

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF _____

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NOTICE OF SETTLEMENT ON APPEAL;
JOINT MOTION FOR INDICATIVE RULING REGARDING FAIRNESS HEARING

The parties hereby provide notice of their settlement, subject to this Court’s approval, of all matters in dispute. Accordingly, pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, the parties jointly request an indicative ruling that the Court will conduct a fairness hearing regarding such settlement upon remand from the Sixth Circuit Court of Appeals.

While on appeal, the parties participated in mediation discussions under Rule 33 of the Sixth Circuit Rules, and they reached a settlement agreement. Because this Court previously certified this case as a class action, one of the terms of settlement is that the Settlement Agreement shall be submitted to this Court in order for the Court to conduct a fairness hearing and approve the settlement pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure.

The parties therefore respectfully request that this Court enter the attached proposed Order indicating that it will accept the limited remand from the Court of Appeals and proceed to conduct a hearing regarding the fairness, reasonableness, and adequacy of the proposed settlement.

Respectfully submitted,

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF _____

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ORDER

This matter came before the Court upon the joint motion of the parties pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, asking this Court to indicate its willingness to accept the limited remand from the Court of Appeals and proceed to conduct a hearing regarding the fairness, reasonableness, and adequacy of the proposed settlement.

Having considered the parties' motion and the entire record, the Court is of the opinion, and so finds, that if the case is remanded to it by the Court of Appeals for the Sixth Circuit, it will grant the relief requested.

IT IS, THEREFORE, ORDERED BY THE COURT that if this case is remanded to the District Court by the Court of Appeals, this Court will grant the parties' joint motion pursuant to Rule 62.1 of the Federal Rules of Civil Procedure and proceed to conduct a hearing regarding the fairness, reasonableness, and adequacy of the proposed settlement pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure.

ENTERED this _____ day of _____, 20__.

Judge, United States District Court

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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JOINT MOTION FOR LIMITED REMAND

The parties jointly move the Court, pursuant to Rule 12.1 of the Federal Rules of Appellate Procedure, for a limited remand of this case to the United States District Court for the _____ District of _____ for the purpose of conducting a fairness hearing regarding the parties' proposed settlement pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure.

While on appeal, the parties participated in mediation discussions under Rule 33 of the Sixth Circuit Rules, and they reached a settlement agreement. Because the District Court previously certified this case as a class action, one of the terms of settlement is that the Settlement Agreement shall be submitted to the District Court to conduct a fairness hearing and approve the settlement pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure.

Pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, the parties filed a motion in the District Court for an indicative ruling, and the District Court issued an Order granting the motion and stating that, if this Court remands the case, the District Court will conduct a fairness hearing regarding the proposed settlement. A copy of the District Court's Order is attached.

Wherefore, the parties respectfully request that the Court grant a limited remand of this case to the District Court in order for it to proceed as set forth above. If the case is so remanded and the District Court approves the settlement, all issues presented on appeal will be resolved, and the appeal will be dismissed.

Respectfully submitted,

Sample Order provided for information purposes only.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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ORDER

In accordance with the settlement agreement reached by the parties following mediation negotiations under Rule 33 of the Sixth Circuit Rules, the parties have jointly moved, pursuant to Rule 12.1 of the Federal Rules of Appellate Procedure, to remand this case to the United States District Court for the _____ District of _____ for the limited purpose of conducting a fairness hearing regarding the proposed settlement.

Upon consideration of the motion and further considering the District Court's Order of _____, 20___,

IT IS ORDERED that the motion shall be and is hereby GRANTED. This appeal is remanded to the District Court for further proceedings. The parties shall notify this Court within 28 days following the District Court's decision and the effect of such decision on disposition of the appeal.

ENTERED PURSUANT TO RULE
33 OF THE SIXTH CIRCUIT
RULES

Deborah S. Hunt, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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NOTICE OF DISTRICT COURT RULING PURSUANT TO LIMITED REMAND

Notice is hereby given that on _____, 20__, following a fairness hearing conducted pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure, the United States District Court for the _____ District of _____ approved the parties' proposed settlement. A copy of the District Court's Order is attached. The settlement having resolved all matters in dispute, the parties will file forthwith a Stipulation to Dismiss the Appeal.

Respectfully submitted,