

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**BIG CAT RESCUE CORP., a Florida  
not-for-profit corporation,  
Plaintiff,**

v.

**CASE NO.: 8:11-CV-209-MSS-MAP**

**BIG CAT RESCUE ENTERTAINMENT  
GROUP, INC., an Oklahoma corporation;  
G.W. EXOTIC MEMORIAL ANIMAL  
FOUNDATION d/b/a BIG CAT RESCUE  
ENTERTAINMENT GROUP, an Oklahoma  
corporation; JOE SCHREIBVOGEL,  
a/k/a Joe Exotic a/k/a Aarron Alex a/k/a/  
Cody Ryan, individually,  
Defendants.**

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of Plaintiff Big Cat Rescue Corp.'s Motion Seeking Immediate Registration of Consent Judgment (Dkt. 161) and Defendants' Response in opposition thereto (Dkt. 163). Pursuant to 28 U.S.C. § 1963, Plaintiff moves for an Order permitting immediate registration of the consent judgment in the United States District Court for the Western District of Oklahoma before the expiration of time to appeal.

Federal law permits a judgment of a district court to be registered in any other district "when the judgment has become final by appeal or expiration of the time for appeal or when ordered by the court that entered the judgment for good cause shown." 28 U.S.C. § 1963. Plaintiff asserts that good cause is established in this case because the consent judgment in this action is not amenable to appeal. Defendants counter that there were two judgments entered in this case: one being the final consent judgment

and the other being the summary judgment. Defendants assert that, unlike the consent judgment, the summary judgment is appealable and thus precludes registration of the judgment until the time for appeal has expired. Defendants are mistaken. There is only one final judgment in this case, which was entered pursuant to the stipulations of the Parties. See (Dkt. 160) Without mention of any particular issue reserved for appeal, the Parties consented to the entry of final judgment against Defendants (a) as to Counts I, II, III, and IV of the Complaint and (b) as to Defendants' counterclaims in accordance with the Court's Order granting Plaintiff's Summary Judgment. See (Dkt. 158-1)

The Eleventh Circuit has held that where the parties have agreed to entry of an order or judgment without any reservation relevant to the issue sought to be appealed, one party may not later seek to upset the judgment, unless lack of "actual consent" or a failure of subject matter jurisdiction is alleged. Dorse v. Armstrong World Indus., Inc., 798 F.2d 1372, 1375 (11th Cir. 1986). Defendants have not alleged in their response that there was a lack of actual consent regarding their stipulations or lack of subject matter jurisdiction. Thus, this consent judgment is not subject to appeal. See Id. at 1375-76.

Without a right to appeal, it follows that the final consent judgment became final upon its entry by "expiration of time for appeal" within the meaning of § 1963. See Stanford v. Uteley, 341 F.2d 265, 271 (8th Cir. 1965)(J. Blackmun); see also In re Prof'l Air Traffic Controllers Org. (PATCO), 699 F.2d 539, 544-45 (D.C. Cir. 1983). As such, Plaintiff could have registered the consent final judgment without an Order from this Court because the expiration of time for appeal satisfies the registration requirement. See Patco, 699 F.2d at 545 ("The federal judgment registration statute, so construed,

reserves rapid-track enforcement for judgments most amenable to that treatment, judgments no longer subject to appeal[.]”).

Accordingly, this Court hereby **GRANTS** Plaintiff’s Motion Seeking Immediate Registration of Consent Judgment. (Dkt. 161)

**DONE** and **ORDERED** in Tampa, Florida, this 20th day of February 2013.



MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel of Record  
Any Unrepresented Person