

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

CHRISTOPHER P. WHITE,	)	
REFFCO II, L.P.,	)	
	)	
Plaintiffs,	)	
	)	Case No. 1:14-cv-00471-TWP-DML
vs.	)	
	)	
GEORGE KEELY,	)	
JOYCE MORRIS,	)	
TRICIA RAKE,	)	
TERRY SCOTT,	)	
MICHAEL MAURER,	)	
	)	
Defendants.	)	

**Entry Dismissing Action and Directing Entry of Final Judgment**

**I.**

In the Entry of November 7, 2014, the Court granted the Defendants’ Motion to Dismiss (Filing No. 22). Specifically, the Court dismissed the complaint without prejudice and granted the plaintiffs a period of time in which to file an amended complaint. Rather than filing an amended complaint, the Plaintiffs filed a notice of appeal on November 23, 2014. That appeal was docketed as No. 14-3663 and was dismissed for lack of jurisdiction on March 6, 2015. The parties then filed a statement setting forth their requests for the resolution of the action. These requests are that (1) the Court issue an order dismissing the complaint with prejudice, accompanied by a final judgment, and (2) the Court extend until resolution of any appeal from the entry of such final judgment the deadline for the filing of a motion for attorney’s fees pursuant to Rule 11(b) of the *Federal Rules of Civil Procedure*.

The first of these requests is **granted**.

As to the second request, however, the extension of time sought—if an appeal is filed—is far beyond the “outer parameter” for filing a Rule 11 motion for sanctions. *Philos Technologies, Inc. v. Philos & D, Inc.*, 943 F. Supp. 2d 880, 886 (N.D.Ill. 2013)(citing *Matrix IV, Inc. v. Am. Nat'l. Bank & Trust Co.*, 649 F.3d 539, 553 (7th Cir. 2011)). The second request will therefore **not be granted** on the mere basis of the parties’ request, but the parties are free to invest in motions practice to pinpoint the appropriate parameters for a Rule 11 motion for sanctions in this case—bearing in mind that a sanctions motion should be filed “as soon as practicable after discovery of a Rule 11 violation.” *Kaplan v. Zenner*, 956 F.2d 149, 151 (7th Cir. 1992).

Consistent with the foregoing, therefore, the plaintiffs’ complaint is dismissed with prejudice.

## II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 4/24/2015



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TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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