

RECEIVED

03/08/2013

V. BRISENO

Superior Court of California
County of Riverside

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 11 2013

J. [Signature]

MAR 13 2013

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

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE - SOUTHWEST JUSTICE CENTER**

PROPE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

Defendant.

Case No.: SWP10000770

Related Civil actions RIC 10024020
Consolidated with RIC 10024549 and RIC
10024724

**STIPULATION AND ORDER THEREON
FOR VICTIM RESTITUTION**

IT IS HEREBY STIPULATED BY AND BETWEEN [Redacted], and

[Redacted] on the one hand, and [Redacted], individually and on behalf of
the [Redacted] First Party Special Needs Trust on the other hand

1. As and for an effort to resolve all matters relating to any claims concerning alleged victim
restitution in connection with the case of the *The People v. [Redacted]* Riverside County Superior
Court Case No. SWP10000770, and in connection with any other motions and claims presently
pending in the matter of [Redacted] *et al.* Riverside County Case No. RIC 10024020
consolidated with RIC 10024549 and RIC 10024724 with respect to the following matters:
a. [Redacted] and [Redacted] originally applied for an
Order securing funds for criminal restitution from Defendant [Redacted] civil settlement as
part of an application dated July 30, 2012, and filed within the Superior Court of the State of
California, in and for the County of Riverside, Southwest Justice Center;

(01154)263.DOCX

1 b. On August 21, 2012, Defendant [REDACTED] responded to
 2 Petitioner's Application for lien order relating to restitution claims through public defender, Gary
 3 Windorn and Thomas C. Steelman, DPD. In the response [REDACTED] contested any
 4 entitlement of restitution claimants for any lien claim, and raised exemption claims pursuant to C.C.P.
 5 section 704.140;

6 c. On July 7, 2012, the Court ordered an interim victim restitution Order determining
 7 [REDACTED] have the sum of \$220,287.99 paid to them and
 8 reserved the right to modify any amount, including the reduction of said amount based upon future
 9 orders;

10 d. That victims [REDACTED] and [REDACTED] made
 11 Additional claims for restitution;

12 e. That [REDACTED] and [REDACTED] First Party Special
 13 Needs Trust contested said claim to any restitution and filed exemption applications with respect to
 14 any amounts being due or paid on the basis of exemption claims and entitlement for sums needed for
 15 the care and support of [REDACTED]

16 2. Whereas the matter came on regularly for hearing on February 22, 2013, before Judge
 17 Angel M. Bermudez, the parties having presented to the Court a potential resolution, the Court having
 18 reviewed the Proposed Stipulation of the parties, and having approved said stipulation, the parties
 19 hereby agree as follows:

20 a. Alleged restitution claimants [REDACTED]
 21 [REDACTED] hereby acknowledge receipt of victim restitution in the amount of \$220,287.99 from
 22 [REDACTED] which was previously paid from the account of Defendant [REDACTED]

23 b. That TA [REDACTED], individually and through the [REDACTED] First
 24 Party Special Needs Trust, hereby agrees to pay an additional sum of \$200,000 to [REDACTED]
 25 [REDACTED] and [REDACTED] in a lump sum, said payment due on or before March 8,
 26 2013, as and for a full and final victim restitution payment in an amount to be divided between the
 27 restitution claimants in any manner in which they see fit, which division is of no import nor concern.
 28 to [REDACTED] or the [REDACTED] First Party Special Needs Trust. Said

1 under California Civil Code section 1542.

2 4. Restitution claimants [REDACTED] hereby
3 acknowledge that the Court will enter an Order pursuant to the stipulation, fully resolving,
4 discharging, and concluding any and all restitution claims that were the previous subject of any
5 application of restitution claimants in accordance with the terms of the stipulation herein. Pursuant to
6 said stipulation, restitution claimants [REDACTED] hereby
7 acknowledge receipt of the previous \$220,287.99 and the final additional payment of \$200,000 as set
8 forth herein as full and complete payment of any and all claims for any alleged entitlement to
9 restitution hereunder.

