

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

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|------------------------------|---|-------------------------|
| DERRICK BARHAM, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. CIV-14-388-JHP |
| |) | |
| (1) ROBERT DONALD TONEY, and |) | |
| (2) CANAL INSURANCE COMPANY |) | |
| |) | |
| Defendants. |) | |

**ORDER AFFIRMING AND ADOPTING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

On December 7, 2016, United States Magistrate Judge Steven P. Shreder entered a Report and Recommendation in regard to Defendants' Motion to Enforce Settlement (Doc. No. 65). The Magistrate Judge recommended that Defendants' Motion be granted. On November 9, 2015, Plaintiff filed an objection to the Magistrate Judge's issuance of a Report and Recommendation as stated in the Minute Sheet regarding the Evidentiary Hearing that took place on October 27, 2016. (Doc. No. 81; *see* Doc. No. 82, at 5). No party has filed any further objection to the Report and Recommendation. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b).

This Court finds that the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, the Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on December 7, 2016, be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order.

IT IS ORDERED that:

- (1) Defendants' Motion to Enforce Settlement (Doc. No. 65) is **GRANTED**. The Court hereby orders that Plaintiff is bound by all the terms of the Settlement

Agreement and Release (“SAR”) (Doc. No. 65-3). Plaintiff’s counsel is directed to provide Canal with a complete break-down of the settlement amount, including documentation confirming the negotiated lien payments, the amount of attorney fees and costs going to counsel, and the net amount going to Plaintiff. Canal is directed to issue checks pursuant to the break-down provided by Plaintiff’s counsel, with delivery of all checks going to Plaintiff’s counsel for distribution within thirty (30) days of receiving the break-down and lien documentation. Counsel for all parties are directed to file a Joint Stipulation for Dismissal with Prejudice immediately upon distribution of the settlement funds.

- (2) Defendants’ request for attorneys’ fees for the efforts expended in enforcing the settlement agreement is **DENIED**.

IT IS SO ORDERED this 22nd day of December, 2016.


James H. Payne
United States District Judge
Eastern District of Oklahoma