

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00550-FDW-DSC**

JAYSON CONTINO and MAMYE)
CONTINO,)
)
 Plaintiffs,)
)
vs.)
)
FRONTIER ADJUSTERS, INC., et al.,)
)
 Defendants.)
)


ORDER

THIS MATTER is before the Court on Plaintiffs’ Jayson Contino and Mamye Contino (collectively “Plaintiffs”) Motion (Doc. No. 42) to Set Aside this Court’s Consent Judgment (Doc. No. 41) and Determine Jurisdiction. The Court has reviewed Plaintiffs’ Motion and Defendants’ Memorandum in Opposition (Doc. No. 43). For the reasons set forth in Defendants’ Memorandum, the Court DENIES Plaintiffs’ Motion.

The Court notes that the dispute here is between the Plaintiffs and their attorney. This is not a case where there is a factual dispute over the existence of an agreement, over the authority of the attorney to enter into the agreement, or over the agreement’s terms. Federal Rule of Civil Procedure 60(b), although uncited by Plaintiffs, is not the appropriate remedy for a party that made the choice to settle but now regrets the decision. See Napier v. Chesapeake and Ohio Ry. Co., 582 F.2d 1344 (4th Cir. 1978). Accordingly, Plaintiffs’ Motion to Set Aside Consent Judgment and Determine Jurisdiction (Doc. No. 42) is DENIED.

IT IS SO ORDERED.

Signed: December 28, 2016



Frank D. Whitney
Chief United States District Judge

