

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

CORNELIUS LEE DOUGLAS, SR.,)
as Personal Representative of the)
Estate of Asha N. Douglas and as)
natural parent and Guardian of)
C.L.D.,)
)
Plaintiff,)
)
vs.)
)
AMERICAN GENERAL LIFE INS.)
CO.,)
)
Defendant.)
_____)

Civil Action No.: 4:13-3324-BHH

OPINION AND ORDER

The plaintiff Cornelius Lee Douglas, Sr., (“the plaintiff”) brought this action individually, as personal representative of the estate of decedent Asha N. Douglas, and as parent and guardian for his son, C.L.D. against American General Life Insurance Company (“the defendant”). (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Thomas E. Rogers for pretrial handling and a Report and Recommendation, because the plaintiff is proceeding *pro se*.

The defendant filed a Verified Motion to Compel Settlement and Petition for Approval of Minor’s Settlement. (ECF No. 33). The plaintiff failed to file a response to the motion. The Report and Recommendation sets forth in detail the relevant facts and standards of law and the Court incorporates them without recitation.

The magistrate judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final

determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270–71, 96 S.Ct. 549, 46 L.Ed.2d 483 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation (the “Report”) to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, the court need not conduct a *de novo* review when a party makes only “general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

The Magistrate Judge has recommended that the court find (1) the parties entered into a binding settlement agreement at mediation on December 8, 2014, and (2) the terms of the settlement agreement as set forth in paragraph nine of the Guardian ad Litem's Verified Motion are proper and in the best interests of the minor child. Judge Rogers further recommended that the Verified Motion to Compel Settlement and Petition for Approval of Minor's Settlement (ECF No. 33) be granted, the Guardian ad Litem be authorized to execute such settlement documents on behalf of the minor as are appropriate to carry out this settlement agreement for the benefit of the minor, and that the settlement funds be disbursed as set forth in paragraph nine of the Verified Motion. Funds disbursed to the minor should be directed to minor's duly appointed conservator, John S. Turner, CPA, to be held for the benefit of the minor in accordance with applicable state law and as directed by, and under the terms of, the Probate Court for

Florence County, South Carolina. The plaintiff did not file objections to the Report and Recommendation, and the time for doing so expired on June 29, 2015.

CONCLUSION

After careful review of the Report and the record, the Court agrees with the Magistrate Judge and adopts and incorporates by specific reference the Magistrate Judge's Report and Recommendation. Therefore,

IT IS ORDERED that the Verified Motion to Compel Settlement and Petition for Approval of Minor's Settlement (ECF No. 33) is GRANTED. The Guardian ad Litem is authorized to execute such settlement documents on behalf of the minor as are appropriate to carry out this settlement agreement for the benefit of the minor, and the settlement funds are to be disbursed as set forth in paragraph nine of the Verified Motion. Funds disbursed to the minor should be directed to minor's duly appointed conservator, John S. Turner, CPA, to be held for the benefit of the minor in accordance with applicable state law and as directed by, and under the terms of, the Probate Court for Florence County, South Carolina.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

August 10, 2015
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.