

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MIDDLEBELT PYLMOUTH  
VENTURE, LLC,

Plaintiff,

Case No. 07-12190

v.

Hon. John Corbett O'Meara

MOE'S SOUTHWEST GRILL, LLC, *et al.*,

Defendants.

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**ORDER DENYING MOTION  
TO ENTER CONSENT JUDGMENT**

Before the court is Plaintiff's motion to enter consent judgment, filed October 13, 2009. Defendants submitted a response on October 26, 2009; Plaintiff filed a reply brief on October 28, 2009. The court did not hear oral argument.

Having reviewed the parties' submissions, the court concludes that Defendants have performed their obligations under the settlement agreement. Defendants have made the required thirteen payments, although it appears that one payment was a day or two late.<sup>1</sup> Under all the circumstances, the court finds the entry of the consent judgment unwarranted.

IT IS HEREBY ORDERED that Plaintiff's motion to enter consent judgment is DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: December 23, 2009

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<sup>1</sup> The court assumes that Defendants made the final payment due November 1, 2009; neither party has suggested otherwise.

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 23, 2009, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager