

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

EFS Industries USA, LLC,)	
f/k/a EFS Industries LP,)	
)	Civil Action No. 7:15-cv-04768-MGL-JDA
Plaintiff,)	
)	<u>ORDER OF DISMISSAL</u>
vs.)	
)	
First Citizens Bank & Trust Company,)	
f/k/a First Citizens Bank and Trust)	
Company Inc.; Marcus Frenken;)	
Carmen Geschke; EFS IND LLC;)	
Protec Enterprises, LLC; John Doe,)	
)	
Defendants.)	

The Court having been advised by counsel for the parties that the above action has been settled as to defendant First Citizens Bank & Trust Company,

IT IS ORDERED that this action is hereby dismissed without costs and without prejudice as to defendant First Citizens Bank & Trust Company. If settlement is not consummated within sixty (60) days, either party may petition the Court to reopen this action and restore it to the calendar. Rule 60(b)(6), F.R.Civ.P. In the alternative, to the extent permitted by law, either party may within sixty (60) days petition the Court to enforce the settlement. Fairfax Countywide Citizens v. Fairfax County, 571 F.2d 1299 (4th Cir. 1978). By agreement of the parties, the court retains jurisdiction to enforce the settlement agreement. Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 381-82 (1994).

The dismissal hereunder shall be with prejudice if no action is taken under either alternative within sixty (60) days from the filing date of this order.

IT IS SO ORDERED.

s/Mary Geiger Lewis

Mary Geiger Lewis
United States District Judge

March 27, 2017
Columbia, South Carolina