

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

AARON KAPPLER, individually and
on behalf of similarly situated
individuals,

Plaintiff,

v.

FCA US LLC,

Defendant.

Civil Action No.

2:21-CV-204-RWS

ORDER

This case comes before the Court on Plaintiff Aaron Kappler's Motion to Enforce Settlement Agreement [Dkt. 11]. On November 4, 2021, the parties notified the Court that they had settled Plaintiff's individual claims and that, once the settlement was finalized, Plaintiff would dismiss his claims with prejudice and the class claims without prejudice [Dkt. 10]. The parties then had a disagreement over the effectuation of the settlement agreement. Accordingly, Plaintiff moved to enforce it on January 13, 2022. Shortly thereafter, the parties filed a Consent Motion to Stay Plaintiff's Motion to Enforce, through which they informed the Court that they had agreed to a resolution of the dispute raised in Plaintiff's Motion, but that that resolution required future performance [Dkt. 12]. The Court

granted the Consent Motion, staying Defendant's obligation to respond to Plaintiff's Motion to Enforce for 30 days [Dkt. 13].

On March 4, 2022, Plaintiff filed a Notice of Voluntary Dismissal, dismissing his individual claims with prejudice and the class claims without prejudice [Dkt. 14].¹ Accordingly, there is no longer a dispute needing resolution, and Plaintiff's Motion to Enforce Settlement Agreement [Dkt. 11] is hereby **DENIED as moot**. Plaintiff's individual claims are dismissed with prejudice and the class claims are dismissed without prejudice. The Clerk is **DIRECTED** to close the case.

SO ORDERED this 9th day of March, 2022.



RICHARD W. STORY
United States District Judge

¹ To the extent the Plaintiff's Notice of Voluntary Dismissal [Dkt. 14] does not comport with FED. R. CIV. P. 41(a)(1)(A)(ii), it is approved by the Court.