

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER
08-CV-945S

ERIE INSURANCE COMPANY OF NEW YORK,
ERIE INSURANCE COMPANY, ERIE INDEMNITY
COMPANY,

Defendants.

On December 23, 2008, the parties filed a Stipulated Consent Decree for this Court's approval. (Docket No. 2.) This Court has reviewed the Complaint, the Consent Decree, and the applicable law. Based on that review, this Court will approve the Consent Decree.

Approval of a proposed consent decree falls squarely within the court's discretion and should be considered in light of the strong policy of encouraging voluntary settlement of litigation. See United States v. Hooker Chems. & Plastics Corp., 776 F.2d 410, 411 (2d Cir. 1985). To warrant approval, the proposed consent decree must (1) arise from and resolve a dispute over which the court has subject matter jurisdiction, (2) fall within the scope of the case made by the pleadings, and (3) further the objective of the law upon which the complaint was based. See Local No.93, Int'l Ass'n of Firefighters, AFL-CIO C.L.C. v. City of Cleveland, 478 U.S. 501, 525, 106 S.Ct. 3063, 3077, 92 L.Ed.2d 405 (1986); Kozlowski v. Coughlin, 871 F.2d 241, 244 (2d Cir. 1989); United States v. City of New York, 30 F.Supp.2d 325, 330-31 (E.D.N.Y. 1998). Moreover, "[i]t is well settled that the function of the reviewing court is not to substitute its judgment for that of the parties to

the decree but to assure itself that the terms of the decree are fair and adequate and are not unlawful, unreasonable, or against public policy.” United States v. Hooker Chems. & Plastics Corp., 540 F.Supp. 1067, 1072 (W.D.N.Y. 1982).

This Court is satisfied that the consent decree in this case meets these requirements. Approval is therefore warranted.

IT HEREBY IS ORDERED, that the Stipulated Consent Decree (Docket No. 2) is APPROVED.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: January 19, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge