

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CITY FURNITURE, INC., a Florida
corporation

Plaintiff,

v.

Case No: 2:15-cv-748-FtM-38CM

SCOTT A. CHAPPELLE,

Defendant.

ORDER¹

This matter comes before the Court on Plaintiff City Furniture, Inc. and Defendant Scott A. Chappelle's Joint Notice of Settlement and Request for Dismissal of Case Subject to Right of Parties to Move Court to Reopen Case ([Doc. #46](#)) filed on September 19, 2016. The Court has been informed that Plaintiff and Defendant have resolved this matter and entered into a confidential Settlement Agreement on September 15, 2016. ([Doc. #46 at 3](#)). Both Plaintiff and Defendant have further requested this Court retain jurisdiction should default occur with respect to the Settlement Agreement. ([Doc. #46 at 3](#)).

[Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(ii\)](#) allows a plaintiff to dismiss an action voluntarily if a stipulation of dismissal is signed by all parties who have appeared. This

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dismissal is effective upon filing and requires no further action by the Court. See [Anago Franchising, Inc. v. Shaz, LLC](#), 677 F.3d 1272, 1278 (11th Cir. 2012). In compliance with Rule 41(a), the Court dismisses this case without prejudice and without costs or fees to any party. However, the Court declines to retain jurisdiction for the sole purpose of entering an Agreed Final Judgment pursuant to an Affidavit of Default. The Court advises parties to pursue the appropriate avenue in state court should any issue regarding the Settlement Agreement arise.

Accordingly, it is now

ORDERED:

- (1) Plaintiff City Furniture, Inc. and Defendant Scott A. Chappelle's Joint Notice of Settlement and Request for Dismissal of Case Subject to Right of Parties to Move Court to Reopen Case ([Doc. #46](#)) is **GRANTED in part and DENIED in part**.
- (2) The above-captioned case is **DISMISSED without prejudice**, and the Court declines to retain jurisdiction over this case in order to enforce the parties' settlement agreement.
- (3) The Clerk of Court is **DIRECTED** to enter judgment accordingly, terminate all pending motions and deadlines, and close the file.

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


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record