

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RUTH ELENA BUREY and
HUBERT BUREY, SR., as Co-
Personal Representatives of the
Estate of Hubert Burey, Jr.,

Plaintiffs,

v.

Case No.: 2:21-cv-191-SPC-NPM

UNITED STATES OF AMERICA,

Defendant.

_____ /

OPINION AND ORDER¹

Before the Court is information from the minutes of a settlement conference conducted by United States Magistrate Judge Kyle C. Dudek that this case settled on November 8, 2022.

Plaintiffs in this case include surviving minors. As such, the settlement agreement reached by the parties is subject to court approval under Florida law. [Fla. Stat. §744.387 \(2022\)](#). The parties intend to seek such approval, so the Court will stay this case pending that process. See [Clinton v. Jones, 520 U.S. 681, 706-07 \(1997\)](#) (“The District Court has broad discretion to stay

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proceedings as an incident to its power to control its own docket.”). The parties must file a status report on the state court action on or before January 9, 2023, and every 60 days thereafter.

Accordingly, it is now

ORDERED:

1. This case is **STAYED** pending the parties’ state court action for settlement approval.
2. The parties must **FILE** a joint report on the status of the state court action **on or before January 9, 2023**, and every 60 days thereafter.
3. The Clerk is **DIRECTED** to add a stay flag to the docket.

DONE and **ORDERED** in Fort Myers, Florida on November 10, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record