

2003 WL 21222682

Only the Westlaw citation is currently available.
United States District Court,
N.D. Illinois.

JARRETT

v.

ROTH

JARRETT

v.

STERNS, et al.

No. 01 C 50027, 01 C 50354. | May 26, 2003.

Opinion

MEMORANDUM OPINION AND ORDER

REINHARD, J.

*1 On May 13, 2003 Magistrate Judge Mahoney entered a Report and Recommendation in cases 01 C 50027 (027 case) and 01 C 50354 (354 case) in which he recommends (1) denying plaintiff's motion to vacate judgment and granting defendants' motion to enforce settlement in the 027 case and, (2) finding the court has no jurisdiction in

the 354 case, and alternatively in that case denying plaintiff's motion to vacate judgment and granting defendants' motion to enforce settlement. Plaintiff has filed a notice of appeal to the Court of Appeals in both cases rather than the review procedure before the District Court as set forth in Rule 72(b) and contained in Magistrate Judge Mahoney's order. Nevertheless, this court will treat the notice of appeal as an objection under Rule 72(b) and consolidates the cases for this order.

While these notices of appeal fail to specify the issues for review as required in Rule 72(b), the court has enough to review the orders, *see Johnson v. Zema Systems Corp.*, 170 F.3d 734 (7th Cir.1999), which it does *de novo*. In the 027 case, the Magistrate Judge's Report and Recommendation correctly states the law on enforcement of settlement agreements and makes findings on the facts. This court adopts the Report and Recommendation after a review of it and the entire case pleadings and documents. In the 354 case, the filings and law supports the Report and Recommendation that there is no jurisdiction as the plaintiff's filing of his motion is more than 30 days subsequent to a final order. In addition, even were the court to have jurisdiction, the facts also support the findings that the settlement agreement was a contract binding on the parties. Therefore, the court adopts the Report and Recommendation as to the 354 case.