

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Esther Canales, individually and as Mother and Natural Guardian of Infant, E.O.M. v. United States of America et al.

Canales · No. 19-CV-834(EK)(VMS) · Decided December 18, 2025

SUMMARY

The United States District Court for the Eastern District of New York adopted a magistrate judge’s Report and Recommendation concerning disbursements from an infant’s settlement trust. The court approved funds for a vehicle and insurance, trustee commissions, and attorneys’ fees, denied approval of prospective commissions without a court order, and directed that the case be closed.

CASE DETAILS

COURT	United States District Court for the Eastern District of New York
WRITING FOR THE COURT	Eric Komitee
JURISDICTION	United States District Court for the Eastern District of New York
DECIDED	December 18, 2025
DOCKET	19-CV-834(EK)(VMS)
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning co-trustees' application for disbursement of settlement-trust funds. No party objected to the R&R.
STANDARD OF REVIEW	Clear error on the face of the record because no party objected to the magistrate judge's Report and Recommendation.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; limited precedential value
PARTIES	Esther Canales, individually and as Mother and Natural Guardian of Infant, E.O.M. v. United States of America et al.

TOPICS

- trust administration
- trustee duties
- attorney fees
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's recommendations concerning disbursement of E.O.M. Settlement Trust funds contained clear error on the face of the record.
2. Whether the co-trustees could be authorized to use trust funds for a vehicle, vehicle insurance, trustee commissions, and attorneys' fees related to the real-property purchase.
3. Whether prospective trustee commissions could be approved without a further court order.

HOLDINGS

1. When no party objects to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error on the face of the record.
2. The court adopted the R&R and authorized disbursements of up to \$55,000 for the purchase of a 2025 M2PV4H Sprinter Van, \$4,303.04 per year for its insurance, trustee commissions totaling \$30,506.73 for 2023 and \$31,305.12 for 2024, and \$9,125 in attorneys' fees for the real-property purchase.
3. Prospective trustee commissions were not approved absent a court order.

KEY QUOTATIONS

“Having reviewed the record, I find no error and therefore adopt the R&R in its entirety.”

FACTUAL BACKGROUND

Esther Canales, Chris Mayen, and Midland Trust Company served as co-trustees of the E.O.M. Settlement Trust. The co-trustees sought authority to disburse trust funds for a vehicle and its insurance, trustee commissions, and attorneys' fees associated with a real-property purchase. The court approved up to \$55,000 for a 2025 M2PV4H Sprinter Van, \$4,303.04 annually for vehicle insurance, trustee commissions for 2023 and 2024, and \$9,125 in attorneys' fees, while excluding vehicle maintenance costs and prospective commissions without a court order.

PROCEDURAL HISTORY

The Court had previously granted the application in part by approving the purchase of real property. Magistrate Judge Scanlon recommended granting additional disbursements for a vehicle and vehicle insurance, trustee commissions, and attorneys' fees related to the real-property purchase, while denying prospective commissions absent a court order. With no objections filed, the district court reviewed the R&R for clear error, adopted it in its entirety, granted the specified disbursements and awards, denied the motion otherwise, and directed the Clerk to close the case.

DISPOSITION

other

CASES CITED

- State Farm Mut. Auto. Ins. Co. v. Grafman, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013)

OPINION

Canales

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

-----x ESTHER CANALES, individually and as Mother and Natural
Guardian of Infant, E.O.M., MEMORANDUM & ORDER

19-CV-834(EK)(VMS)

Plaintiff, -against- UNITED STATES OF AMERICA et al., Defendants. -----

-----x ERIC KOMITEE, United States District Judge: The Court has received Magistrate Judge
Scanlon's Report and Recommendation (R&R) dated November 7, 2025. ECF No.

97. Esther Canales, Chris Mayen, and Midland Trust Company

(together, "Petitioners"), co-trustees for the E.O.M. Settlement Trust (the "Trust"), seek
disbursement of funds from the Trust. ECF No. 90. Earlier this year, the Court granted this motion
in part, approving the purchase of real property. ECF No. 95. Judge Scanlon now recommends that
the Court grant the motion to disburse funds to purchase a vehicle and vehicle insurance (but not
maintenance costs), to pay Petitioners commission for serving as trustees, and to pay attorneys'
fees for Petitioners' counsel in the real property purchase. R&R 5. She also recommends that the
Court deny the motion for approval of prospective commissions without a court order. Id. No
parties have objected, and the time to do so has expired. Accordingly, the Court reviews Judge
Scanlon's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b)
advisory committee's note to 1983 addition; accord State Farm Mut. Auto. Ins. Co. v. Grafman,
968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no error and
therefore adopt the R&R in its entirety. Thus, the application to disburse up to \$55,000.00 from the
Trust to purchase a 2025 M2PV4H Sprinter Van is granted, as is the application to disburse
\$4,303.04 per year to pay for its insurance. Petitioners are awarded commissions in the total
amounts of \$30,506.73 for 2023 and \$31,305.12 for 2024, and Robert Legal Group, PLLC is
awarded attorneys' fees of \$9,125.00 in distributions from the Trust. The motion is otherwise
denied. The Clerk of Court is respectfully directed to close this case. SO ORDERED. /s/ Eric
Komitee_____

ERIC KOMITEE

United States District Judge Dated: December 18, 2025 Brooklyn, New York