

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ROZE U GORDON,

Plaintiff,

-against-

D. SCOTT CARRUTHERS, et al.,

Defendants.

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**MEMORANDUM
AND ORDER**

10-CV-918 (RJD)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

In a letter dated July 1, 2010 (“7/1/10 Def. Letter”), defendants D. Scott Carruthers and Regent Asset Management Solutions, Inc. (collectively, “defendants”) request that the Court “enforce the settlement of this matter and cancel the July 6, 2010 hearing or excuse Mr. Carruthers’ personal appearance thereat.” 7/1/10 Def. Letter at 1. Plaintiff Roze U. Gordon (“plaintiff”) opposes the application, stating that no agreement had been reached regarding a payment schedule for any settlement. See Letter to the Court from Plaintiff’s Counsel (July 1, 2010).

The Court is in no position to enforce a settlement at this point, where the parties dispute whether agreement had been reached on the material terms of the settlement.¹

¹ While the Court was not a party to counsels’ communications with each other regarding settlement, it does reject defense counsel’s characterizations of what transpired at the June 29th court proceeding and why this Court set a hearing for July 6th; the Court did not order “Mr. Carruthers to appear personally to testify why dates for those [settlement] payments had not been provided,” nor did the Court agree to cancel the July 6th hearing “if the dates were provided beforehand” 7/1/10 Def. Letter at 1. Rather, the purpose of the July 6th hearing was to address the fact that Mr. Carruthers “has not responded to his attorney’s repeated phone calls and other communications,” Minute Entry (June 29, 2010), and the Court indicated that the need for the hearing would be obviated if the parties agreed in advance to settle the case.

Today defendants filed another letter, stating that the parties have reached agreement to settle the case with a lump sum payment, and requesting that the July 6th hearing be cancelled. See Letter to the Court from Defense Counsel (July 2, 2010). Plaintiff reportedly does not consent to this request. See id.

Given the history of this litigation, the Court declines to cancel Tuesday's hearing. Instead it is adjourned to July 22, 2010, at 12:15 p.m.

SO ORDERED.

**Dated: Brooklyn, New York
July 2, 2010**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**