

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION  
IN ADMIRALTY

Lisa Hughes, individually and as the  
personal representative of the Estate of  
Kurtis Hutchison,

Plaintiff,

v.

Christopher W. Long, Longway Charters,  
and Island Adventure Watersports, Inc., in  
personam; and *M/V Longway*, in rem,

Defendants.

and

Island Adventure Watersports, Inc.,

Third Party Plaintiff,

v.

Noel Jake Hallonquist,

Third Party Defendant.

Civil Action No.: 4:14-cv-04705-RBH

**ORDER**

The parties in the above-captioned case have reached a settlement agreement. *See* ECF No. 50.

Pursuant to section 15-51-42 of the South Carolina Code of Laws (2005), an appropriate court shall approve a settlement agreement in a wrongful death and/or survival action upon the filing of a petition by the personal representative of the decedent’s estate. For an action pending in federal court, the presiding federal judge may in his discretion issue an order transferring the case to state court for consideration of the proposed settlement. S.C. Code Ann. § 15-51-42(D) (2005). Therefore, the Court **TRANSFERS** this case to the Court of Common Pleas for Horry County, South Carolina, for

consideration of the proposed wrongful death and survival action settlement agreement.

The Court, having been advised by counsel for the parties that this case has settled, **ORDERS** that this action is hereby **DISMISSED** *without costs and without prejudice*. If settlement is not consummated within a reasonable time, any party may within ninety (90) days petition the Court to reopen the action and restore it to the docket, as permitted by Federal Rule of Civil Procedure 60(b)(6). Alternatively, and to the extent permitted by law, any party may within ninety (90) days petition the Court to enforce the settlement. *See Fairfax Countywide Citizens Ass'n v. Fairfax Cty., Va.*, 571 F.2d 1299 (4th Cir. 1978).

Dismissal of this case shall be *with prejudice* if no action is taken within ninety (90) days from the filing date of this order.

This order requires that the parties obtain state court approval of the settlement no less than ten (10) calendar days prior to the expiration of the ninety-day time frame set forth above. In the event additional time is required to obtain state court approval, the parties must notify the Court before the expiration of this order and seek an extension.

**IT IS SO ORDERED.**

Florence, South Carolina  
December 29, 2015

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge