

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

J.K.E. v. United Parks & Resorts, Inc.

J.K.E. · No. 24CV1059 L (VET) · Decided February 28, 2025

SUMMARY

This Report and Recommendation addresses a joint amended petition for approval of a minor’s settlement arising from a slip-and-fall incident at SeaWorld San Diego. The court recommends finding the settlement, attorney’s fees, medical lien, litigation costs, and blocked-account disbursement arrangement fair, reasonable, and in the minor’s best interests. The recommendation was issued to the referring district judge for approval.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Barbara L. Major
JURISDICTION	United States District Court, Southern District of California
DECIDED	February 28, 2025
DOCKET	24CV1059 L (VET)
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on a joint amended petition for approval of a minor's settlement following removal of a personal-injury action to federal court.
STANDARD OF REVIEW	The court independently reviewed the proposed minor's settlement and evaluated whether the minor's net recovery was fair and reasonable in light of the facts, the minor's specific claim, and recoveries in similar cases. It also independently assessed the reasonableness of the proposed fees, costs, liens, and method of disbursement.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; final status not shown in the source.

TOPICS

- probate procedure
- guardianship procedure
- civil procedure
- personal injury
- attorney fees

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the proposed settlement of the minor's claims was fair, reasonable, and in the minor's best interests.
2. Whether the proposed attorney's fees, medical lien payments, and litigation costs were reasonable and should be approved.
3. Whether depositing the minor's net recovery into a blocked, interest-bearing, federally insured account until the minor reaches age eighteen was an appropriate method of disbursement.

HOLDINGS

1. The court recommended finding that the proposed settlement was fair, reasonable, and in the best interests of the minor after conducting an independent inquiry into the minor's net recovery.
2. The court recommended approval of the requested attorney's fees, medical lien payments, and litigation costs as fair and reasonable under the circumstances.
3. The court recommended approval of depositing the minor's net settlement proceeds into an interest-bearing, federally insured blocked account, with no withdrawal before age eighteen absent a court order.

KEY QUOTATIONS

“In the context of proposed settlements in suits involving minor plaintiffs, this special duty requires a district court to ‘conduct its own inquiry to determine whether the settlement serves the best interests of the minor.’” (at 2)

“So long as the net recovery to each minor plaintiff is fair and reasonable in light of their claims and average recovery in similar cases, the district court should approve the settlement as proposed by the parties.” (at 3)

“After conducting an independent inquiry and evaluation of the proposed settlement, the Court finds that the proposed settlement is fair, reasonable, and in the best interests of the minor Plaintiff, given the legal and factual issues involved in this case, and recoveries in similar cases.” (at 6-7)

FACTUAL BACKGROUND

J.K.E., a minor represented by guardian ad litem Dorothy Kelly, asserted personal-injury claims arising from a slip-and-fall at SeaWorld San Diego on April 17, 2021. The parties reached a settlement, with deductions proposed for attorney's fees, medical expenses and liens, and litigation costs; the remaining proceeds would be placed in an interest-bearing, federally insured blocked account until J.K.E. reached age eighteen. The court noted that treatment had been conservative and that no significant future medical care was anticipated.

PROCEDURAL HISTORY

The action was removed to the Southern District of California on June 19, 2024, after J.K.E., through guardian ad litem Dorothy Kelly, filed a complaint arising from a slip-and-fall incident at SeaWorld San Diego. The parties reached a settlement at an early neutral evaluation conference. After the court identified deficiencies in

the initial petition for approval of the minor's compromise, the parties filed an amended petition. Magistrate Judge Major recommended that District Judge Lorenz approve the settlement, fees, costs, lien payments, and blocked-account disbursement structure.

DISPOSITION

other

CASES CITED

- Robidoux v. Rosengren, 638 F.3d 1177, 1181-82 (9th Cir. 2011)
- Dacanay v. Mendoza, 573 F.2d 1075, 1078, 1080 (9th Cir. 1978)
- Salmeron v. United States, 724 F.2d 1357, 1363 (9th Cir. 1984)
- J.T. by & Through Wolfe v. Tehachapi Unified Sch. Dist., 2019 WL 954783, at *2 (E.D. Cal. Feb. 27, 2019)
- A.M.L. v. Cernaianu, 2014 WL 12588992, at *2-3 (C.D. Cal. Apr. 1, 2014)
- Mitchell v. Riverstone Residential Grp., 2013 WL 1680641, at *2 (E.D. Cal. Apr. 17, 2013)
- Goldberg v. Superior Court, 23 Cal. App. 4th 1378, 1382 (Cal. Ct. App. 1994)
- Pearson v. Superior Court, 136 Cal. Rptr. 3d 455, 459 (Cal. Ct. App. 2012)
- DeRuyver v. Omni La Costa Resort & Spa, LLC, 2020 WL 563551, at *2 (S.D. Cal. Feb. 4, 2020)
- McCue v. South Fork Union Sch. Dist., 2012 WL 2995666, at *2 (E.D. Cal. Jul. 23, 2012)
- Welch v. Cty. Of Sacramento, 2008 WL 3285412, at *1 (E.D. Cal. Aug. 5, 2008)
- Red v. Merced Cty., 2008 WL 1849796, at *2 (E.D. Cal. Apr. 23, 2008)