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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

RACHEL BRYANT,  
Plaintiff,  
v.  
COLORADO GRILL FRESNO, INC., et al.,  
Defendants.

Case No. 1:17-cv-01266-SAB  
ORDER DISMISSING ACTION WITH  
PREJUDICE PURSUANT TO RULE 41(a)(2)  
(ECF Nos. 27, 28, 29)

On September 21, 2017, Plaintiff Rachel Bryant filed this action alleging denial of right of access under the Americans with Disabilities Act. During a scheduling conference on February 6, 2018, the parties advised the Court that the matter had been conditionally settled.

On February 16, 2018, the parties filed a stipulation for dismissal of the action with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. (ECF No. 27.) The parties requested that the Court retain jurisdiction to enforce the terms of their settlement agreement, but did not explain why. Therefore, on February 16, 2018, the Court ordered the parties to file a joint report explaining why the Court should retain jurisdiction to enforce the terms of the settlement agreement and for how long the Court would be expected to retain jurisdiction. (ECF No. 28.)

On February 23, 2018, the parties filed a joint response in which they indicate that the settlement agreement calls for Defendants to make repairs at the facility over the course of six

1 months. (ECF No. 29.) The settlement agreement also calls for Defendant to pay off the  
2 settlement over a period of time. (ECF No. 29.)

3 Under Rule 41(a)(2), “[e]xcept as provided in Rule 41(a)(1), an action may be dismissed  
4 at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R.  
5 Civ. P. 41(a)(2). As the parties have stipulated, this matter shall be dismissed with prejudice.  
6 The Court generally does not retain jurisdiction to enforce settlement agreements that were not  
7 reached at a settlement conference that the Court conducted. However, in this instance, the  
8 Court will retain jurisdiction until October 26, 2018, for the purposes of enforcing the parties’  
9 settlement agreement.

10 Accordingly, it is HEREBY ORDERED that this matter is dismissed with prejudice  
11 pursuant to Rule 41(a)(2) and the Court shall retain jurisdiction over this matter for the purposes  
12 of enforcing the parties’ settlement agreement until October 26, 2018. Further, the Clerk of the  
13 Court is directed to close this action.

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15 IT IS SO ORDERED.

16 Dated: February 26, 2018

  
UNITED STATES MAGISTRATE JUDGE

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