

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

MYRTLE L. BEENE

PLAINTIFF

v.

No. 4:08CV00440 – WRW

MORRILTON HEALTHCARE CENTER, LLC

DEFENDANT

ORDER DISMISSING ACTION
BY REASON OF SETTLEMENT

Counsel have advised the Court that the parties settled the matter and request the case be dismissed. The Supreme Court has held that district courts do not have inherent power, that is, automatic ancillary jurisdiction, to enforce settlement agreements. Ancillary jurisdiction to enforce a settlement agreement exists only if the parties' obligation to comply with the terms of the settlement agreement is made part of the order of dismissal—either by a provision retaining jurisdiction over the settlement agreement or by incorporation of the terms of the settlement agreement in the order. It is the obligation of the parties requesting dismissal to comply with the terms of the settlement and this Court specifically retains jurisdiction solely to enforce the terms of the settlement agreement forming the underpinning of this dismissal.

IT IS ORDERED that the complaint filed by plaintiff on May 20, 2008, be, and it hereby is, dismissed with prejudice, subject to the terms of the Settlement Agreement.

IT IS FURTHER ORDERED that the Clerk forthwith serve copies of this Order upon the attorneys for the parties appearing in this action.

Dated this 2nd day of March, 2009.



UNITED STATES DISTRICT JUDGE