

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

NICHOLAS FRANK,

Plaintiff,

v.

CASE NO.: 2:13-cv-642-SPC/UAM

HOPE HOSPICE AND COMMUNITY  
SERVICES, INC., a Florida  
non-profit corporation

Defendant.

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

This matter comes before the Court on the Parties Notice of Settlement (Doc. #16), filed on October 23, 2013. Pursuant to Local Rule 3.08(a), the Parties state they have reached a settlement in this action. The Parties are now finalizing the settlement documents and anticipate filing a stipulation of dismissal within 10 days of their Notice.

Accordingly, it is now

**ORDERED:**

1. This cause is DISMISSED without prejudice subject to the right of any party within thirty (30) days from the date of this Order, **November 22, 2013**, to submit a stipulated form of final judgment or to reopen the action upon a

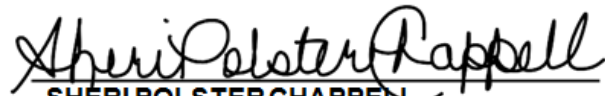
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showing of good cause. See Local Rule 3.08(b). Otherwise, after thirty (30) days, without further order, this dismissal shall be deemed *with prejudice*.

2. All pending motions (if any) are hereby **denied as moot**.
3. The preliminary pretrial conference scheduled for October 25, 2013, is hereby **canceled**.

**DONE and ORDERED** in Fort Myers, Florida this 23rd day of October, 2013.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record