

**IN THE UNITED STATES DISTRICT COURTS
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CORY NIXON, *et al.*

PLAINTIFFS

v.

Case No. 4:11-cv-00578-KGB

COSTNER EXCAVATING, INC., *et al.*

DEFENDANTS

ORDER

Before the Court is plaintiffs' motion to enforce settlement agreement (Dkt. No. 175). Based on the record and a hearing before the Court on this date, plaintiffs' motion is granted. Defendants breached the settlement agreement by failing to pay the final installment of settlement funds agreed upon by the parties in the amount of \$200,000.00 due and owing to plaintiffs on January 31, 2015. Defendants still have not performed this obligation and present no valid defense to their breach of the settlement agreement. The Court grants plaintiffs' requests to enter a judgment in the amount of \$200,000.00 and to award prejudgment interest. Judgment will be entered separately.

The Court takes under advisement plaintiffs' request for attorney's fees, costs, and expenses. Plaintiffs may submit further briefing on this request.

By agreement of counsel for the parties, this Court retains jurisdiction for an additional 60 days, to and including April 29, 2015, to enforce this Judgment; consider any motions for attorney's fees, costs, and other expenses; and reopen this action if it is satisfactorily shown that resolution has not been completed and further litigation or Court action is necessary.

SO ORDERED this 18th day of February, 2015.

Handwritten signature of Kristine G. Baker in black ink.

KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE