 03889 CRB

ORDER APPOINTING GUARDIAN AD LITEM AND APPROVING SETTLEMENT

13 vs.

14 CITY AND COUNTY OF SAN FRANCISCO,
15 a municipal corporation; HEATHER FONG, in
16 her capacity as Chief of Police for the CITY
17 AND COUNTY OF SAN FRANCISCO;
18 KIMBERLY REYNOLDS , individually, and in
19 her capacity as a police officer for the CITY
20 AND COUNTY OF SAN FRANCISCO;
21 KATHERINE HOLDER, individually and in her
22 capacity as a police officer for the CITY AND
23 COUNTY OF SAN FRANCISCO; and, San
24 Francisco police officers DOES 1-25, inclusive,

Time: 10:00 a.m.
Date: October 14, 2016
Courtroom 6, 17th Floor

Hon. Charles R. Breyer

PUBLIC VERSION- REDACTED

25 Defendants.

26 **ORDER APPOINTING GUARDIAN AD LITEM AND APPROVING SETTLEMENT**

27 This matter came on for hearing at 11:00 a.m. on October 14, 2016, in the above-entitled
28 Court. For the reasons set forth at the hearing, the Court finds hereby orders as follows:

1. Frances Sheehan, Plaintiff Teresa Sheehan’s sister and her attorney-in-fact in this action pursuant to a general power of attorney, is hereby appointed as the guardian ad litem of Plaintiff Teresa Sheehan in this action.

1 2. The Court hereby approves the settlement accepted by Frances Sheehan as Guardian
2 Ad Litem for Plaintiff in this action.

3 3. The settlement accepted by Plaintiff's guardian ad litem, Frances Sheehan, and
4 approved by the Court is as follows:

5 Monetary: Payment of \$1 million all inclusive of attorneys' fees and costs to be paid by
6 Philadelphia Insurance Co. in exchange for a full release and dismissal; and

7 Non-monetary: After execution of a full release and the court's dismissal of the action, [RE-
8 DACTED*****
9 *****
10 *****
11 *****
12 *****
13 *****
14 *****
15 *****
16 *****
17 *****].

18 In addition, as set forth on the record at the hearing of this matter, Defendant CITY AND
19 COUNTY OF SAN FRANCISCO hereby waives any right to recover any and all costs incurred by
20 Plaintiff relating to medical care, housing, or jail-related costs arising out of the subject-incident,
21 from the date of the subject-incident on August 7, 2008 up to the present, October 14, 2016.

22 Judge Cahill shall have jurisdiction to mediate any disputes about compliance with this
23 settlement.

- 24 4. The settlement shall be paid as follows:
25 a. Attorney fees for Ms. Sheehan shall be 45% of \$922,264.93: her monetary
26 recovery after litigation costs in the amount of \$77,735.07, are deducted from the monetary
27 settlement of \$1,000,000.00. Attorney fees for Ms. Sheehan are in the amount of
28 \$415,019.22.

1 The fees and costs include all attorney's fees and costs incurred by Plaintiff's instant
2 counsel, the Law Offices of John L. Burris, and counsel retained by Plaintiff specially for U.S.
3 Supreme Court proceedings: Leonard Feldman, Esq., formerly of Stoel-Rivas, currently with
4 Peterson, Wampold, Rosato, Luna, Knopp. Plaintiff's guardian ad litem, Frances Sheehan and
5 her counsel, Brunetti Rougeau LLP, shall not recover any fees or costs incurred on Frances
6 Sheehan's behalf in this action.

7 b. Plaintiff's counsel shall recover litigation costs advanced in prosecuting this
8 action in the total amount of \$77,735.07, as set forth below:

- 9 1. Law Offices of John L. Burris: \$64,807.88
10 2. Stoel-Rivas: \$8,576.74
11 3. Peterson Wampold: \$4,350.45

12 c. Ms. Sheehan's net recovery is in the amount of \$507,245.71.

13 d. From Ms. Sheehan's net settlement, \$250,000.00 shall be placed in one of the
14 structured settlement to be selected by Plaintiff's Guardian Ad Litem, Frances Sheehan. The
15 settlement shall be disbursed according to the terms of a structured settlement proposal to be
16 selected by Plaintiff's guardian ad litem, Frances Sheehan, subject to annuity rates at the time
17 of purchase. A special-needs trust shall be created for Plaintiff at the direction of Plaintiff's
18 guardian ad litem, Frances Sheehan. The remainder of Ms. Sheehan's recovery, \$257,245.71,
19 shall be placed in the special needs trust, and all payments from the structured settlement shall
20 be paid into the special needs trust.

21 **IT IS SO ORDERED.**

22
23
24 Dated: 10/19/2016



25 Hon. Charles R. Breyer
26 UNITED STATES DISTRICT JUDGE