

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

2017 FEB 15 PM 4:43

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SO. DIST. OF GA.

TERI LYNN HINKLE,

Plaintiff,

v.

MIDLAND CREDIT
MANAGEMENT, INC.; MIDLAND
FUNDING, LLC; and ENCORE
CAPITAL GROUP, INC.,

Defendants.

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CV 313-033

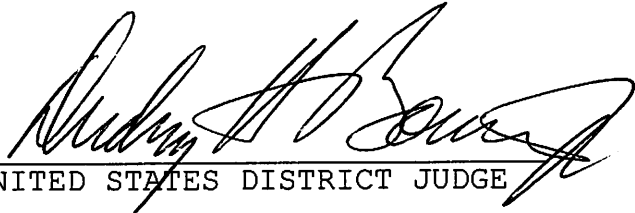
O R D E R

Before the Court is the parties' Joint Motion to Dismiss and Retain Ancillary Jurisdiction to Enforce Settlement Agreement. (Doc. No. 130.) In their motion, the parties expressly state they have executed a formal settlement agreement resolving their dispute and request the Court to dismiss Plaintiff's complaint with prejudice pursuant to Federal Rule of Federal Procedure 41(a)(2) "*provided that the Court retains ancillary jurisdiction over this matter to enforce the Settlement Agreement and to order specific performance thereof.*" (Id. ¶¶ 3-4 (emphasis original).)

Upon due consideration, the Court finds that dismissal is appropriate under Rule 41(a)(2). **IT IS THEREFORE ORDERED** that Plaintiff's claims against the Defendants are **DISMISSED WITH**

PREJUDICE. The Clerk is directed to **TERMINATE** all motions and deadlines and **CLOSE** this case. The Court, however, shall retain jurisdiction over this matter solely to enforce the parties' aforementioned settlement agreement. See Disability Advocates & Counseling Grp., Inc. v. E.M. Kendall Realty, Inc., 366 F. App'x 123, 125 (11th Cir. 2010) ("When a district court's dismissal order either incorporates the terms of the settlement agreement or expressly retains jurisdiction to enforce the settlement, the agreement functions as a consent decree that the district court has jurisdiction to enforce." (citing Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 380-82 (1994); Smalbein ex rel. Estate of Smalbein v. City of Daytona Beach, 353 F.3d 901, 905 (11th Cir. 2003); Am. Disability Ass'n, Inc. v. Chmielarz, 289 F.3d 1315, 1320-21 (11th Cir. 2002))).

ORDER ENTERED at Augusta, Georgia, this 15th day of February, 2017.


UNITED STATES DISTRICT JUDGE