

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

PAMELA BURKE,
Plaintiff,

v.

MICHAEL ARAM, INC.,
Defendant.

No. 3:09cv934 (SRU)

RULING ON CROSS MOTIONS TO VACATE

I. Background

Pamela Burke filed this action on June 12, 2009 alleging breach of contract, promissory estoppel, violation of New York State and Connecticut labor law, and wrongful discharge arising out of her employment with Michael Aram, Inc. (“Aram”). On August 14, 2009, the defendant answered and denied all claims. I accepted the defendant’s offer of judgment in November 2009. Accordingly, judgment was entered by the Clerk on November 9, 2009 in the amount of \$26,419.42.

On November 16, 2009, Burke moved for attorneys’ fees (doc. # 20) pursuant to Rule 54 of the Federal Rules of Civil Procedure, in the amount of \$35,880. She argues that her complaint alleged, inter alia, violations of New York Labor Law, and that Section 198(1-a) of the law directs that the court shall award a prevailing party reasonable attorneys’ fees.

On December 7, 2009, Aram filed a cross-motion to vacate judgment (doc. # 23). It alleges that although there was an offer of judgment and acceptance, the parties had no meeting of the minds on an essential contract term, namely, the total price for ending the litigation (i.e., whether the amount offered included prospective attorneys’ fees).

On September 1, 2010, I held a conference call with the parties to discuss the pending motions. During that call, the parties agreed to see if they could reach an amicable agreement. On September 22, 2010, the plaintiff's attorney, Michael Rose, notified the court that the parties had arrived at an agreement, and that the court's intervention was no longer required.

II. Conclusion

Given the parties' understanding, Burke's motion for attorneys' fees is DENIED without prejudice (doc. # 20). Aram's cross-motion to vacate judgment (doc. # 23) is also DENIED without prejudice.

It is so ordered.

Dated at Bridgeport, Connecticut, this 22nd day of September 2010.

/s/ Stefan R. Underhill
Stefan R. Underhill
United States District Judge