

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JOSEPH ANTON <i>ET AL.</i> ,	§	
<i>Plaintiffs,</i>	§	
	§	
vs.	§	CIVIL ACTION H-06-3221
	§	
THE GOODYEAR TIRE & RUBBER CO., <i>ET AL.</i> ,	§	
<i>Defendants.</i>	§	

MEMORANDUM AND RECOMMENDATION

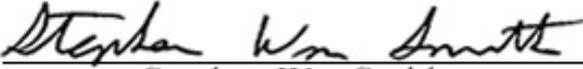
This court conducted a hearing on December 18, 2007 regarding the settlement of this action on behalf of the minor plaintiffs, C.R.A. and J.R.A. The minors are represented by guardian ad litem Kimberly A. Ballew. Based upon the testimony of Dr. Rose Anton, mother of the minors, and upon review of the guardian ad litem's report and the summary of the confidential settlement agreement filed under seal (Dkt. 110), the court finds that the proposed settlement agreement and structured payment are fair and reasonable and in the best interests of each minor. Therefore, the court recommends that the confidential settlement agreement (Dkt. 110) be approved in all respects.

Based upon counsels' stipulation on the record, the court further recommends that Kimberly A. Ballew be awarded \$5,000 as her reasonable and necessary guardian ad litem fees incurred in this case, to be paid \$2,500 each by defendants Goodyear Tire and Rubber Co. and Monaco Coach Corporation.¹

¹ Entry of final judgment awaits resolution of remaining cross-claims by and among defendants Goodyear Tire and Rubber Co., Monaco Coach Corporation, American QuarterCoach Management, Inc., and AQC 010, LLC.

The parties have ten days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* FED. R. CIV. P. 72.

Signed at Houston, Texas on December 18, 2007.



Stephen Wm Smith
United States Magistrate Judge