

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROUTES 202 & 309 NOVELTIES	:	
AND GIFTS, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	No. 11-05822
v.	:	
	:	Hon. Petrese Tucker
THE KING’S MEN, et al.,	:	Chief United States District Judge
	:	
Defendants.	:	

PLAINTIFF’S MOTION TO COMPEL SETTLEMENT

Plaintiff, Routes 202 & 309 Novelties and Gifts, Inc., by and through their counsel, respectfully move this Honorable Court for an Order compelling settlement and in support thereof says:

1. This is a highly contentious and thoroughly litigated matter.
2. This matter was called to trial on the date certain of January 12, 2015.
3. The parties agreed to resolution of the case.
4. The parties agreed to a written memoranda of the terms and conditions of this resolution which was to be submitted to the Court for entry by the Court.
5. The terms and conditions of the settlement were vocalized and placed orally on the record before the Court with the express intent of the Court “signing off” on the resolution

upon the presentation of a writing. The record indicates that the parties indicated to the Court that the instant case was to be dismissed on January 12, 2015 and that an Order would be submitted subsequently memorializing the terms of the agreement. (Settlement Hearing Transcript at Exhibit A., p. 5, lines 19-25.).

6. Plaintiff's counsel believes that the detailing and writing of the terms and conditions of the resolution of this matter is important to enforce and clarify the privileges and responsibilities of all parties.

7. Plaintiff's counsel has on several occasions inquired of Defendants' counsel as to when they were going to supply a written consent Order detailing the terms and conditions of settlement. Defendant's counsel in response to Plaintiff's inquiry stated that no such writing would be forthcoming. (Letter of Jeffrey Conrad, Esquire at Exhibit B.)

8. This Court has the power under its supplementary jurisdiction up to 45 days from the time of the disposition of the case to enforce the terms and conditions of any settlement.

9. The Plaintiff respectfully requests that this Court enforce settlement and entry of the attached proposed Order detailing the terms and conditions of settlement.

10. Plaintiff believes that this will clearly and distinctly define the rights and responsibilities of all parties.

11. Cause exists to grant the relief requested herein.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter an Order compelling settlement of the above referenced matter, entering the proposed form of Order and all other such relief as this Honorable Court deems just and proper.

Respectfully submitted,

BRIAN J. SMITH & ASSOCIATES, P.C.

February 24, 2015

/s/ BRIAN J. SMITH, ESQUIRE

By: _____

Brian J. Smith, Esquire
Counsel to the Plaintiff