

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 WESTERN DIVISION
 No. 5:15-CV-451-BO

RAYMOND TARLTON, as guardian ad litem for)
HENRY LEE MCCOLLUM and J. DUANE)
GILLIAM, as guardian of the estate of LEON)
BROWN,)
Plaintiffs,)
v.)
TOWN OF RED SPRINGS, <i>et al.</i>)
Defendants.)


ORDER

This cause comes before the Court on a motion by plaintiff Tarlton, as guardian ad litem for Henry Lee McCollum, to add Kimberly Pinchbeck, as limited guardian and conservator of the estate of Henry Lee McCollum, as a plaintiff in this action pursuant to Rules 17 and 19 of the Federal Rules of Civil Procedure.¹ [DE 265]. Also before the Court is Tarlton’s motion to amend [DE 266] the Court’s order approving settlement with defendants Town of Red Springs, Larry Floyd, and Paul Canady (Town of Red Springs defendants). [DE 253]. The motion to amend the order approving settlement has been renewed by proposed substitute counsel for Tarlton. [DE 279].

¹ Although its summary judgment order is currently before the court of appeals, the Court has determined that it has retained jurisdiction to consider these matters which are not implicated by or involved in the issues currently on appeal. *See Stewart v. Donges*, 915 F.2d 572, 575–76 (10th Cir. 1990); *McFadyen v. Duke Univ.*, No. 1:07CV953, 2011 WL 13134315, at *2 (M.D.N.C. June 9, 2011).

For good cause shown, and in the absence of opposition, the foregoing motions [DE 265 & 266] are ALLOWED. Kimberly Pinchbeck, as limited guardian and conservator of the estate of Henry Lee McCollum, is ADDED as a party to this action on behalf of Henry Lee McCollum. The Court's order approving settlement [DE 253] is AMENDED to reflect that the Town of Red Springs defendants shall tender settlement funds for Henry Lee McCollum to Kimberly Pinchbeck as Trustee of the Henry Lee McCollum Irrevocable Trust of 2018. *See* [DE 265-2].

SO ORDERED, this 26 day of April, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE