

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

DYNCORP INTERNATIONAL LLC,

Plaintiff,

v.

Case No: 6:15-cv-1454-Orl-31GJK

AAR AIRLIFT GROUP, INC.,

Defendant.

ORDER

This matter comes before the Court after a hearing on the Stipulation and Joint Motion for Voluntary Dismissal With Prejudice (Doc. 194).

This case was filed in September 2015 and has been extensively litigated. In December 2017, the Defendant, AAR Airlift Group, Inc. (henceforth, “AAR”) filed a motion for summary judgment. The Plaintiff, DynCorp International LLC (“DynCorp”) filed its response (Doc. 150). The deadline for AAR’s reply to that response was less than two weeks away when, on January 31, 2018, the parties filed a Joint Notice of Settlement and Motion to Stay Deadlines (Doc. 158). In that document, the parties notified the court that they had reached “an agreement in principle” to resolve the case and expected to file a stipulation of dismissal within two weeks. (Doc. 158 at 1). They asked the Court to stay all deadlines for 30 days to “allow the parties to memorialize their agreement and prepare a stipulation.” (Doc. 158 at 1). The next day, the Court entered an order dismissing the case without prejudice, subject to the right of either party to file within 60 days a stipulated final order or to move to reopen the case. (Doc. 159 at 1).

The parties’ efforts to memorialize the agreement were not successful. On March 16, 2018, DynCorp filed a motion to reopen the proceedings, seeking to have the matter heard on the

merits. (Doc. 160). On March 29, after receiving leave of court, AAR filed under seal a motion to reopen the case for the limited purpose of enforcing what it contended was a completed settlement agreement, and then dismissing the matter with prejudice. (Doc. 172) To support its position that the parties had reached an agreement, AAR attached two exhibits to its motion, setting forth settlement-related communications between both sides' attorneys. (Doc. 172-1, Doc. 172-2). DynCorp contended that the communications were confidential pursuant to the parties' confidentiality agreement and would have to be filed under seal, along with the motion that discussed them. AAR disputed this but agreed to seek leave to file the documents under seal to expedite resolution of its motion. Subsequently, both sides filed additional sealed documents in support of their positions on the two motions.

The Court set the motions for hearing on June 22, 2018. Two days prior to the hearing, the parties filed the document that is the subject of this order: the Stipulation and Joint Motion for Voluntary Dismissal With Prejudice (the "Joint Motion") (Doc. 194). In the Joint Motion, the parties announced that they had resolved all of their differences. They withdrew their pending motions and, pursuant to Rule 41, dismissed with prejudice all of their claims and defenses, with each side to bear its own fees and costs. (Doc. 194 at 1).

In addition, the parties requested that the Court return all of the material that had been filed under seal, so that they could destroy it. (Doc. 194 at 1-2). The parties did not provide any legal authority for evading the common law right of access to judicial proceedings in this fashion. At the hearing, after the Court informed the parties it was not inclined to grant their request, counsel for DynCorp argued that the material at issue, which revealed the content of settlement negotiations, should be treated as confidential. While the Court does not disagree, this is an argument in favor of keeping the material under seal, not for destroying it. Accordingly, the

Court will maintain the material under seal for one year. In the event that a third party seeks to have the material unsealed, the Court will allow any affected party to argue in favor of maintaining the seal.

Accordingly, it is hereby

ORDERED that the Stipulation and Joint Motion for Voluntary Dismissal With Prejudice (Doc. 194) is **GRANTED IN PART AND DENIED IN PART**. This matter is **DISMISSED WITH PREJUDICE**, with each side to bear its own fees and costs. All pending motions are **WITHDRAWN**. All sealed documents will **REMAIN UNDER SEAL** for one year from the date of this order. In all other respects, the Stipulation and Joint Motion for Voluntary Dismissal With Prejudice is **DENIED**.

DONE and **ORDERED** in Chambers, Orlando, Florida on June 26, 2018.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party