

No. 05-3124  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

AUG 10 2005

LEONARD GREEN, Clerk

SAVANNAH COLLEGE OF ART AND DESIGN, INC. :

Plaintiff - Appellant :

v. :

PHILIPPE HOUEIX :

Defendant - Appellee :

: : : : : :

ORDER

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
LEONARD GREEN, CLERK

2005 AUG 10 AM 11:07

FILED  
JAMES R. HOGAN  
CLERK  
RW

In accordance with the agreement reached in settlement discussions conducted pursuant to Rule 33, Rules of the Sixth Circuit, the parties jointly move for a remand of this cause to the United States District Court for the Southern District of Ohio, for determination of the parties' motion filed pursuant to Rule 60(b), Federal Rules of Civil Procedure.

Upon consideration of the motion and further considering Judge Hogan's order of August 2, 2005,

**IT IS ORDERED** that the motion be and hereby is granted. The appeal is remanded to the District Court for further proceedings. See First National Bank of Salem, Ohio v. Hirsch, 535 F.2d at 343 (6th Cir. 1976).

ENTERED PURSUANT TO RULE 33(d)  
RULES OF THE SIXTH CIRCUIT  
Leonard Green, Clerk

Leonard Green /LB

A TRUE COPY  
Attest:  
LEONARD GREEN, Clerk  
By Nancy Barnes  
Deputy Clerk