

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHRISTINA ROMAR, a minor suing) 1:03-cv-06668-AWI-SMS  
through her mother and legal )  
representative, CORA ROMAR, ) ORDER ADOPTING IN PART AMENDED  
Plaintiff, ) FINDINGS AND RECOMMENDATION RE:  
v. ) PETITION FOR COMPROMISE OF  
FRESNO COMMUNITY HOSPITAL AND ) DISPUTED CLAIMS OF MINOR (Docs.  
MEDICAL CENTER; DR. THOMAS ) 188, 183)  
MANSFIELD, et al., )  
Defendants. ) ORDER DIRECTING PLAINTIFF TO  
SUBMIT DOCUMENTATION OF THE  
FORMATION OF THE SPECIAL NEEDS  
TRUST TO THE MAGISTRATE JUDGE NO  
LATER THAN THIRTY DAYS AFTER THE  
DATE OF SERVICE OF THIS ORDER

Plaintiffs are proceeding with a civil action in this Court.  
The matter was referred to the Magistrate Judge pursuant to 28  
U.S.C. § 636(b) and Local Rules 72-302 and 72-303. Pending before  
the Court is Plaintiff's petition for approval of compromise of  
disputed claims of the minor Plaintiff, filed on April 29, 2009,  
with exhibits that included the minor's compromise form and  
attachments.

On June 17, 2009, the Court filed amended findings and  
recommendations concerning Plaintiff's petition for approval of  
minors' compromise, recommending that the terms of the settlement

1 be approved by the district judge assigned to the action even  
2 though the special needs trust that is to be formed solely for  
3 the benefit of the minor's needs has not yet been established.  
4 The Court further recommended that the parties proceed without  
5 delay to finalize the formation of the special needs trust and  
6 submit to the Court for approval the documentation of the  
7 formation of the trust pursuant to the minor's compromised  
8 settlement, with all payments of fees and expenses as set forth  
9 in the findings and recommendations to be ordered at the time  
10 that the special needs trust is approved. Thereafter, the case  
11 would be dismissed by a separate order to be submitted by the  
12 parties.

13 The amended findings and recommendation were served on all  
14 parties on June 17, 2009, and contained notice that any  
15 objections be filed no later than June 30, 2009. The requisite  
16 period of time has passed, but no party has filed any objections.

17 In accordance with the provisions of 28 U.S.C. § 636  
18 (b) (1) (C) and Britt v. Simi Valley United School Dist., 708 F.2d  
19 452, 454 (9<sup>th</sup> Cir. 1983), this Court has conducted a *de novo*  
20 review of the case. Having carefully reviewed the entire file,  
21 the Court finds that the report and recommendation are supported  
22 by the record and proper analysis.

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. The amended findings and recommendation filed June 17,  
25 2009, are ADOPTED IN FULL; and

26 2. Plaintiff's petition for approval of the minor's  
27 compromised settlement IS GRANTED IN PART, and

28 3. The terms of the settlement and proposed distributions

1 thereunder, with the provision concerning attorney's fees as set  
2 forth in the findings and recommendations, ARE APPROVED, and the  
3 parties ARE DIRECTED TO PROCEED without delay to finalize the  
4 formation of the special needs trust; and

5 4. Plaintiff IS DIRECTED TO SUBMIT to the Magistrate Judge  
6 no later than thirty days after the date of service of this order  
7 documentation of the creation of the special needs trust and of  
8 any other matters relating to the compromised settlement of the  
9 minor's claim that still require approval of the Court in order  
10 that the Magistrate Judge may review the documentation and  
11 prepare findings and recommendations concerning the establishment  
12 of the special needs trust and concerning the disbursements to be  
13 made pursuant to the settlement.

14  
15 IT IS SO ORDERED.

16 Dated: July 2, 2009

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE