

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

LINDSY BALL SNYDER, individually     )  
as the surviving spouse of Dylan     )  
Snyder, deceased, and as personal     )  
representative of the ESTATE OF     )  
DYLAN SNYDER     )  
   )  
and     )  
   )  
N.W., minor child of Dylan Snyder,     )  
deceased, by and through her     )  
natural mother and next friend,     )     Case No. 15-2586-KHV-GLR  
STEPHANIE GREATHOUSE,     )  
   )  
                  Plaintiffs,     )  
   )  
v.     )  
   )  
NISLY BROTHERS, INC.,     )  
NISLY BROTHERS TRASH SERVICES,     )  
INC., and JONATHAN MARCUS YODER,     )  
   )  
                  Defendants.     )  
\_\_\_\_\_     )

ORDER

This matter is presently before the court upon the Report and Recommendation issued by Magistrate Judge Gerald L. Rushfelt on July 23, 2015. In the Report and Recommendation, Judge Rushfelt addressed the proposed settlement of this wrongful death action. After notifying all potential parties to the settlement, Judge Rushfelt conducted a hearing to apportion the settlement proceeds among the heirs-at-law. He approved a settlement with the following net awards to the heirs: Lindsay Ball Snyder--\$804,719.29; N.W.--\$908,060.01. He also approved

attorney fees in the amount of \$708,714.05 and attorney expenses in the amount of \$14,914.65. Judge Rushfelt also approved the purchase of an annuity for N.W. out of her settlement proceeds for future periodic payments to N.W.

The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. See 28 U.S.C. § 636(b)(1). "In the absence of timely objection, the district court may review a magistrate ... [judge's] report under any standard it deems appropriate." Summers v. Utah, 927 F.2d 1165, 1167 (10<sup>th</sup> Cir. 1991)(citing Thomas v. Arn, 474 U.S. 140, 150 (1985)(stating that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.")).

The Court has reviewed the relevant pleadings concerning the Report and Recommendation. Based upon that review, the Court finds that Judge Rushfelt's Report and Recommendation should be adopted in its entirety. The Court notes that Judge Rushfelt conducted a thorough hearing of the matter and analyzed the circumstances in a just and sensible manner. The settlement in this case is fair and reasonable under the circumstances. Accordingly, the Court hereby adopts Judge Rushfelt's Report and Recommendation. The Court shall enter the proposed Journal Entry prepared by the parties that reflects the settlement.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of Magistrate Judge Gerald L. Rushfelt (Doc. # 19) is hereby adopted.

**IT IS FURTHER ORDERED** that Court shall enter the Journal Entry submitted by the parties reflecting the settlement.

**IT IS SO ORDERED.**

Dated this 17th day of September, 2015, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge