

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DAVID M. HOPPER, Special Administrator
of the Estate of Robert A. Richardson, Sr.,

Plaintiff,

Case No. 3:14-cv-158

vs.

MONTGOMERY COUNTY SHERIFF, *et al.*,

Defendants.

Magistrate Judge Michael J. Newman
(Consent Case)

ORDER OF DISMISSAL; TERMINATION ENTRY

The Court, having been advised that the above-captioned matter has been settled in its entirety, **ORDERS** that this action is hereby **CONDITIONALLY DISMISSED**, with prejudice as to all parties, provided that any of the parties may, upon good cause shown within 90 days, reopen the action if settlement is not consummated. This good cause requirement will be met, for example, if the parties are unable to obtain approval of the settlement in the probate court. Should the parties require an extension beyond the 90 days set forth herein, the Court is amenable to extending the deadline upon a showing of good cause. Within 90 days, the parties may substitute this Order and Entry with a proposed dismissal entry agreed upon by the parties.

Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381-82 (1994), and incorporate appropriate language in any substituted judgment entry. The Court will retain jurisdiction to enforce the terms of the settlement, if necessary.

IT IS SO ORDERED.

Date: December 18, 2018

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge