

\*\*\*TO BE FILED UNDER SEAL\*\*\*

\*\*\*NOT FOR PUBLICATION\*\*\*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

R.M., a minor by and through his *Guardian ad Litem*  
SHAWN and DIANA MCMORROW;

And

C.B., a minor by and through his *Guardian ad Litem*  
Andrew and Stephanie Boulden,

Plaintiffs,

v.

THE SKATING CLUB OF WILMINGTON, INC.  
and RESURFIX, INC.,

Defendants.

**ORDER**

17-cv-12799 (WHW)(CLW)

**Walls, Senior District Judge**

In this case, Shawn and Diana McMorro and Andrew and Stephanie Boulden brought an action as *guardians ad litem* on behalf of minor Plaintiffs R.M. and C.B. ECF No. 1 at ¶¶ 6-10. Plaintiffs claimed that Defendants were proximately responsible for a defective Zamboni used during a youth hockey game that caused dangerous carbon monoxide exposure to players, resulting in injuries. *Id.* at ¶¶ 25-43. The matter was settled in mediation on February 5<sup>th</sup>, 2019. *See* ECF No. 54. Magistrate Judge Waldor then conducted a “Friendly Hearing” in order to determine whether the proposed settlement was in the best interest of the Plaintiffs, and made a Report and Recommendation. *See* ECF No. 57 (“R&R”). The R&R considered the liability and damages at hand in the case and was satisfied that the settlement amount each Plaintiff will receive from each Defendant was fair and reasonable. *Id.* at ¶¶ 5-6. The R&R also found attorneys’ fees (25%) to be reasonable. *Id.* It finally recommended that the settlements be approved.

This Court reviews the Report and Recommendation under 28 U.S.C. § 636 and Local Civil Rule 72.1. The Court “may accept, reject, or modify, in whole or in part, the findings or

**NOT FOR PUBLICATION**

recommendations made by the magistrate judge” and must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). *See* L. Civ. R. 72.1(c)(2). No objections have been raised to any part of the Report and Recommendation.

The Court has reviewed the full record in this matter and finds that the Report and Recommendation adequately develops the factual record and applies the correct legal standard.

“A ‘friendly’ hearing is a proceeding... wherein the court reviews a settlement of a minor's claims.”

*A.S. v. Harrison Twp. Bd. of Educ. & E. Greenwich Sch. Dist.*, No. CV 14-147, 2017 WL 1362025,

at \*1 (D.N.J. Apr. 12, 2017). The R&R adequately considered Plaintiffs’ damages and Defendants’

liability and found that the settlement amount (\$120,000 total for Plaintiff R.M. and \$60,000 total

for Plaintiff C.B.), as well as the attorneys’ fees (\$29,042.78 for the attorney for R.M. and

\$14,042.78 for the attorney for C.B.), were fair and reasonable to the minors’ claims.

It is hereby **ORDERED** that the March 7, 2019 Report and Recommendation is **ADOPTED**. The parties are instructed to enter a stipulation of dismissal in this matter.

DATE:

10 April 2019



William H. Walls  
Senior United States District Court Judge