

KINNARD MEDIATION CENTER
UNITED STATES COURT OF APPEALS
ELEVENTH JUDICIAL CIRCUIT

POST-SETTLEMENT DISMISSAL PROCEDURES

When the parties have reached a settlement and all parties agree on the terms of settlement, they should file a joint (or agreed) motion to dismiss under Fed. R. App. P. 42(b) and 11th Cir. R. 42-1(a). This motion should address the following:

1. Whether the dismissal pertains to all parties and claims on appeal.
2. Whether the appeal is to be dismissed without prejudice (which may be granted by the clerk) or with prejudice (which must be ruled upon by a panel of three judges).
3. Whether the parties are to bear their own costs or another agreed apportionment.

The motion to dismiss either should be signed by all parties or, if submitted by one party, should contain an explicit statement that all other parties to the settlement agreement consent. If submitted by only one party, the motion should be submitted by the appellant. All motions must be accompanied by a certificate of service and a certificate of interested parties. See 11th Cir. R. 27-1(a).

Settlement does *not* automatically stay any of the actions required under the rules to be timely performed, including ordering necessary transcripts and briefing. If some action on behalf of a party will be due prior to a motion to dismiss being *presented and decided*, counsel may also request an extension of time to complete that action. If counsel needs an extension of the briefing schedule, counsel should make the request by telephone directly to me, rather than by motion, and send me a confirmation letter of the extension I grant, by fax *or* mail, which I will forward to the clerk's office. If this appeal is scheduled for oral argument, counsel should contact Matt Davidson in the court sessions unit of the clerk's office at 404-335-6131 for further direction.

TAMPA OFFICE

KINNARD MEDIATION CENTER
801 NORTH FLORIDA AVENUE, #1030
TAMPA, FL 33602
TEL 813-301-5530
FAX 813-301-5539

ATLANTA OFFICE

KINNARD MEDIATION CENTER
56 FORSYTH STREET, NW, #535
ATLANTA, GA 30303
TEL 404-335-6260
FAX 404-335-6270

MIAMI OFFICE

KINNARD MEDIATION CENTER
51 SOUTHWEST FIRST AVENUE, #1304
MIAMI, FL 33130
TEL 305-714-1900
FAX 305-714-1910