

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CHEEBURGER CHEEBURGER  
RESTAURANTS, INC.,

Plaintiff,

v.

Case No: 2:13-cv-558-FtM-38DNF

4JZINK, LLC, EUGENE H. REES,  
JOSEPH L. SCHAFER, MICHAEL  
HALAMA and DAVID R. HALAMA,

Defendants.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Notice of Settlement (Doc. #[36](#)) between Plaintiff and Defendants Joseph L. Schafer, Michael Halama, and David Halama filed on October 7, 2013. Pursuant to Local Rule 3.08(a), this Court has now been advised by counsel that the above action has been settled between Plaintiff and Defendants Schafer, M. Halama, and D. Halama, only. Thus, this matter will be dismissed without prejudice as to these Defendants. Plaintiff is directed to inform the Court whether it will be pursuing this action against Defendants 4JZINK, LLC and Eugene H. Rees, or this matter may be closed as to these Defendants as well by filing a stipulation of dismissal in compliance with Federal Rule of Civil Procedure 41.

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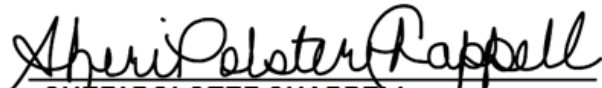
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Accordingly, it is now

**ORDERED:**

- (1) That this cause between Plaintiff and Defendants Joseph L. Schafer, Michael Halama, and David Halama is **DISMISSED without prejudice** subject to the right of any party within thirty (30) days from the date of this Order, **November 8, 2013**, to submit a stipulated form of final judgment or to reopen the action upon a showing of good cause. See Local Rule 3.08(b). Otherwise, after thirty (30) days, without further order, this dismissal shall be deemed *with prejudice*.
- (2) All pending deadlines between Plaintiff and Defendants Joseph L. Schafer, Michael Halama, and David Halama are hereby moot.
- (3) Plaintiff shall have up to and including **October 15, 2013**, to inform the Court whether it will be pursuing this action against Defendants 4JZINK, LLC and Eugene H. Rees.

**DONE** and **ORDERED** in Fort Myers, Florida this 8th day of October, 2013.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record