

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

DEVELOPERS SURETY AND  
INDEMNITY COMPANY,

Plaintiff,

vs.

Case No. 6:12-cv-1389-Orl-37TBS

C W B CONTRACTORS, INC.;  
CLINTON BAYLOR; and CONNIE  
BAYLOR,

Defendants.

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**ORDER**

This cause is before the Court on the parties' Joint Motion for Entry of Consent Final Judgment (Doc. 19), filed December 13, 2012. Having reached a mutual agreement regarding the resolution of Plaintiff's claims, the parties seek entry of a consent judgment. (*Id.*)

Upon consideration, the Court notes that the proposed consent final judgment references in paragraph 3 a settlement agreement. The parties do not attach the agreement to the consent judgment, and the proposed form of judgment does not explicitly incorporate the terms of the settlement although it seeks to enforce such terms. The Court is not inclined to enter a consent judgment that may incorporate the terms of a settlement agreement without the attachment of that agreement as an exhibit. If the parties do not intend to attach the settlement as an exhibit to the judgment, then the consent judgment should not refer to the terms of the agreement.

Further, the proposed judgment indicates that the Court retains jurisdiction "over the subject matter and the parties" for the "purpose of entering such further Orders and

Judgments as may be necessary and proper, including but not limited to, Orders and Judgments for Plaintiff's execution activities." The Court is not inclined to retain jurisdiction over this case after entry of judgment. The parties can, of course, still apply to the Court for any relief necessary to execute the judgment; however; it is not necessary for the Court to retain jurisdiction for it to grant that kind of relief.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The parties' Joint Motion for Entry of Consent Final Judgment (Doc. 19) is taken under consideration; and
2. The parties shall, on or before January 4, 2013, propose a modified consent judgment consistent with this Order or inform the Court whether they consent to the entry of a judgment that omits paragraphs 3 and 4.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on December 19, 2012.

  
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ROY B. DALTON JR.  
United States District Judge

Copies:  
Counsel of Record