10 5. That each and every party agrees to pay any and all claims, liens, reimbursements,
11 subrogation entitlements or any other amount made by any other party as against their separate sum,
12 holding harmless any other party from any claim to priority, entitlement, lien rights, or any other
13 amount allegedly attributable to the payment of the sums herein. This is a privately funded settlement
14 and no Court administration fees are applicable hereto.

15 6. It is further stipulated that the signatures obtained either by facsimile or by any other
16 electronic version, (including but not limited to scanned and/or emailed transmission shall be deemed
17 original and shall be used in their counterparts for the purposes of this Court filing.

18
19 IT IS HEREBY SO STIPULATED.

20
21 Dated: [REDACTED] 2013
22
23 Dated: [REDACTED] 2013
24
25 Dated: [REDACTED] 2013
26

[REDACTED SIGNATURES]

1 payment from the [REDACTED] First Party Special Needs Trust and the Trustee shall be made
 2 in lump sum payment on or before March 8, 2013. Said payment shall be made payable to the
 3 Attorney Client Trust Account of Hales & Associates and mailed to Hales & Associates at 41856 Ivy
 4 Street, Suite 104, Murrieta, California 92562;

5 c. The payment of the final \$200,000, for a total payment of \$420,287.99 is a
 6 payment that represents consideration for any and all restitution claims, payments, whether past
 7 present or future, as against [REDACTED] or the [REDACTED] First Party Special
 8 Needs Trust or any other person or entity associated or connected with [REDACTED]
 9 including without limitation the Trustee of the [REDACTED] First Party Special Needs Trust.
 10 As a result of the agreement for the payment as set forth herein, restitution claimants [REDACTED]
 11 [REDACTED] on behalf of themselves, their heirs, executives, successors
 12 and assigns, hereby release, remise and forever discharge [REDACTED] and the [REDACTED]
 13 [REDACTED] First Party Special Needs Trust as well as its Trustee from any and all manner of claims,
 14 demands, judgments, lien claims, restitution claims, penalties, fines, liabilities, costs, attorneys' fees,
 15 disbursements, investigation expenses of any kind or nature, matured or unmatured, foreseeable or
 16 unforeseeable and causes of action of any kind or description whatsoever, including specifically any
 17 purported restitution claims, which resolution is being concurrently approved by the Superior Court
 18 herein, from the beginning of time through the date of execution of this agreement, including claims
 19 which may hereafter arise in the future, whether direct or indirect, at law or in equity, or in tort, and
 20 whether arising under any federal or state statute or under any common law through which the parties,
 21 representatively or derivatively on behalf of themselves or any other person arising out of any of the
 22 claims as set forth in any of the restitution demands, lien claims or statutory provisions of any
 23 restitution order herein.

24 3. California Civil Code section 1542 provides that:

25 A general release does not extend to claims which the creditor does not
 26 know or suspect to exist in his or her favor at the time of executing the
 27 release, which if known by him or her must have materially affected his
 28 or her settlement with the debtor.

Each restitution claimant hereby waives any and all rights and benefits that they may have

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

HALES & ASSOCIATES
A Professional Law Corporation

Dated: 2/28, 2013


By Brent J. Hales, attorneys for Victims

ALBRECHT AND ALBRECHT

Dated: 3/1, 2013


By Jon Albrecht, attorneys for victim

Dated: _____, 2013

_____ Individually and on behalf of
FIRST PARTY
SPECIAL NEEDS TRUST

LAW OFFICE OF NIC COCIS & ASSOCIATES

Dated: _____, 2013

By Nic Cocis, Criminal attorneys for .

ORDER

Having reviewed the stipulation of the parties and having accepted from the parties in open Court on February 22, 2013 their stipulation for a full and complete final resolution of all issues with respect to any restitution claims, objection to restitution claims and any exemption applications, and upon the written stipulation of the parties as set forth herein, the Court hereby approves the stipulation as entered into herein. With the payment of the \$200,000 as set forth herein, the Court hereby approves the foregoing stipulation, orders the dismissal of any action or claims with respect to any restitution issues arising out of the case herein, along with all companion restitution and/or exemption application claims.

Dated: _____, 2013

ANGEL BERMUDEZ
JUDGE OF THE SUPERIOR COURT

[06M398.DOCX]