

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FLICK DISTRIBUTING, L.L.C

CIVIL ACTION

VERSUS

No. 09-3329

ALLIED AIR ENTERPRISES, INC., ET AL

SECTION "C" (2)

ORDER AND REASONS<sup>1</sup>

This matter comes before the Court on Defendants' Motion to Enforce Settlement Agreement. (Rec. Doc. 57) Having considered the record, the memoranda of counsel and the applicable law, the motion is DENIED for the following reasons.

Federal courts are of limited jurisdiction. *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375 (1994). In *Langley v. Jackson State University*, 14 F. 3d 1070 (5th Cir. 1994), the Fifth Circuit held that an action to enforce a settlement agreement requires federal jurisdiction independent of the action that was settled, unless the jurisdiction is specifically retained or the settlement is incorporated in the court's decree or order. *Id.* at 1074. Otherwise the court does not retain jurisdiction. *Id.*

Here, the Plaintiff's suit was dismissed on May 13, 2010 with the right to reopen within sixty days if settlement was not consummated. (Rec. Doc. 56) The Defendants now seek to enforce the settlement agreement, but enforcement of a settlement agreement requires its own basis for jurisdiction, which has not been established here. *Hospitality House, Inc. v. Gilbert*, 298 F.3d 424 (5th Cir. 2002).

Accordingly,

IT IS ORDERED, that the Defendants' Motion to Enforce Settlement Agreement (Rec. Doc. 57) is DENIED.

New Orleans, Louisiana, September 22, 2010



HELEN G. BERRIGAN  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Helen Meaher, J.D. Candidate at Tulane Law School assisted in preparing this Order and Reasons.