

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

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

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