

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CHENTILE GOODMAN,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al.,

Defendants.

Case No. 2:11-cv-01447-MMD-VCF

ORDER

(Motion for Determination of Good Faith  
Settlement – dkt. no. 130)

On July 23, 2013, Nevada Property 1, LLC (“Nevada Property”) filed a Notice of Settlement (“Notice”). (Dkt. no. 120.) The Notice said that Plaintiff and Nevada Properties reached a settlement agreement and that “[i]t is anticipated that this settlement will soon be reduced to writing and that [Plaintiff’s] causes of action against [Nevada Property] will be dismissed with prejudice.”


On September 12, 2013, Nevada Properties filed this Motion for Determination of Good Faith Settlement (“Motion”). (Dkt. no. 130.) In the Motion, Nevada Property asks the Court “for a determination that its \$25,000 settlement with Plaintiff . . . is in good faith” pursuant to Nev. Rev .Stat. § 17.245. A “determination of good faith [is] left to the discretion of the trial court based upon all relevant facts available, and . . . in the absence of an abuse of that discretion, the trial court’s findings [will] not be disturbed.” See *Carton v. B & B Equities Grp., LLC*, 2:11-cv-00746, 2013 WL 944562, at \*5 (D. Nev. Mar. 11, 2013) (citing *Velsicol Chem. Corp. v. Davidson*, 811 P.2d 561, 563 (Nev. 1991)). However, at this time, the Court does not have enough information to make a

1 "good faith" determination. The Motion does not clearly set out the terms of the  
2 settlement agreement and the settling parties have not filed a joint stipulation or any  
3 affidavits with the Court. The Motion's assertions that the settlement "was reached as  
4 part of arm's length negotiations" and that Plaintiff's acceptance "is a substantial,  
5 reasonable, and equitable resolution of the matter" are one-sided and not sufficiently  
6 supported.

7 The Motion also asks the Court to dismiss Nevada Property from this action under  
8 Fed. R. Civ. P. 54. While the Motion states that Nevada Property "has bought its peace,"  
9 there is insufficient evidence on the record to allow the Court to conclude that there are  
10 no longer any pending claims against Nevada Property. Therefore, the Court cannot  
11 make "an express direction for the entry of judgment" in Nevada Property's favor as they  
12 request.

13 It is therefore ordered that Nevada Property's Motion for Determination of Good  
14 Faith Settlement (dkt. no. 130) is denied.

15 ENTERED THIS 23<sup>rd</sup> day of October 2013.

16  
17   
18 \_\_\_\_\_  
19 MIRANDA M. DU  
20 UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26  
27  
28