

**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 THIRD 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 Third 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 requested 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. [Doc. 71]. That motion was granted by the Court. [Doc. 72].

8. On September 8, 2022, counsel for Plaintiff received an email from the Bankruptcy Trustee's office, Carmody MacDonald, P.C., advising that settlement documents were filed with the Bankruptcy Court on August 25, 2022, and that the deadline for objections to the settlement are due by September 15, 2022, with the order approving the settlement anticipated to be entered on or about September 16, 2022, if no objections are filed. The settlement needs to be approved by the Bankruptcy Court before Mr. Eggmann, the Bankruptcy Trustee, can sign the settlement agreement. Accordingly, the Bankruptcy Trustee has requested an extension of the deadline to submit the settlement documents to this Court. A copy of the e-mail from Krista Doiron, Paralegal at Carmody MacDonald, P.C., is attached hereto as "Exhibit 1."

CERTIFICATE OF SERVICE

I hereby certify that, on September 8, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of Missouri by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Mark S. Schuver

Mark Schuver

From: Krista J. Doiron <kxd@carmodymacdonald.com>
Sent: Thursday, September 8, 2022 7:16 AM
To: Mark Schuver
Subject: Horton Bankruptcy

Mr. Schuver:

Good morning. Mr. & Mrs. Eggmann are currently out of the country. Mrs. Eggmann asked me to let you know that the settlement documents were filed with the Bankruptcy Court on 8/25/22. The deadline for objections to the settlement are due by 9/15/22 with the order approving the settlement to be entered on or about 9/16/22 if no objections are filed. The settlement will need to be approved before the settlement agreement can be signed. Would it be possible to push the deadline to file the dismissal documents out another week or two?

Thank you,

Carmody MacDonald
Attorneys & Counselors at Law

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EXHIBIT

1

exhibitsticker.com

