

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

MARK HORTON,)	
)	
Plaintiff,)	
)	Case No. 14:17-CV-2324
v.)	
)	
MIDWEST GERIATRIC MANAGEMENT, LLC,)	
)	
Defendant.)	

**PLAINTIFF’S SECOND AGREED MOTION FOR EXTENTION OF TIME
TO FILE DISMISSAL PLEADINGS PURSUANT TO SETTLEMENT AGREEMENT**

COMES NOW Plaintiff, Mark Horton, by and through his attorneys, Mathis, Marifian & Richter, Ltd., and for his Second Agreed Motion for Extension of Time to File Dismissal Pleadings Pursuant to Settlement Agreement, states as follows:

1. On March 14, 2022, Plaintiff and Defendant jointly filed a Notice of Preliminary Settlement, advising the Court that they reached a preliminary settlement agreement and requesting that the Court stay all deadlines and pass the case for settlement for 60 days.

2. On March 15, 2022, the Court, having been advised of the parties’ settlement, denied all pending motions without prejudice and ordered counsel to file appropriate pleadings according to the settlement (*e.g.*, stipulation for dismissal, voluntary dismissal, or consent judgment) within 60 days.

3. Thereafter, counsel for the parties worked on negotiating the language of the written settlement agreement.

4. On May 12, 2022, Plaintiff filed an agreed motion for extension of time up to and including July 13, 2022, to file pleadings with the Court to effectuate the dismissal. [Doc. 69].

On May 13, 2022, the Court entered an Order granting the extension of time to and including July 13, 2022. [Doc. 70].

5. Because Plaintiff filed for bankruptcy during the pendency of this litigation, the terms of the settlement agreement require bankruptcy court approval and a signature from the Bankruptcy Trustee, Robert E. Eggmann with the law firm of Carmody MacDonald, P.C.

6. On July 11, 2022, Mr. Eggmann informed Plaintiff's counsel that he is still working on avoiding one or more liens which directly impact the settlement and the bankruptcy estate and, for that reason, he requests additional time to conclude the settlement.

7. For these reasons, Plaintiff requests an additional 61 days to and including Monday, September 12, 2022, within which to file appropriate pleadings with this Court to effectuate the dismissal of this case.

8. This motion for extension of time will not unduly prejudice any party.

9. Plaintiff's counsel has conferred with Defendant's counsel, and Defendant's counsel has advised that he has no objection to this Motion for Extension of Time.

WHEREFORE, Plaintiff, Mark Horton, respectfully requests that this Court grant a second extension of time to file appropriate pleadings with the Court to effectuate the dismissal of this case, up to and including September 12, 2022.

