

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SHAWNA JOHNSTON,)	
)	
Plaintiff,)	
v.)	
)	Civil No. 05-2373-KHV
DIGITAL CONNECT, INC., et al.,)	
)	
Defendants.)	
_____)	

ORDER

On August 8, 2006, Magistrate Judge James P. O'Hara recommended that the Court sustain Plaintiff/Counterclaim Defendant's Motion To Enforce Settlement Agreement And Suggestions in Support Thereof (Doc. #50). See Report And Recommendation (Doc. #61). Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b), Fed. R. Civ. P., the parties had ten days, or until August 22, 2006, to file a written objection. The parties have not done so. In any event, the Court declines to adopt the Magistrate's report at this time,¹ and hereby sets a hearing on the matter for **October 11, 2006 at 3:00 p.m.**

IT IS SO ORDERED.

¹ Judge O'Hara did not address the provision of the agreement which reads "Consent judgment w(agreement not to enforce (Jackson County): fees & costs plus interest if enforcement req'd." Under the agreement, the parties apparently did not agree to file a consent judgment in this Court and in any event, the Court did not agree to retain jurisdiction for the purpose of enforcing the settlement agreement. Based on the present showing, the Court is inclined to dismiss all claims with prejudice, but overrule plaintiff's request to enforce the other provisions of the agreement. Plaintiff would be required to enforce the agreement in state court. If plaintiff agrees to this disposition in lieu of a hearing, counsel should notify the Court.

Dated this 27th day of September, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge