

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-2036

FREDERICK STAMPONE,

Appellant

v.

JOSEPH B. FAZIO; MAYOR TOWNSHIP OF SADDLE BROOK;
ATTORNEY GENERAL, STATE OF NEW JERSEY;
TOWNSHIP OF SADDLEBROOK;
MAYOR KAREN CHAMBERLIN

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Civ. No. 00-CV-05435)
District Judge: Honorable William J. Martini

Submitted Under Third Circuit LAR 34.1(a)
October 10, 2007

Before: SLOVITER, MCKEE and AMBRO, CIRCUIT Judges

(Filed: October 15, 2007)

OPINION

PER CURIAM

This is an appeal by Frederick Stampone of an order of the United States District

Court for the District of New Jersey, enforcing a settlement between the parties.¹ We have considered the briefs and appendices, including a transcript of the court proceeding on February 20, 2007, memorializing the settlement agreement of the parties; and the transcript on April 4, 2007, concerning the motion to enforce the settlement. No reading of the February 20th transcript supports Stampone's contention that he was entitled to receive the settlement payment within two weeks of that conference. In fact, the District Court carefully explained that the defendant's insurer would need time, perhaps 7-14 days, to obtain authority for a higher settlement amount, and that assuming the amount was approved by the insurer, it would probably take 30 days for Stampone to receive the money. Settlement transcript, at 3. Stampone indicated that he understood the terms. Id. at 3-4. We hold that the District Court's finding that the parties had agreed on the terms of the settlement was not clearly erroneous. Tiernan v. Devoe, 923 F.2d 1024, 1031 n.5 (3d Cir. 1991) (where district court has made explicit findings concerning settlement we review findings under a clearly erroneous standard).

For the foregoing reasons, the District Court properly enforced the settlement, and we will affirm that order.²

¹ The parties are already familiar with the facts of this case. Therefore, we limit our discussion to those facts essential to our decision.

² Stampone also asks us to revisit our earlier opinion which affirmed the dismissal of several parties from his lawsuit. We see no reason to disturb our earlier opinion.