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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 GABRIEL J. OLIVAS, et al.,
12 Plaintiffs,
13 v.
14 UNITED STATES OF AMERICA,
15 Defendant.

Case No.: 15-cv-2882-H-AGS

ORDER:

**(1) ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION; and**

**(2) APPROVING MINOR'S
SETTLEMENT**

[Doc. Nos. 72, 75]

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20 This case involves wrongful death and personal injury claims brought by passengers
21 of a commercial bus that crashed on February 3, 2013. (See Doc. No. 1.) On December 21,
22 2015, plaintiff bus passengers and their successors in interest brought suit against
23 Defendant United States (“the United States”) pursuant to the Federal Tort Claims Act.
24 (Doc. No. 1.) Plaintiffs allege in the complaint that federal employees negligently inspected
25 and certified the bus and its operator on two occasions before the crash. (Id. ¶¶ 29-35.)
26 Plaintiff Paola Becerra Corvera (“Minor Plaintiff”) was a passenger on the bus, along with
27 her mother and father.
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1 The parties participated in mediation on January 16, 2018, and filed a notice of
2 settlement the next day. (Doc. Nos. 72 at 3; 69.) On March 12, 2018, Luis Manuel de la
3 Parra, Minor Plaintiff's guardian ad litem, filed a petition for approval of Minor Plaintiff's
4 settlement in this action. (Doc. No. 72.) Under the proposed settlement's terms, the United
5 States has offered a global settlement amount of \$5,500,000, which the mediator has
6 allocated among the Plaintiffs based on the parties' submissions and documentation. (Id.
7 at 3-4.) Pertinent here, the mediator has allocated \$60,000 of the global settlement amount
8 to Minor Plaintiff. (Id. at 3.) Out of Minor Plaintiff's \$60,000 settlement allocation,
9 Plaintiffs' counsel seeks \$15,000 in attorneys' fees and \$3,383.15 in litigation costs. (Id. at
10 4.) The requested attorneys' fees constitute 25% of Minor Plaintiff's settlement allocation.
11 After deduction of these fees and costs, Minor Plaintiff's net proceeds from the settlement
12 would be \$41,616.85. Minor Plaintiff's guardian ad litem requests placement of Minor
13 Plaintiff's net settlement proceeds in a blocked account at Bank of America. (Id. at 3.)

14 On May 8, 2018, the Magistrate Judge filed a Report and Recommendation ("R&R")
15 granting the petition. (Doc. No. 75.) No party filed any timely objection to the R&R.

16 Having thoroughly considered the R&R, as well as the terms of the proposed
17 settlement agreement, the Court determines that the settlement of Minor Plaintiff's claim
18 is fair and reasonable. See Robidoux v. Rosengren, 638 F.3d 1177, 1179 (9th Cir. 2011).
19 Accordingly, the Court **ADOPTS** the R&R and **APPROVES** the proposed settlement of
20 Minor Plaintiff's claim.

21 **IT IS SO ORDERED.**

22 DATED: May 24, 2018

23 
24 MARILYN L. HUFF, District Judge
25 UNITED STATES DISTRICT COURT
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