

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY J. NOVAK,

Plaintiff,

v.

SAWYER COUNTY, HENRIETTA
WATSON, DUNN COUNTY, LINDA
SHINDLER,

and

ABC INSURANCE COMPANY, a
fictitious insurance company, DEF
INSURANCE COMPANY, a fictitious
insurance company,

Defendants.

ORDER

03-C-0093-C

This is a civil action brought pursuant to 42 U.S.C. § 1983, in which plaintiff Timothy Novak is suing defendants Sawyer County, Henrietta Watson, Dunn County and Linda Shindler for damages for their alleged deliberate indifference in failing to render proper medical care to plaintiff while he was in their custody. After the case was filed in this court and certain pretrial proceedings had been held, it was stayed for the purpose of medical

malpractice mediation under Wis. Stat. § 655.43. In May 2004, after the mediation process had concluded, the parties stipulated to the dismissal of three physicians whom plaintiff had named as defendants.

The case record shows no other action until August 29, 2004, when plaintiff's counsel moved for leave to withdraw from his representation of plaintiff. A telephone conference was held on that motion; both plaintiff and his attorney participated. Plaintiff advised the court that he did not oppose the motion because he did not want to work with his attorney any longer. I advised him that he would have three weeks, or until September 30, 2004, in which to find substitute counsel and that defendants' counsel had written to the court and to plaintiff's attorney to say that they intended to move to enforce the settlement they believed they had with plaintiff. Plaintiff has not communicated with the court since the telephonic motion hearing.

As promised, defendants have filed a motion to enforce their alleged settlement. The clerk of court generated a briefing schedule on the motion, but plaintiff did not respond to it in any way. I conclude from his silence on the motion and with respect to obtaining the services of new counsel that he does not intend to pursue his claim against defendants and that he does not deny that he agreed to settle his case with defendants. Therefore, I will grant defendants' motion to enforce the settlement agreement. The terms of the settlement were that plaintiff would release his claims against the defendants and sign a release to that

effect, in return for which defendants would waive their claim for all statutory fees and costs.

ORDER

IT IS ORDERED that the motion of Sawyer County, Henrietta Watson, Dunn County and Linda Shindler for enforcement of their settlement agreement with plaintiff Timothy J. Novak is GRANTED. Defendants' counsel is to send plaintiff a release form together with a self-addressed, postage paid envelope; plaintiff is directed to execute the form upon receipt and return it to defendants promptly.

The clerk of court is directed to close this case, subject to its reopening if plaintiff fails or refuses to execute the release form.

Entered this 5th day of November, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge