

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

NICOLAS REYES)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:19cv0035
)	
HAROLD CLARKE, <i>et al</i>)	
)	
Defendants.)	

JOINT MOTION TO DISMISS AND RETAIN JURISDICTION

Plaintiff Nicolas Reyes and Defendants Harold Clarke, A. David Robinson, Jeffrey Kiser, Randall Mathena, Arvil Gallihar, Amee Duncan, Larry Collins, Justin Kiser, Christopher Gilbert, Garry Adams, James Lambert, Terrance Huff, and Donnie Trent (collectively “the parties”), having entered into a settlement agreement (the “Settlement Agreement”), hereby jointly move this Court for entry of an order conditionally dismissing the above-titled action, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and move that the Court retain jurisdiction to enforce the Settlement Agreement in accordance with its terms for a period of five (5) months. In support thereof, the parties state as follows:

1. The parties participated in court-mediated settlement discussions with the assistance of Magistrate Judge Pamela Meade Sargent on November 5, 2020. Such settlement discussions aided the parties in ultimately entering into the Settlement Agreement.

2. On January 15, 2021, the parties entered into the Settlement Agreement. Under the Settlement Agreement, the parties agreed to full settlement of all issues in this case. The parties also agreed to move this Court to dismiss the above-titled action and to retain jurisdiction for a period of five (5) months for the limited purpose of enforcing the terms of the Settlement

Agreement and resolving any remaining issues under the stipulated protective order entered in this case. The Settlement Agreement is attached as Exhibit A.

3. Pursuant to Section I and Section XXIV of the Settlement Agreement, the parties hereby jointly move this Court to conditionally dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) and move this Court to retain jurisdiction to enforce the Settlement Agreement for a term of five (5) months. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381 (1994) (recognizing that a federal district court may retain jurisdiction to enforce a “dismissal-producing settlement agreement” in its order); *Columbus-American Discovery Group v. Atlantic Mut. Ins. Co.*, 203 F.3d 291, 299 (4th Cir. 2000) (finding that dismissal order stating that “[t]he Court retains jurisdiction to enforce the settlement of the parties” granted the district court jurisdiction to enforce a settlement agreement).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of January, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

/s/ Vishal Agraharkar

Vishal Agraharkar
Attorney for the Plaintiff