

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)**

BOARD OF TRUSTEES of the PLUMBERS,	:	CASE NO. 12-CV-710
PIPE FITTERS & MECHANICAL	:	
EQUIPMENT SERVICE, LOCAL UNION	:	(Judge Litkovitz)
NO. 392 PENSION FUND, <u>et al.</u> ,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	STIPULATED ORDER OF
	:	DISMISSAL WITH THE COURT TO
R.KELLY, INC.,	:	RETAIN JURISDICTION TO
	:	ENFORCE THE TERMS OF THE
	:	PARTIES' SETTLEMENT
Defendant.	:	AGREEMENT
	:	

Plaintiffs, the Board of Trustees of the Plumbers, Pipe Fitters & Mechanical Equipment Service, Local Union No. 392 Pension Fund, *et al.* (“Trust Funds”), by and through their attorney, Joseph E. Mallon, and the Defendant R. Kelly, Inc., by and through its attorney, Robert T. Butler, pursuant to Fed. R. Civ. Proc. 41(a)(1)(A)(ii) hereby submit this Stipulated Order for Dismissal of this Lawsuit with the Court to Retain Jurisdiction to Enforce the Terms of the Parties’ Settlement Agreement and stipulate as follows:

WHEREAS, the Parties in this matter have reached a Settlement Agreement and the Parties stipulate to the dismissal of the above-captioned matter without prejudice, reserving jurisdiction in this Court to reinstate proceedings to enforce certain terms of the Settlement Agreement entered into by and between the Parties in October 2013.

IT IS HEREBY ORDERED:

1. This above-captioned matter is hereby dismissed without prejudice.
2. The Court shall retain jurisdiction over the Parties and hereby grants the Plaintiffs leave to reinstate the proceedings in the above-captioned matter to enforce the terms of the Settlement Agreement entered into by and between the Parties in October 2013, but not later than December 15, 2013.
3. Pursuant to the Settlement Agreement entered into by and between the Parties in June 2013, the Defendant is required to submit three (3) monthly payments totaling \$6,251.00.

The first payment of \$2,083.66 is due October 5, 2013, the second payment of \$2,083.67 is due November 5, 2013 and the third payment of \$2,083.67 is due December 5, 2013.

4. The dismissal without prejudice will automatically convert to a dismissal with prejudice unless a motion to reinstate has been filed on or before December 15, 2013.

ENTERED:


HONORABLE JUDGE LITKOVITZ

Dated: 10/4/13

Agreed and so stipulated:

Board of Trustees of the Plumbers,
Pipefitters & MES, Local Union No. 392
Pension Fund, et al.

/s/ Joseph E. Mallon (0085786)
Mr. Joseph E. Mallon
Counsel for Plaintiffs
Johnson & Krol, LLC
300 S. Wacker Dr., Suite 1313
Chicago, Illinois 60606

R. Kelly, Inc.

/s/ Robert T. Butler
Mr. Robert T. Butler
Counsel for Defendant
Donnellon, Donnellon and Miller
Cincinnati, Ohio 45242