

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

MICHAEL HINTON, )  
)  
Plaintiff, )  
)  
v. ) 1:09-cv-00554-JAW  
)  
OUTBOARD MARINE )  
CORPORATION, )  
)  
Defendant. )

**ORDER ON DEFENDANTS' OUTBOARD MARINE CORPORATION  
AND OMC RECREATIONAL BOAT GROUP, INC.'S  
UNOPPOSED MOTION FOR WAIVER**

On April 9, 2012, the Court entered Judgment in favor of the Defendants and against the Plaintiff pursuant to the jury verdict dated February 2, 2012. *J.* (ECF No. 187). On May 4, 2012, the Defendants filed an unopposed motion for waiver, revealing that the parties had agreed that in exchange for the Plaintiff's not filing an appeal, the Defendants would not pursue a Bill of Costs, and asking the Court to affirm this private agreement by order. *Defs.' Outboard Marine Corp. and OMC Recreational Boat Grp., Inc.'s Unopposed Mot. for Waiver* (ECF No. 188).

The issue has been eclipsed with the passage of time. The thirty-day period for appeal under Federal Rule of Appellate Procedure 4 lapsed on May 9, 2012, FED. R. APP. P. 4 ("must be filed with the district clerk within 30 days after entry of the judgment or order appealed from"), and the thirty-day period for filing a Bill of Costs under District of Maine Local Rule 54.3 lapsed on June 9, 2012. D. ME. LOC. R. 54.3 ("shall be filed . . . within thirty (30) days of the expiration of the time for

filing a timely appeal if no notice of appeal has been filed”). As the parties have accomplished by inaction the relief they sought from the Court, the Court DISMISSES the Defendants’ Motion as moot.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 13th day of June, 2012