



CASE NAME:	CASE NUMBER:
------------	--------------

4. **Claim** The claim of the minor or adult person with a disability:

- a.  Is not the subject of a pending action or proceeding. *(Complete items 5–23.)*  
b.  Is the subject of a pending action or proceeding that will be compromised without a trial. *(Complete items 5–23.)*

Name of court:

Case no.:

Trial date:

- c.  Is the subject of an action or proceeding in which a judgment has been or will be entered for the claimant against the defendants named below in the amount (exclusive of interest and costs) of *(specify)*: \$

Defendants (names):

Additional defendants listed on Attachment 4.  The judgment was filed on *(date)*:  
*(Attach a copy of the (proposed) judgment as Attachment 4c and complete items 13–23.)*

5. **Incident or accident** The incident or accident occurred as follows:

- a. Date: \_\_\_\_\_ Time: \_\_\_\_\_  
b. Place:  
c. Persons involved *(names)*:

Additional persons listed on Attachment 5.

6. **Nature of incident or accident**

The facts, events, and circumstances of the incident or accident are *(describe what happened)*:

Continued on Attachment 6.

7. **Injuries**

The following injuries were sustained by the claimant as a result of the incident or accident *(describe)*:

Continued on Attachment 7.

8. **Treatment**

The claimant received the following care and treatment for the injuries described in item 7 *(describe)*:

Continued on Attachment 8.

CASE NAME:	CASE NUMBER:
------------	--------------

9. **Extent of injuries and recovery** *(An original or a photocopy of any doctor's report containing a diagnosis of the claimant's injuries or a prognosis for the claimant's recovery, and a report of the claimant's current condition, must be attached to this petition as Attachment 9. A new report is not necessary if a previous report accurately describes the claimant's current condition.)*

- a.  The claimant has recovered completely from the effects of the injuries described in item 7, and there are no permanent injuries.
- b.  The claimant has not recovered completely from the effects of the injuries described in item 7, and the following injuries from which the claimant has not recovered are temporary *(describe the remaining injuries and symptoms):*

Continued on Attachment 9b.

- c.  The claimant has not recovered completely from the effects of the injuries described in item 7, and the following injuries from which the claimant has not recovered are permanent *(describe the permanent injuries and symptoms):*

Continued on Attachment 9c.

10.  **Petitioner has made a careful and diligent inquiry and investigation into the facts and circumstances of the incident or accident in which the claimant was injured; the responsibility for the incident or accident; and the nature, extent, and seriousness of the claimant's injuries. Petitioner understands that if the compromise proposed in this petition is approved by the court and consummated, the claimant will never be able to recover any more compensation from the settling defendants named below even if the claimant's injuries turn out to be more serious than they now appear.**

**11. Amount and terms of settlement**

To settle the claim in 4a or 4b, the defendants named below have offered to pay the following amounts to the claimant:

- a. The total amount offered by all defendants named below is *(specify):* \$
- b. The defendants and amounts offered by each are as follows *(specify):*

<u>Defendants (names)</u>	<u>Amounts</u>
\$	
\$	
\$	
\$	

Additional defendants and amounts offered are listed on Attachment 11b.

- c. The terms of settlement are described on Attachment 11c. *(If the settlement is to be paid in installments, both the total amount and the present value of the settlement must be included.)*

**12. Settlement payments to others**

- a.  No defendant named in item 11b has offered to pay money to any person or persons other than the claimant to settle claims arising out of the same incident or accident that resulted in the claimant's injury.
- b.  One or more of the defendants named in item 11b have also offered to pay money to a person or persons other than claimant to settle claims arising out of the same incident or accident that resulted in the claimant's injury.

(1) The total amount offered by all defendants to others is *(specify):* \$

(2)  Petitioner would receive money under the proposed settlement.

(3) The settlement payments are to be apportioned and distributed as follows:

<u>Other plaintiffs or claimants (names)</u>	<u>Amounts</u>
\$	
\$	
\$	
\$	

Additional plaintiffs or claimants and amounts are listed on Attachment 12.

(4)  The settlement payments are apportioned between the claimant and each other plaintiff or claimant named above on a pro rata basis, based upon the special damages claimed by each. The special damages claimed by each other plaintiff or claimant are specified on Attachment 12.

(5)  Reasons for the apportionment of the settlement payments between the claimant and each other plaintiff or claimant named above are specified on Attachment 12.





