

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHRISTOPHER P. WHITE,)
REFFCO II, L.P.,)
Plaintiffs,)
vs.) Case No. 1:14-cv-00471-TWP-DML
GEORGE KEELY,)
JOYCE MORRIS,)
TRICIA RAKE,)
TERRY SCOTT,)
MICHAEL MAURER,)
Defendants.)

Entry Dismissing Action and Directing Entry of Final Judgment

I.

In the Entry of November 7, 2014, the Court granted the Defendants' Motion to Dismiss (Filing No. 22). Specifically, the Court dismissed the complaint without prejudice and granted the plaintiffs a period of time in which to file an amended complaint. Rather than filing an amended complaint, the Plaintiffs filed a notice of appeal on November 23, 2014. That appeal was docketed as No. 14-3663 and was dismissed for lack of jurisdiction on March 6, 2015. The parties then filed a statement setting forth their requests for the resolution of the action. These requests are that (1) the Court issue an order dismissing the complaint with prejudice, accompanied by a final judgment, and (2) the Court extend until resolution of any appeal from the entry of such final judgment the deadline for the filing of a motion for attorney's fees pursuant to Rule 11(b) of the *Federal Rules of Civil Procedure*.

The first of these requests is **granted**.

As to the second request, however, the extension of time sought—if an appeal is filed--is far beyond the “outer parameter” for filing a Rule 11 motion for sanctions. *Philos Technologies, Inc. v. Philos & D, Inc.*, 943 F. Supp. 2d 880, 886 (N.D.Ill. 2013)(citing *Matrix IV, Inc. v. Am. Nat'l. Bank & Trust Co.*, 649 F.3d 539, 553 (7th Cir. 2011)). The second request will therefore **not be granted** on the mere basis of the parties’ request, but the parties are free to invest in motions practice to pinpoint the appropriate parameters for a Rule 11 motion for sanctions in this case—bearing in mind that a sanctions motion should be filed “as soon as practicable after discovery of a Rule 11 violation.” *Kaplan v. Zenner*, 956 F.2d 149, 151 (7th Cir. 1992).

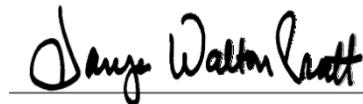
Consistent with the foregoing, therefore, the plaintiffs’ complaint is dismissed with prejudice.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 4/24/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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