

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SERGIO GODINES, and other similarly
situated individuals

Plaintiff,

v.

Case No: 2:08-cv-202-FtM-99SPC

JUNIPER LANDSCAPING, INC. and
MICHAEL P. DUKE,

Defendants.

_____ /

ORDER¹

This matter comes before the Court on the parties' Joint Petition to Mark Judgment as Satisfied and for Dismissal With Prejudice ("Petition") ([Doc. #29](#)) filed on December 15, 2016. The parties state that they have settled this matter and request that the Court mark the judgment entered on September 12, 2008 ([Doc. #28](#)) as satisfied and dismiss this action with prejudice. As the Court already approved the parties' Confidential Settlement Agreement, Waiver, and General Release on September 11, 2008 and dismissed this action with prejudice ([Doc. #27](#)), which was entered by the Clerk on September 12, 2008 ([Doc. #28](#)), the request to dismiss this action with prejudice is denied. With regard to the request to mark the judgment as satisfied, pursuant to [Federal Rule of Civil Procedure 60\(b\)\(5\)](#), upon motion and just terms, the Court may relieve a

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party or its legal representative from a final judgment, order, or proceeding if the judgment has been satisfied. Here, the parties have not filed a motion requesting such relief and the Court declines to construe the Petition as a motion as it does not comply with Local Rule 3.01(a), which requires a movant to include a statement of the relief requested, a statement of the basis for the request, and a memorandum of legal authority in support of the request.

Accordingly, it is now

ORDERED:

The Joint Petition to Mark Judgment as Satisfied and for Dismissal With Prejudice is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida this 20th day of December, 2016.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record