

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
PEORIA DIVISION**

ROGER FLEMING, )  
)  
Plaintiff, )  
)  
v. )  
)  
LIVINGSTON COUNTY, ILLINOIS, an )  
Illinois Local Governmental Entity; )  
ROBERT McCARTY, Sheriff of )  
Livingston County, Illinois, in his Official )  
Capacity; DAVID TURNER, Deputy )  
Sheriff of Livingston County, Illinois, in )  
his Individual Capacity; ADVANCED )  
CORRECTIONAL HEALTHCARE, INC; )  
NORMAN JOHNSON, M.D., in his )  
Individual Capacity; GEORGE )  
SHOTICK, M.D., in his Individual )  
Capacity; ADRIENNE SAUERS, in her )  
Individual Capacity; and DAWN )  
GERRINGER, in her Individual Capacity,)  
)  
Defendants. )

Case No. 08-cv-1174

**ORDER & OPINION**

Before the Court is a Stipulation to Dismiss Petition for Attorneys' Fees, filed jointly by Plaintiff and Defendants Advanced Correctional Healthcare, Inc., Norman Johnson, M.D., George Shotick, M.D., Adrienne Sauers, and Dawn Gerringer ("Medical Defendants") (Doc. 97). On August 4, 2008, Plaintiff filed his First Amended Complaint, in which he made claims against multiple defendants for false arrest and the denial of necessary medical care. (Doc. 14). Over two years later, on August 25, 2010, Plaintiff and various Defendants filed a stipulation of dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure (Doc. 48),

and those defendants, including the Medical Defendants, were terminated from the case. (Remark of 8/25/2010).

On September 8, 2010, the Medical Defendants filed a Petition for Attorneys' Fees (Doc. 49). In addition to filing a Response to the Medical Defendants' Petition for Attorneys' Fees (Doc. 52), Plaintiff also filed a Motion for Leave to File a Memorandum of Additional Authority to supplement his response (Doc. 56). Finally, the Medical Defendants filed a Motion for Leave to File a Reply to Plaintiff's Response (Doc. 57). Before the Court had the opportunity to rule on these motions, Plaintiff filed a Motion to Stay, asking the Court to refrain from ruling until December 14, 2010, due to pending settlement discussions (Doc. 95).

The instant Stipulation appears to be the result of those discussions. In it, the parties report that they have reached a resolution of the Medical Defendants' Petition for Attorneys' Fees as well as Plaintiff's threatened cross motion for sanctions. Accordingly, the parties seek the dismissal of the Medical Defendants' Petition for Attorneys' Fees and expressly waive any and all claims for attorneys' fees or sanctions between them.

Pursuant to the terms of the Stipulation, the Petition for Attorneys' Fees (Doc. 49) is DISMISSED WITH PREJUDICE, thereby terminating this matter with respect to Plaintiff and the Medical Defendants. Accordingly, Plaintiff's Motion for Leave to File a Memorandum of Additional Authority (Doc. 56), the Medical Defendant's Motion for Leave to File a Reply (Doc. 57), and Plaintiff's Motion to Stay Ruling Pending Settlement Discussions (Doc. 95) are rendered MOOT. IT IS SO ORDERED.

Entered this 15th day of December, 2010.

s/ Joe B. McDade  
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JOE BILLY McDADE  
United States Senior District Judge