

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION**

**THE JACK OLSTA COMPANY**

**PLAINTIFF/  
COUNTER DEFENDANT**

**VS.**

**Case No. 04-CV-1002**

**JERRY LANGLEY d/b/a  
LANGLEY TRUCKING, INC.**

**DEFENDANT/  
COUNTER PLAINTIFF**

**ORDER**

Before the Court is Defendant/Counter Plaintiff Jerry Langley d/b/a Langley Trucking, Inc.'s ("Langley Trucking") Motion to Vacate and Reopen to Enforce Settlement Agreement. (Doc. 17). Plaintiff The Jack Olsta Company ("Jack Olsta") has not responded. The Court finds this motion ripe for consideration.

On January 4, 2006, the Court entered a Judgment dismissing the case with prejudice pursuant to the terms of the parties' settlement agreement and retaining jurisdiction to vacate the judgment and to reopen this action upon cause shown that the settlement has not been completed and further litigation is necessary.<sup>1</sup> In its motion to vacate and reopen, Langley Trucking alleges that Jack Olsta has failed to comply with the terms of the parties' settlement agreement and this failure has caused it damages in the amount of \$9,525.76. Upon consideration, the Court finds the motion should be and hereby is **granted**. The Court's Judgment dated January 4, 2006, dismissing the matter previously-styled The Jack Olsta Company v. Jerry Langley d/b/a Langley Trucking, 2004-cv-1002 with prejudice pursuant to the terms of the parties' settlement agreement (doc. 14) is hereby vacated and this matter is hereby reopened for the limited purpose of the issue of the enforcement of the parties'

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<sup>1</sup> In the January 4 Judgment, the Court also dismissed the companion case to this lawsuit, Langley Trucking, Inc. and Jerry Langley v. Jack Olsta Company, 2003-cv-1167. The motion to reopen and vacate is not styled with this case number and does not apply to 2003-cv-1167.

settlement agreement.

Please take notice that the above-styled cause is scheduled for a hearing on **Monday, June 26, 2006, at 10:00a.m.** The hearing will take place in the U.S. District Courtroom, in the United States Post Office and Court House, El Dorado, Arkansas.

**IT IS SO ORDERED** this 11th day of May, 2006.

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/s/ Harry F. Barnes  
Hon. Harry F. Barnes  
U.S. District Judge