CASE NAME:	CASE NUMBER:
------------	--------------

19. **Disposition of balance to claimant** (check either a or b, then check each option requested and enter amount(s)):

- a.  There **is** a guardianship of the estate of the minor or a conservatorship of the estate of the adult person with a disability filed in (name of court):  
Case no.:
- (1)  Petitioner requests that \$ \_\_\_\_\_ of the proceeds in money or other property be paid or delivered to the guardian of the estate of the minor or the conservator of the estate of the conservatee. The money or other property is specified in Attachment 19a(1).
- (2)  Petitioner is the guardian or conservator of the estate of the minor or the adult person with a disability. Petitioner requests authority to deposit or invest \$ \_\_\_\_\_ of the money or other property to be paid or delivered under 19a(1) in one or more insured accounts with financial institutions in this state or with a trust company, subject to withdrawal only on authorization of the court. The money or other property and the name, branch, and address of each financial institution or trust company are specified in Attachment 19a(2).
- (3)  Petitioner proposes that all or a portion of the proceeds **not** become part of the guardianship or conservatorship estate. Petitioner requests authority to deposit or transfer these proceeds as follows (check all that apply):
- (a)  \$ \_\_\_\_\_ to be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. The name, branch, and address of each depository are specified in Attachment 19a(3)(a).
- (b)  \$ \_\_\_\_\_ to be invested in a single-premium deferred annuity, subject to withdrawal only on authorization of the court. The terms and conditions of the annuity are specified in Attachment 19a(3)(b).
- (c)  \$ \_\_\_\_\_ to be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the property to be transferred are specified in Attachment 19a(3)(c).
- b.  There is **no** guardianship of the estate of the minor or conservatorship of the estate of the adult person with a disability. Petitioner requests that the balance of the proceeds of the settlement or judgment be disbursed as follows (check all that apply):
- (1)  A guardian of the estate of the minor or a conservator of the estate of the adult person with a disability be appointed and \$ \_\_\_\_\_ of money and other property be paid or delivered to the person so appointed. The money or other property are specified in Attachment 19b(1).
- (2)  \$ \_\_\_\_\_ of money be deposited in insured accounts in one or more financial institutions in this state, subject to withdrawal only on authorization of the court. The name, branch, and address of each depository are specified in Attachment 19b(2).
- (3)  \$ \_\_\_\_\_ of money be invested in a single-premium deferred annuity, subject to withdrawal only on authorization of the court. The terms and conditions of the annuity are specified in Attachment 19b(3).
- (4)  \$ \_\_\_\_\_ be paid or delivered to a parent of the minor on the terms and under the conditions specified in Probate Code sections 3401–3402, without bond. The name and address of the parent and the money or other property to be delivered are specified in Attachment 19b(4). (Value of minor's entire estate, including the money or property to be delivered, must not exceed \$5,000.)
- (5)  \$ \_\_\_\_\_ be transferred to a custodian for the benefit of the minor under the California Uniform Transfers to Minors Act. The name and address of the proposed custodian and the money or other property to be transferred are specified in Attachment 19b(5).
- (6)  \$ \_\_\_\_\_ of money be held on the conditions that the court determines to be in the best interest of the minor or adult person with a disability. The proposed conditions are specified on Attachment 19b(6). (Value must not exceed \$20,000.)
- (7)  \$ \_\_\_\_\_ of property other than money be held on the conditions that the court determines to be in the best interest of the minor or adult person with a disability. The proposed conditions and the property are specified in Attachment 19b(7).
- (8)  \$ \_\_\_\_\_ be deposited with the county treasurer of the County of (name):  
The deposit is authorized under and subject to the conditions specified in Probate Code section 3611(h).
- (9)  \$ \_\_\_\_\_ be paid or transferred to the adult person with a disability. The money or other property is specified in Attachment 19b(9).

CASE NAME:	CASE NUMBER:
------------	--------------

20.  **Additional orders**

Petitioner requests the following additional orders (*specify and explain*):

Continued on Attachment 20.

21.  I, the claimant named in item 2, consent to the order or judgment requested in this petition.  
*(Required if the claimant is an adult with a disability who has the capacity, under Probate Code section 812, to consent to the order or judgment and does not have a conservator of the estate. (See Prob. Code, § 3613.))*

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF CLAIMANT)

 \_\_\_\_\_  
(SIGNATURE OF CLAIMANT)

22. Petitioner recommends the proposed compromise, settlement, or disposition of judgment proceeds for the claimant to the court as being fair, reasonable, and in the best interest of the claimant. Petitioner requests that the court approve this compromise, settlement, or disposition and make any other orders that are just and reasonable.

23. Number of pages attached: \_\_\_\_\_

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE OF ATTORNEY)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF PETITIONER)

 \_\_\_\_\_  
(SIGNATURE OF PETITIONER)