

**N THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>ALLSTATE INDEMNITY COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION 12-0324-WS-B</b>
	)	
<b>THOMAS PRICE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This matter is before the Court on the plaintiff’s motion to enforce settlement and motion for additional time to consummate the settlement. (Doc. 108). The motion is based on the death of one defendant before she executed a release. The plaintiff seeks either enforcement of the terms of the parties’ written settlement agreement or an extension of the time within which the parties must consummated the settlement documentation. (*Id.* at 2).

Upon receiving notification of settlement, the Court dismissed this action with prejudice, providing any party the ability to reinstate “if the settlement agreement documentation is not consummated.” (Doc. 107). The Court did not by this order retain jurisdiction to enforce the settlement. *See generally Kokkonen v. Guardian Life Insurance Co.*, 511 U.S. 375, 380-82 (1994) (a court does not upon dismissal retain jurisdiction to monitor the settlement agreement, unless it by order expressly does so or does so implicitly by incorporating the agreement’s terms in its order). Accordingly, the motion to enforce settlement is **denied**.

Nor did the Court permit reinstatement merely because the settlement terms have not been fully accomplished; rather, reinstatement is permitted only if the settlement agreement *documentation* is not consummated. Attached to the plaintiff’s motion is a fully executed settlement agreement, which provides that each defendant will execute a

release in exchange for a payment of a sum of money. The terms of the settlement agreement having been reduced to a signed writing (permitting an independent action for breach of contract), the underlying action may not be reinstated. The motion for additional time to consummate settlement documentation is **denied**.

DONE and ORDERED this 13<sup>th</sup> day of February, 2013.

s/ WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE