

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BRIAN SHAUGHNESSY,	)	Civ. No. 09-00051 ACK-RLP
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ASSOCIATION OF APARTMENT OWNERS	)	
OF MOANA PACIFIC, LLC; RAINBOW	)	
DEVELOPMENT CO., LLC,	)	
	)	
Defendants.	)	
	)	
KC RAINBOW DEVELOPMENT CO., LLC,	)	
	)	
Third-Party Plaintiff,	)	
	)	
v.	)	
	)	
ARCHITECTS HAWAII, LTD.;	)	
HAWAIIAN DREDGING CONSTRUCTION	)	
COMPANY, INC.,	)	
	)	
Third-Party Defendants.	)	
	)	

ORDER ADOPTING MAGISTRATE JUDGE'S  
FINDINGS AND RECOMMENDATIONS

On May 31, 2011, the magistrate judge's "Findings and Recommendation That Defendant/Third-Party Plaintiff KC Rainbow Development Co., LLC's Petition For Approval of Good Faith Settlement Be Granted" were filed and served on all parties. Doc. No. 214 ("5/31/11 F&R"). The 5/31/11 F&R pertained to the settlement between KC Rainbow Development and Hawaiian Dredging Construction. On July 14, 2011, the magistrate judge's "Findings

and Recommendation That Defendant Association of Apartment Owners of Moana Pacific's Petition For Approval of Good Faith Settlement Be Granted" were filed and served on all parties. Doc. No. 230 ("7/14/11 F&R"). The 7/14/11 F&R pertained to the settlement between Plaintiff and Association of Apartment Owners of Moana Pacific.

No party has filed an objection to the 5/13/11 F&R or to the 7/14/11 F&R,<sup>1/</sup> and the Court cannot find clear error on the face of the record with respect to these unobjected to findings and recommendations. See Stow v. Murashige, 288 F. Supp. 2d 1122, 1127 (D. Haw. 2003) ("The court may accept those portions of the Magistrate Judge's findings and recommendation that are not objected to if it is satisfied that there is no clear error on the face of the record."). Accordingly, IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, both the 5/13/11 F&R and the 7/14/11 F&R are adopted as the opinions and orders of this Court.<sup>2/</sup>

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<sup>1/</sup> The Court notes that KC Rainbow Development's Petition For Approval of Good Faith Settlement was opposed (before the magistrate judge) by Architects Hawaii. However, pursuant to the settlement between KC Rainbow Development and Architects Hawaii (which was entered into the record on June 22, 2011), Architects Hawaii agreed not to challenge the 5/31/11 F&R, which found that the settlement between KC Rainbow Development and Hawaiian Dredging Construction was reached in good faith.

<sup>2/</sup> The parties have informed the Court that they have  
(continued...)

IT IS SO ORDERED

DATED: Honolulu, Hawai'i, August 8, 2011.



Alan C. Kay  
Alan C. Kay  
Sr. United States District Judge

Shaughnessy v. Ass'n of Apartment Owners of Moana Pacific, LLC, et al., Civ.  
No. 09-003051 ACK-RLP: Order Adopting Magistrate Judge's Findings and  
Recommendations.

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<sup>2/</sup>(...continued)

settled all of their claims. The parties have also informed the Court that they intend to file forthwith a stipulation under Fed. R. Civ. P. 41 to dismiss with prejudice all claims. By August 31, 2011, the parties are directed to either file this stipulation or inform the Court as to the reason, if any, for the delay.