

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

ELAINE POWELL and
LARRY POWELL

PLAINTIFFS

v.

No. 1:16-cv-4-DPM

WALGREEN CO., d/b/a/
Walgreens Store #11161 and
DOUG CUTSINGER

DEFENDANTS

ORDER

1. The Court has received the attached letter and construes it as a motion for clarification. Motion granted.

2. The Court's Order, *No 14*, does not make dismissal a certainty. If any party seeks relief—*any* relief, not just dismissal—from the Court before 24 February 2016, then the case will stay alive. For example, if there's a further delay in getting the check, either party could inform the Court and ask that judgment be withheld for a time. The Court would oblige. Or, if one party crawfishes, then the other can move to enforce the settlement. And the Court would decide if the parties had really settled. If the Court hears nothing by the date certain, though, it will assume that all's well and dismiss the case.

The Order is a housekeeping measure. It encourages prompt consummation. It saves counsel from having to file a motion to dismiss, or a

stipulation of dismissal, when everything goes as planned. And it keeps cases from lingering on the docket after the deal is done.

3. The Court appreciates counsel's letters. To keep all communications of record, please send any future letter or paper to the Clerk for filing on the docket.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

10 February 2016

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February 8, 2016

The Honorable D. P. Marshall, Jr.
United States District Judge
Eastern District of Arkansas
600 West Capitol Avenue, Room B149
Little Rock, AR 72201

RE: Powell, et al v Walgreen Co., et al
Case Number: 1:16-cv-00004-DPM

Dear Judge Marshall:

I have and thank you for your notice respecting my informing the Court that this matter has been settled. However, in your notice you state that unless something happens - like a motion to dismiss – before February 24th, you will dismiss our cause of action with prejudice.

We settled this case, verbally, about 3 weeks ago. I have spoken to the attorneys for the defendant, after such a long delay, and they tell me that there was a miscommunication between them and their client, and that the settlement check has not yet been forthcoming but that it should soon.

I certainly hope the Court will not dismiss our cause of action if we haven't received our settlement check by that time, and thus have not dismissed our complaint.


The Honorable D. P. Marshall, Jr.
February 8, 2016
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I would appreciate any help you can give us.

With best wishes, I am

Sincerely yours,

WATSON & WATSON


Timothy F. Watson, Sr.

TFW/kc

cc: Baxter D. Drennon - via email bdrennon@wlj.com

cc: Jeffrey Loel Singleton – via email jsingleton@wlj.com