

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BANYAN POINT CONDOMINIUM
ASSOCIATION, INC.,

Plaintiff,

v.

Case No.: 2:24-cv-247-SPC-NPM

INDIAN HARBOR INSURANCE
COMPANY,

Defendant.

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OPINION AND ORDER

Before the Court is Defendant Indian Harbor Insurance Company's Motion to Enforce Settlement. (Doc. 23). Though the deadline to respond has passed under Local Rule 3.01(c), Plaintiff Banyan Point Condominium Association, Inc. has not responded.

This case was a breach of contract action removed to this Court in March 2024. (Doc. 1). The parties settled the case in May 2024. (Doc. 19). The Court dismissed the action without prejudice based on the Notice of Settlement. (Doc. 21). The Court warned that this dismissal would ripen into prejudice on June 20, 2024, if neither party filed another paper per Local Rule 3.09(b). (Doc. 21). Neither party filed another paper until Indian Harbor filed its Motion to Enforce Settlement in August 2024. (Doc. 23).

Federal courts possess the “inherent power to summarily enforce settlement agreements entered into by parties litigant in a *pending* case.” *Ford v. Citizens & Southern Nat’l Bank*, 928 F.2d 1118, 1121 (11th Cir. 1991) (internal citation omitted) (emphasis added). But in a non-pending case, the Court does not have jurisdiction over a settlement agreement unless the Court specifically retained jurisdiction. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 378, 114 S. Ct. 1673, 128 L. Ed. 2d 391 (1994); *Am. Disability Ass’n, Inc. v. Chmielarz*, 289 F.3d 1315, 1320-1321 (11th Cir. 2002).

This case has been dismissed with prejudice. As such, it is no longer “pending.” And the Court did not retain jurisdiction to enforce the settlement agreement. Accordingly, Indian Harbor’s Motion to Enforce Settlement is denied.

Accordingly, it is now **ORDERED**:

Defendant Indian Harbor Insurance Company’s Motion to Enforce Settlement (Doc. 23) is **DENIED**. This action remains dismissed, and the case remains closed.

DONE and **ORDERED** in Fort Myers, Florida on September 10, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record