

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANDREA R. CLARKE,

Plaintiff,

-against-

**MEMORANDUM AND ORDER**

No. 07-CV-4605 (FB) (CLP)

PACIFICA FOUNDATION, WBAI New  
York Radio Station 99.5 FM, and  
ROBERT SCOTT ADAMS,

Defendants.

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*Appearances:*

*For the Plaintiff:*

JULIA CATANIA, ESQ.  
Brown Rudnick LLP  
7 Times Square  
New York, New York 10036

*For the Defendants:*

OLIVER HULL, ESQ.  
320 West Main Street  
Sayville, New York 11782

**BLOCK, Senior District Judge:**

This case was dismissed in 2012 based on the parties' stipulation. The plaintiff now alleges that defendant Robert Scott Adams has breached the settlement agreement that led to the stipulation of dismissal, and asks the Court to enter judgment in accordance with a confession of judgment executed by Adams as part of the settlement. Despite notice of the plaintiff's request, Adams has not responded.

A district court does not automatically retain jurisdiction to enforce a settlement agreement in a matter before it. If court approval is required, it may make compliance

with the agreement a condition of dismissal. Even if court approval is not required, it may “so order” a stipulation of dismissal that lays out the terms of the settlement. “Absent such action, however, enforcement of the settlement agreement is for state courts, unless there is some independent basis for federal jurisdiction.” *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 382 (1994).

The Court’s dismissal order was unconditional. It did not endorse the stipulation, which, in any event, did not refer to the confession of judgment or any other terms of the settlement. Although the parties appear to be residents of different states, the amount in controversy—less than \$15,000—does not satisfy the minimum for diversity jurisdiction. No other independent basis for federal jurisdiction is apparent. Accordingly, the Court concludes that it lacks jurisdiction to enter the requested judgment.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
June 1, 2016