

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WILBER RAMIREZ, on behalf of himself
and others similarly situated

Plaintiff,

v.

Case No: 2:16-cv-638-FtM-99CM

HB MARBLE & GRANITE, LLC and
VALDINEI DESOUZA,

Defendants.

OPINION AND ORDER¹

This matter comes before the Court on the parties' Joint Status Report ([Doc. 22](#)) filed on February 22, 2017. Around mid-January, the parties notified the Court of a settlement and advised that dismissal pleadings would be filed "as soon as practicable." ([Doc. 20](#)). After a month's delay, the Court instructed parties to either file dismissal pleadings or otherwise advise the Court as to the status of settlement. ([Doc. 21](#)). In response, the parties filed a Joint Status Report and attached a copy of the Settlement Agreement. ([Doc. 22](#)); [Doc. 23-1](#)). The parties request the Court refrain from entering a final order of dismissal with prejudice until completion of settlement payment. ([Doc. 22](#) at

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

1). The Court denies that request because they in effect are asking the Court to retain jurisdiction over their settlement agreement.


At this juncture, the parties face two options in light of their settlement. They may opt to file a stipulated voluntary dismissal under [Rule 41 of the Federal Rules of Civil Procedure](#). Alternatively, the parties may opt to have this case administratively closed pursuant to [M.D. Fla. R. 3.08\(b\)](#).

Accordingly, it is now

ORDERED:

The parties shall jointly advise the Court, in writing, on or before **March 10, 2017**, as to how they wish to proceed with this case. **Failure to respond may result in the Court administratively closing this case based on the parties' successful mediation.**

DONE and **ORDERED** in Fort Myers, Florida this 6th day of March, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record