SHUPER v. CHANDLER et al Doc. 134

UNITED STATES DISTRICT COURT DISTRICT OF MAINE

ALLA I. SHUPER,)	
)	
Plaintiff,)	
v.)	
)	Case No. 2:13-cv-110-GZS
REBECCA CHANDLER, et al.,)	
)	
Defendants.)	

ORDER ON PENDING MOTIONS

Before the Court are: Plaintiff's Pro Se Motion to Extend Time to File Stipulation of Dismissal (ECF No. 97), Defendants' Motion to Dismiss (ECF No. 99) and two of Plaintiff's Pro Se Motions for Clarification (ECF Nos. 102 & 107). The Court had previously reserved ruling on all four Motions because of Plaintiff's pending appeals to the First Circuit. See ECF Nos. 104 & 108. The Court has now received mandates on all of those appeals (ECF Nos. 132 & 133) thereby clarifying this Court's jurisdiction to act on these Motions.

With respect to the Motions for Clarification, the Court now DENIES these Motions (ECF Nos. 102 & 107). To the extent that the Motions can be read to suggest that the Court should award Plaintiff monetary sanctions because of conduct by Defendants' counsel, the Court finds no basis for awarding sanctions on the record.

Having reviewed all of the filings made in connection with Plaintiff's Motion for Extension of Time to File Stipulation of Dismissal (ECF No. 97) and Defendants' related Motion to Dismiss (ECF No. 99), along with the entire record, the Court hereby DENIES Plaintiff's Motion for Extension of Time (ECF No. 97) and GRANTS Defendant's Motion to Dismiss (ECF No. 99). In her filings, Plaintiff Shuper has acknowledged that she received the settlement check from Defendants on September 19, 2013. Thus, by all accounts, Defendants completed their

obligations under the settlement agreement in accordance with the Court's June 25, 2013 Procedural Order (ECF No. 41) and the Court's July 8, 2013 Order (ECF No. 55). As a result, Plaintiff is contractually obliged to dismiss this action. Therefore, the Court finds no good cause to allow this action to remain pending. Pursuant to Federal Rule of Civil Procedure 41(b), the remaining claims in this action are hereby DISMISSED with prejudice and without costs.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 23rd day of December, 2013.