

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**UNITED STATES OF AMERICA upon
the relation and for the use of the
TENNESSEE VALLEY AUTHORITY**

PLAINTIFF

V.

NO. 1:17-CV-117-DMB-DAS

**AN EASEMENT AND RIGHT-OF-WAY
OVER .47 ACRES OF LAND, MORE OR
LESS, IN OKTIBBEHA COUNTY,
MISSISSIPPI and J PERRY
PROPERTIES, LLC**

DEFENDANTS

ORDER

On September 20, 2017, the Tennessee Valley Authority filed a “Motion for Entry of a Consent Judgment and Order Disbursing Funds.” Doc. #7. The motion asks the Court to enter a proposed consent judgment which was e-mailed to the Court.

Generally, before entering a consent judgment, also called a consent decree, courts must decide whether it represents a reasonable factual and legal determination based on the facts of record, whether established by evidence, affidavit, or stipulation. Courts must also ascertain that the settlement is fair and that it does not violate the Constitution, statutes, or jurisprudence. In assessing the propriety of giving judicial imprimatur to the consent decree, the court must also consider the nature of the litigation and the purposes to be served by the decree.

Jones v. Gusman, 296 F.R.D. 416, 428–29 (E.D. La. 2013) (internal citations and quotation marks omitted) (citing *Williams v. City of New Orleans*, 729 F.2d 1554, 1559 (5th Cir. 1984) and *United States v. City of Miami*, 664 F.2d 435, 441 (5th Cir. 1981)).

The Court has reviewed the proposed consent judgment, which grants the Tennessee Valley Authority immediate possession of certain property in exchange for a \$12,000 payment to J Perry Properties, and believes that the judgment represents a fair and reasonable factual and legal determination based on the facts of record. The Court also concludes that the proposed consent

judgment does not violate the Constitution, statutes, or jurisprudence. Finally, the proposed consent judgment is consistent with the nature of this litigation, which is a condemnation action. Accordingly, the motion for entry of a consent judgment [7] is **GRANTED**. A judgment consistent with the parties' proposed consent judgment will be entered as an order of the Court.

SO ORDERED, this 5th day of December, 2017.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE