

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

v.

C.A. No. 04-312L

JEFFREY DERDERIAN, et al.,
Defendants.

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

v.

C.A. No. 03-483L

AMERICAN FOAM CORPORATION, et al.,
Defendants.

MEMORANDUM AND ORDER

Re: REPORT AND RECOMMENDATION - SEVEN DEFENDANTS' MOTIONS TO
APPROVE SETTLEMENTS, DATED AUGUST 14, 2009

Ronald R. Lagueux, Senior United States District Judge.

The Report and Recommendation issued by Magistrate Judge David L. Martin, dated August 14, 2009, is hereby accepted and adopted in its entirety, pursuant to 28 U.S.C. § 636(b)(1). The Errata Sheet issued by Magistrate Judge Martin on September 3, 2009, is incorporated therein. The Report and Recommendation ("R & R") concerns the proposed settlements of seven defendants or defendant groups: 1) McLaughlin & Moran, Inc.; 2) Luna Tech, Inc.; 3) the "Jack Russell Defendants," i.e., Jack Russell, Jack

Russell Touring, Inc., Paul Woolnough, Manic Music Management, Inc., Knight Records, Inc., Mark Kendall, David Filice and Eric Powers; 4) the "LIN Television Defendants," i.e., Brian Butler, TVL Broadcasting, Inc., STC Broadcasting, Inc., LIN Television Corp., LIN TV Corporation, TVL Broadcasting of Rhode Island, LLC.; 5) Daniel Biechele; 6) Jeffrey Derderian, Michael Derderian, and DERCO, LLC; and 7) High Tech Special Effects, Inc.

The listed Defendants each seek an order finding that the settlement that each has reached with the Plaintiffs represents "a judicially approved good-faith settlement," as required by Rhode Island Gen. Laws §§ 10-6-7 and 10-6-8. No objections were filed to these motions, and, consequently, no hearing has taken place. However, Magistrate Judge Martin has undertaken an extensive analysis of the legal issues posed by these motions, considering the appropriate standard for evaluating good faith, as well as the proper allocation of the burden of proof. In addition, Magistrate Judge Martin has thoroughly reviewed and detailed the settlement negotiations and settlement figures, and has found that each settlement represents "a non-collusive agreement which has been negotiated, bargained for, and agreed to at arm's length and in good faith." The combined total of the seven settlements is \$54,813,218.82.

Following the issuance of the R & R, the parties had ten days to file objections, pursuant to Fed. R. Civ. P. 72(b). No

objections being filed, the R & R, along with the Errata Sheet,
are hereby accepted and adopted in full.

ENTER:



Ronald R. Lagueux
Senior United States District Judge

Date: 7/15/09

So Ordered: