

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PATRICIA KENNEDY,

Plaintiff,

v.

Case No. 6:17-cv-548-Orl-37DCI

ROCKET LIQUORS, INC.;
WYNFIELD'S SPORTS BAR, INC.; and
SMOKETOWN, INC.,

Defendants.

ORDER

In the instant action, Defendants previously moved for sanctions against Plaintiff based on her failure to comply with the Court's deadline for producing an expert report. (Doc. 24 ("**Motion for Sanctions**").) The Undersigned referred the motion and, on Friday, August, 11, 2017, U.S. Magistrate Judge Daniel C. Irick held a hearing on the Motion for Sanctions. (Doc. 33.) Following the hearing, counsel for Defendants informed the Court by telephone that the parties had reached a settlement.

Defendants now move to dismiss the case with prejudice. (Doc. 34 ("**MTD**").) In the MTD, Defendants also request that the Court order Plaintiff to pay defense counsel the sum of \$1,500.00 in attorney's fees and \$375 for expert costs within ten days. (*Id.*) Defendants represent that the parties have agreed to the foregoing relief. (*Id.*)

In light of the unopposed nature of the MTD, and Defendant's likelihood of success on the pending Motion for Sanctions, the Court finds that the MTD is due to be

granted in part under Federal Rule of Civil Procedure 41(a)(2).

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Defendants' Unopposed Motion to Dismiss Case with Prejudice and Award Fees and Costs (Doc. 34) is **GRANTED IN PART AND DENIED IN PART**.


a. This action is **DISMISSED WITH PREJUDICE**, subject to the right of any party to move to reopen the case within fourteen days to assert non-compliance with this Order. The Court otherwise declines to retain jurisdiction to enforce the terms of the parties' agreement.

b. On or before Friday, August 25, 2017, Plaintiff is **DIRECTED** to pay defense counsel \$1,500.00 in attorney's fees and \$375 in expert costs.

2. The Clerk is **DIRECTED** to terminate all pending motions and close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on August 15, 2017.





ROY B. DALTON JR.
United States District Judge

Copies to:

Counsel of Record