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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

THERESA JONES, individually and  
as Executrix of the Estate of LANDON  
JONES, deceased; A.J., a minor by and  
through his Guardian ad Litem,  
THERESA JONES; H.J., a minor by  
and through his Guardian ad Litem,  
THERESA JONES; CHRISTINA  
GIBSON; individually and as  
Executrix of the Estate of  
JONATHAN GIBSON, deceased;  
M.G., a minor by and through her  
Guardian ad Litem, CHRISTINA  
GIBSON; A.G., a minor by and  
through his Guardian ad Litem,  
CHRISTINA GIBSON,

Plaintiffs,

v.

UNITED STATES DEPARTMENT  
OF THE NAVY; GIBBS & COX,  
INC., a New York Corporation; BATH  
IRON WORKS CORPORATION, a  
Maine Corporation,

Defendants.

CASE NO. 15cv2087-WQH-AGS  
ORDER

HAYES, Judge:

The matters before the Court are the Motion to Approve Compromise of Minors' Claims filed by all Plaintiffs under seal (ECF No. 111) and the Report and Recommendation issued by United States Magistrate Judge Andrew G. Schopler under seal (1) recommending that the Court approve the Motion to Approve Compromise of Minors' Claims, and (2) recommending that the Court approve the compromise and settlement of the claims of the Minor Plaintiffs A.J., H.J., M.G., and A.J. as fair and

1 reasonable and in the best interests of the Minor Plaintiffs (ECF No. 114).

2 **I. Background**

3 On September 18, 2015, Plaintiffs commenced this action seeking damages for  
4 the deaths of Lieutenant Commander Landon Jones and Chief Warrant Officer 3  
5 Jonathan Gibson. (ECF No. 1). On November 13, 2015, Plaintiffs filed a first amended  
6 complaint. (ECF No. 9). On May 27, 2016, the Court issued an order granting motions  
7 to dismiss filed by Defendants The Prudential Insurance Company of America  
8 (“Prudential”), the United States, the United States Department of the Navy, Huntington  
9 Ingalls Incorporated (“Huntington”), Gibbs & Cox, Inc. (“Gibbs”), and Bath Iron  
10 Works Corporation (“Bath”). (ECF No. 60). On July 19, 2016, Plaintiffs filed the  
11 second amended complaint, which is the operative pleading in this matter. (ECF No.  
12 73). On December 2, 2016, the Court issued an order denying motions to dismiss filed  
13 by Defendants Iron Works and Gibbs. (ECF No. 96).

14 On April 25, 2017, Plaintiffs filed under seal the Motion to Approve Compromise  
15 of Minors’ Claims filed by all Plaintiffs. (ECF No. 111). On May 9, 2017, Defendants  
16 Bath and Gibbs filed a joint statement of non-opposition to the Motion to Approve  
17 Compromise of Minors’ Claims. (ECF No. 113).

18 On June 5, 2017, the Magistrate Judge issued a report and recommendation,  
19 recommending that the Court approve the Motion to Approve Compromise of Minors’  
20 Claims. (ECF No. 114). The Magistrate Judge ordered that any objections to the  
21 recommendations be submitted by June 19, 2017. The docket reflects that no party has  
22 filed an objection to the report and recommendation.

23 **II. Review of the Report and Recommendation (ECF No. 114)**

24 The duties of the district court in connection with a report and recommendation  
25 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and  
26 28 U.S.C. 636(b). The district judge must “make a de novo determination of those  
27 portions of the report or specified proposed findings or recommendations to which  
28 objection is made” and “may accept, reject, or modify, in whole or in part, the findings

1 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The  
2 district court need not review de novo the portions of a report and recommendation to  
3 which no party objects. *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005);  
4 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

5 After a review of the Motion to Approve Compromise of Minors’ Claims filed  
6 by all Plaintiffs (ECF No. 111) and the Report and Recommendation (ECF No. 114),  
7 the Court adopts the Magistrate Judge’s determination that the settlement between  
8 Plaintiffs and Gibbs and Bath is fair, reasonable, and in the best interests of the Minor  
9 Plaintiffs A.J., H.J., M.G., and A.J. *See Robidoux v. Rosengren*, 638 F.3d 1177, 1181  
10 (9th Cir. 2011).

11 **III. Conclusion**

12 IT IS HEREBY ORDERED that (1) the Report and Recommendation (ECF No.  
13 114) is ADOPTED in its entirety; and (2) the Motion to Approve Compromise of  
14 Minors’ Claims filed by all Plaintiffs (ECF No. 111) is GRANTED.

15 DATED: July 11, 2017

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17 **WILLIAM Q. HAYES**  
United States District Judge

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