UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA PARAMO, *et al.*,
Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,
Defendants.

12 Civ. 03583 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

Before the Court is the Report and Recommendation of Magistrate Judge Netburn (Dkt. No. 70) ("Report"), recommending (1) that the Court find the settlement reached on behalf of the infant plaintiffs to be fair and reasonable; (2) that the parties' proposed settlement agreement be approved without an infant compromise hearing; (3) that the Court dismiss the claims against the City of New York, New York City Department of Social Services, New York City Bureau of Child Welfare, the Administration for Children's Services, Amanda Cardona, Robin Ajuba and Ms. Beverage (the "City Defendants") and against St. Dominics, Linda Echo and Ms. Castillo (the "St. Dominic's Defendants") with prejudice; and (4) that the Court dismiss the claims against Norma Santiago, Robert No. 1 and Robert No. 2 (the "Unserved Defendants") without prejudice. For the reasons stated below, the Court adopts the Report in its entirety.

I. Background

Plaintiffs Maria Paramo and Agustin Lopez, acting as legal guardians for their infant daughters Crystal, Catherine, and Destiny as well as on their own behalf, brought this action under state and federal law, alleging that the defendants unlawfully removed the infant plaintiffs from the parents' home, leading to the sexual assault of one or more of the infant plaintiffs while in foster care. Plaintiffs filed a complaint on May 7, 2012.

A settlement conference was held on November 18, 2013. On November 22, 2013, the parties confirmed that an agreement had been reached, and on December 16, 2013, plaintiffs filed a motion for approval of the settlement agreement. In support of the motion, plaintiffs submitted an affirmation from Mr. Shaw, counsel for plaintiffs, and affidavits from Ms. Paramo and Mr. Lopez. Plaintiffs propose to settle all of the claims against the City Defendants and the St. Dominic's Defendants for the sum of $25,000.

On January 2, 2014, Judge Maas issued the Report. No objection to the Report was filed.

II. Discussion

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The district court "may adopt those portions of the report to which no specific, written objection is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law." *Adams v. New York State Dep't of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (internal quotation marks omitted) (citing Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Having reviewed the Report, the Court finds that the factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Therefore, the Court ADOPTS the Report in its entirety as the decision of the Court. Accordingly, the Court finds the settlement reached on behalf of the infant plaintiffs to be fair and reasonable and hereby approves the settlement agreement without an infant compromise hearing. The claims against the City

Defendants and the St. Dominic's Defendants are hereby DISMISSED with prejudice, and the claims against the Unserved Defendants are hereby DISMISSED without prejudice.[1]

The Clerk is directed to close this case.

SO ORDERED.

Dated: January 22, 2014
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

[1] The claims against Episcopal Social Services of New York ("ESS") were previously withdrawn. To the extent not already reflected in the record, the claims against ESS are hereby dismissed with prejudice.