

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PETER A. VOGT, et al)	
)	
PLAINTIFFS)	
v.)	CAUSE NUMBER 4:06-CV-0076-JDT-WGH
)	
THE CITY COUNCIL FOR THE CITY OF)	
NEW ALBANY, et al.)	
)	
DEFENDANTS)	

DEFENDANT'S MOTION TO ENFORCE
SETTLEMENT AGREEMENT

Comes the Defendant, the City Council for the City of New Albany (sic) (hereinafter "the Council), and respectfully moves this Court to enter an Order enforcing a settlement agreement reached between the parties by dismissing this action with prejudice. In support of this Motion, Counsel for the Defendant would show the Court as follows:

1. On August 24, 2007, the parties participated in a settlement conference at which the Honorable William G. Hussman presided.
2. At the conclusion of that Conference, the parties agreed to settle the matter (see Exhibit "A" attached), the terms of such settlement being embodied in a Consent Decree, a copy of which has been attached hereto as Exhibit "B", subject only to final approval by the Council.
3. In good faith reliance on this agreement on October 9, 2007, the Council approved a Resolution approving the agreement (Exhibit "C") and on November 1, 2007, gave final reading to and passed Ordinance G-07-49 redistricting the City of New Albany. (Exhibit "D").

4. During a telephonic Status Conference on October 31, 2007 with Magistrate Judge Hussman presiding, Counsel for the Plaintiffs advised that the Plaintiffs disavowed the agreement and further refused to dismiss this action.

WHEREFORE, Defendants respectfully request that the Court enforce the settlement reached between the Parties and dismiss this cause of action with prejudice as it has now become moot.

Respectfully submitted,

s/s Jerry L. Ulrich
JERRY L. ULRICH
ULRICH & VIDRA, LLC
115 East Spring Street
Suite 100 Elsby Building
New Albany, Indiana 47150
(812) 945-2800
Indiana Supreme Court #924-22
Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion was filed electronically with copies forwarded to Counsel by the Court's electronic filing system and by mailing a copy thereof to their Counsel of record, Mr. Stephen J. Beardsley, 227 Pearl Street, New Albany, IN 47150 by first-class mail with postage pre-paid this 12th day of November, 2007.

s/s Jerry L. Ulrich
JERRY L. ULRICH