

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF HAWAII

SEO JEONG WON, aka JASMINE)	CIVIL NO. 07-00606 JMS-LEK
SEO and PARK YOUNG JA,)	CIVIL NO. 08-00158 JMS-LEK
)	
Plaintiffs,)	
)	
vs.)	
)	
RAYMOND ENGLAND, JOSEPH)	
SWEENEY and USA FEDERAL)	
CREDIT UNION,)	
)	
Defendants.)	
)	
_____)	
RAYMOND ENGLAND,)	
)	
Plaintiff,)	
)	
vs.)	
)	
USA FEDERAL CREDIT UNION, a)	
Federal Charter Credit Union,)	
)	
Defendant.)	
_____)	

FINDINGS AND RECOMMENDATION TO DISMISS WITH PREJUDICE

On December 17, 2007, Seo Jeong Won, also known as Jasmine Seo ("Jasmine Seo"), and Park Young Ja ("Park", both collectively "Won Plaintiffs") filed their complaint against Raymond L. England ("England"), Joseph Sweeney ("Sweeney"), and USA Federal Credit Union ("USA FCU") in CV 07-00606 JMS-LEK ("Won Action").

The Complaint in the Won Action alleged a single count against USA FCU seeking interpleader and deposit of the approximate sum of \$1,200,000.00. On March 20, 2008, this Court

issued its order granting USA FCU's motion for interpleader in the Won Action. The Court ordered, *inter alia*, that: 1) the interpleader funds be deposited with the district court; and 2) upon such deposit, USA FCU would be dismissed from the Won Action with prejudice. On April 7, 2008, USA FCU deposited the sum of \$1,221,148.16 with the district court.

On or about February 13, 2008, England filed a complaint against USA FCU in a Florida state court, alleging conversion, money had and received, and a claim for injunctive relief ("Florida Action"). The Florida Action arose from USA FCU's handling of the interpleader funds. USA FCU removed the Florida Action to a federal court in Florida, which later transferred the case to this district court. The Won Action and the Florida Action were consolidated on July 25, 2008. On July 1, 2009, the district judge granted summary judgment in favor of USA FCU as to all of England's claims against it.

On April 11, 2008, the Won Plaintiffs dismissed all claims against Sweeney without prejudice.

Park passed away on April 3, 2008. On May 22, 2009, the district judge issued an order granting the motion to intervene brought by Seo Kyoung Won, individually and as personal representative of the Estate of Park Young Ja ("Kyoung Won"). Jasmine Seo dismissed her claims without prejudice on June 5, 2009. On November 16, 2009, this Court held a settlement on the

record between Kyoung Won and England. On February 5, 2010, both Kyoung Won and England filed executed copies of their Settlement and Mutual Release Agreement in English ("Settlement Agreement"). Both Kyoung Won and England signed the Settlement Agreement, and each of their counsel approved the Settlement Agreement as to form. Although the Court acknowledges that there may be a dispute between the parties regarding the translation and notarization of the Korean version of the Settlement Agreement which Kyoung Won signed, the Court FINDS that there is a valid and enforceable agreement between Kyoung Won and England as to all claims between them. The Settlement Agreement disposes of all remaining claims in these consolidated cases.¹

The Court therefore RECOMMENDS that these consolidated case be DISMISSED WITH PREJUDICE. The Court RECOMMENDS that dismissal take effect thirty days from the filing of the district judge's order adopting the instant Findings and Recommendation.

The parties are advised that any objection to this Finding and Recommendation is due seventeen calendar days after being served with a copy of this Findings and Recommendation. See Fed. R. Civ. P. 5(b)(2) & 6(d); Local Rule LR74.2. If an objection is filed with the Court, it shall be captioned

¹ The Court notes that the instant Findings and Recommendation has no effect on England's objections to this Court's Report of Special Master on Defendant's Motion for Order Granting USA Federal Credit Union Attorneys' Fees and Costs in Civil No. 08-00158, which are pending before the district judge.

"Objections to Magistrate Judge's Findings and Recommendation."

A copy of the objection shall be served on all parties.

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAII, February 11, 2010.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States Magistrate Judge

SEO JEONG WON, aka JASMINE SEO and PARK YOUNG JA V. RAYMOND L. ENGLAND, ET AL; CIVIL NO. 07-00606 JMS-LEK; RAYMOND ENGLAND V. USA FEDERAL CREDIT UNION; CIVIL NO. 08-00158 JMS-LEK; FINDINGS AND RECOMMENDATION TO DISMISS WITH PREJUDICE