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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALICIA UHOUSE, *et al.*,  
Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF THE  
INTERIOR, BUREAU OF RECLAMATION,  
*et al.*,

Defendants.

Case No. 3:08-cv-0285-LDG-RAM

~~PROPOSED~~ ORDER ADOPTING  
SPECIAL MASTER'S  
RECOMMENDATION REGARDING  
DISTRIBUTION OF APPROVED  
SETTLEMENT FUNDS

JUDY KROSHUS, *et al.*

Plaintiffs,

vs.

UNITED STATES OF AMERICA, *et al.*

Defendants.

Case No. 3:08-cv-0246-LDG-RAM

~~PROPOSED~~ ORDER ADOPTING  
SPECIAL MASTER'S  
RECOMMENDATION REGARDING  
DISTRIBUTION OF APPROVED  
SETTLEMENT FUNDS

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RAM Uhouse et al vs Bureau of Reclamation,

Doc. 386

1 [PROPOSED] ORDER ADOPTING SPECIAL MASTER'S RECOMMENDATION  
2 REGARDING DISTRIBUTION OF APPROVED SETTLEMENT FUNDS

3 On or about November 10, 2011, Plaintiffs filed the *Special Master Recommendation*  
4 *Regarding Distribution of Approved Settlement Funds*. The recommendation is attached hereto  
5 as Exhibit "1". No opposition was filed and the time has expired to object. Therefore, the  
6 *Special Master Recommendation Regarding Distribution of Approved Settlement Funds* is  
7 **APPROVED.**  
8

9 **IT IS SO ORDERED.**

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11 \_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

12 DATED: 11-15-11  
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Exhibit 1

Exhibit 1

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ALICIA UHOUSE, *et al.*,  
Plaintiffs,

Case No. 3:08-cv-0285-LDG-RAM

vs.

UNITED STATES DEPARTMENT OF THE  
INTERIOR, BUREAU OF RECLAMATION,  
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Defendants.

JUDY KROSHUS, *et al.*  
Plaintiffs,

Case No. 3:08-cv-0246-LDG-RAM

vs.

UNITED STATES OF AMERICA, *et al.*  
Defendants.

**SPECIAL MASTER RECOMMENDATION REGARDING  
DISTRIBUTION OF APPROVED SETTLEMENT FUNDS**

WHEREAS, class counsel for Plaintiffs contacted the Court-Appointed Special Master for guidance on issues related to the fair and just distribution of approved settlement funds to eligible class members. Good cause appearing,

IT IS HEREBY RECOMMENDED:

///

1           1.     If a claimant reported on the approved *Settlement Claim Form* that he/she did not  
2 own personal property (clothes, furniture, household items, etc.) that was affected by the Truckee  
3 Canal embankment failure, then the claimant will not receive an allocation of approved  
4 settlement funds for personal property damages.  
5

6           2.     Class counsel shall allocate approved settlement funds for personal property  
7 damages to eligible individuals based upon the level of water intrusion in the home they owned  
8 or occupied. Further, class counsel shall divide the amount allocated for personal property  
9 damages to each eligible household by the number of eligible members of the household who  
10 reported on the approved *Settlement Claim Form* that he/she did own personal property that was  
11 affected by the Truckee Canal embankment failure and distribute the funds accordingly.  
12

13           3.     Class counsel shall allocate approved settlement funds to eligible minor children  
14 for personal property damages provided that an approved *Settlement Claim Form* has been  
15 submitted to class counsel on behalf of the minor child in which it is reported that the minor  
16 child owned personal property that was affected by the Truckee Canal embankment failure.  
17

18           4.     If a claimant reported on the approved *Settlement Claim Form* that he/she did not  
19 have physical contact with the water, mud, and/or debris that resulted from the Truckee Canal  
20 embankment failure, then the claimant will not receive an allocation of approved settlement  
21 funds for personal injury and/or emotional distress damages.  
22

23           5.     Regarding distribution of approved settlement funds to eligible class members for  
24 personal injury claims and/or emotional distress damages, each eligible claimant is to receive one  
25 allocation for personal injury claims and/or emotional distress damages based upon the level of  
26 water intrusion in the home he/she occupied.  
27

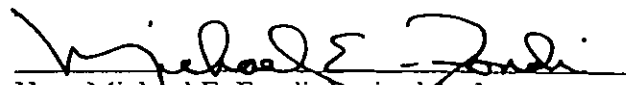
28           6.     Class counsel shall distribute the approved settlement funds based upon the  
information reported on the approved *Settlement Claim Form*.

1           7.       If one owner of real property affected by the Truckee Canal embankment failure  
2 timely submitted the approved *Settlement Claim Form* to class counsel, then class counsel is  
3 authorized to distribute approved settlement funds to all eligible owners of the subject property  
4 for real property damages.  
5

6           8.       Due to confusion which apparently resulted regarding the requirement to submit  
7 one *Settlement Claim Form* for each class member, if one eligible member of a household at the  
8 time of and affected by the Truckee Canal embankment failure timely submitted his/her  
9 *Settlement Claim Form* to class counsel, then class counsel is authorized to accept late *Settlement*  
10 *Claim Forms* from other eligible members of the household. However, once class counsel  
11 distribute the approved settlement fund disbursement calculations in this case, then class counsel  
12 cannot accept late *Settlement Claim Forms* from any class member.  
13

14           9.       The manner of distribution of approved settlement funds in this case is for  
15 purposes of settlement only.  
16

17           DATED this 9<sup>th</sup> day of November, 2011.

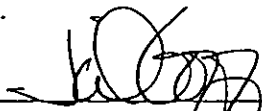
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19 Hon. Michael E. Fondi, Retired Judge  
20 Special Master  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I served a true and correct copy of the foregoing document via United States District Court CM/ECF system on all parties or persons requesting notice.

Dated this 10<sup>th</sup> day of November, 2011.

  
\_\_\_\_\_  
Employee of Robert C. Maddox