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

In re complaint and petition of KDME, INC. as owner of a certain 2008 Hurricane Sundeck 195 for exoneration from or limitation of liability.

Case No.: 3:16-cv-01313-H-MDD

**ORDER:**

- (1) ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION;**
- (2) APPOINTING GUARDIANS AD LITEM;**
- (3) APPROVING MINOR’S COMPROMISE.**

[Doc. Nos. 14, 15.]

On June 1, 2016, Petitioner KDME, Inc. (“KDME”), filed a complaint for exoneration from, or limitation of, liability pursuant to 28 U.S.C. § 1333, 46 U.S.C. § 30505, Rule 9(h) of the Federal Rules of Civil Procedures and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims. (Doc. No. 1.) KDME’s complaint sought exoneration with respect to an incident that occurred on or about August 16, 2015 in the San Diego Bay, whereby Jakob and Oshrat Avitan, as well as their minor children Amit, Ido and Roy, allegedly sustained personal injuries while operating KDME’s vessel. (Id.) The Avitans have not appeared in this action.

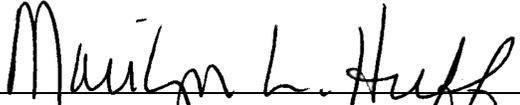
1 On September 13, 2017, KDME and the Avitans filed a joint motion to appoint Jakob  
2 and Oshrat Avitan as guardians ad litem for their minor children, and to approve a  
3 settlement agreement reached by the parties. (Doc. No. 14.) In the settlement agreement,  
4 the parties agree to mutually release each other from liability stemming from the alleged  
5 boating accident in exchange for a waiver of all costs and attorney fees. (Id.)

6 On October 10, 2017, the Magistrate Judge issued a Report and Recommendation  
7 recommending that the Court grant the parties' joint motion. (Doc. No. 15.) No party filed  
8 any timely objections to the Report and Recommendation.

9 After reviewing the Magistrate Judge's Report and Recommendation, as well as the  
10 terms of the proposed settlement agreement, the Court finds that Amit, Ido and Roy  
11 Avitan's interests have been adequately safeguarded in this action, and that the proposed  
12 settlement "fair and reasonable." Robidoux v. Rosengren, 638 F.3d 1177, 1179 (9th Cir.  
13 2011). The Court accordingly adopts the Report and Recommendation, appoints Jakob  
14 and Oshrat Avitan as guardians ad litem for Amit, Ido and Roy Avitan, and approves the  
15 parties' proposed settlement agreement. In accordance with its representations to the  
16 Court, KDME shall expeditiously file a motion to dismiss this action, with prejudice, once  
17 the parties have executed the proposed settlement agreement.

18 **IT IS SO ORDERED.**

19 DATED: October 26, 2017

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22 MARILYN LHUFF, District Judge  
23 UNITED STATES DISTRICT COURT  
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