

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Mary H. McCurry, *as personal representative*)
for the Estate of Henry S. Zeigler, Jr., deceased,)
)
Plaintiff,)
)
v.)
)
Steven P. Robinson; Hamil Transportation, LLC,)
)
Defendants.)
_____)

Civil Action No. 5:17-cv-03156-JMC

ORDER

The parties in this case have reached a settlement and agree that the Court of Common Pleas for Richland County, South Carolina (the “state court”), should consider their settlement agreement for approval. Under South Carolina’s law, this case may be transferred to the state court for that purpose. S.C. Code Ann. § 15-51-42(D) (2005). Therefore, the court **TRANSFERS** this case to the state court for consideration of the proposed wrongful death and survival action settlement agreement and **ORDERS** that:

1. the parties obtain the state court’s approval of the settlement within ninety (90) days;
2. in the event additional time is required to obtain the state court’s approval, the parties must notify the Court and seek an extension within the ninety (90) day timeframe;
3. if the settlement is not approved or consummated, 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); and
4. this action is hereby **DISMISSED** without costs and without prejudice;

- a. if no action is taken within ninety (90) days from the filing date of this order, dismissal shall be with prejudice;
- b. dismissal shall be with prejudice upon approval of the settlement by the state court.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

December 6, 2019
Columbia, South Carolina