

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

THELMA FANNIN	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:09CV279
	)	
GARY HOUSING AUTHORITY et. al.	)	
Defendants.	)	

**MOTION TO ENFORCE**  
**SETTLEMENT AGREEMENT**

Comes now Thelma Fannin, by and through her attorneys, Robert L. Lewis & Associates, by Elizabeth Tate Norwood and petitions the court for an Order directing the City of Gary to pay Thelma Fannin a settlement in the amount of \$10,000.00 and states the following in support thereof:

1. On September 28, 2011, Carl Jones, former attorney for the City of Gary and Robert L. Lewis agreed to settle this matter for \$10,000.00
2. The City of Gary has represented since that date it would make every reasonable effort pay the \$10,000.00 to Plaintiff by December 31, 2011. See attached email from Attorney Carl Jones. Exhibit 1.
3. That the City of Gary has not made every reasonable effort to pay the settlement and has even engaged in conduct to try to force Ms. Fannin to accept only \$8000.00.
4. On January 27<sup>th</sup>, 2012, the new City Attorney Alger Boswell called Elizabeth Tate Norwood to inform her that the City had received a sum of money and told Attorney Norwood that if Ms. Fannin accepted \$8000.00, the City would pay

Fannin in full by that Friday otherwise she would not get her settlement.

5. That Attorney Tate attempted to accept an IOU for the remaining \$2000.00 but Attorney Boswell refused. When Attorney Norwood asked Attorney Boswell when the settlement would be forthcoming Attorney Boswell would not respond.
6. That Attorney Norwood sent Attorney Boswell and email on January 30, 2012 asking when the settlement check would be forthcoming, See Exhibit 2, but Attorney Boswell has not responded.
7. That the City of Gary has engaged in bad faith concerning the settlement of this matter.
8. District Courts have discretion to enforce settlement agreements. Collins v. Educational Therapy Center 184 F.3d 617, 1999 U.S.App. Lexis 14222 (Seventh Cir. 1999)

Wherefore Plaintiff respectfully requests that this court enter an order directing the City of Gary to pay plaintiff \$10,000.00 in seven days and all further proper relief.

/s/ Elizabeth Tate Norwood

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Certificate of Service

\_\_\_\_\_The undersigned certifies that on the 7<sup>th</sup> day of February, 2012 a copy of the foregoing Motion was served upon all counsel of record by the Court's electronic notification system.

/s/ Elizabeth Tate Norwood

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Elizabeth D. Tate