

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BEVERAGE MARKETING USA, INC.  
HORNELL BREWING CO., INC.

-V-

ORDER OF DISMISSAL  
FOR LACK OF ACTIVITY,  
ADOPTING REPORT & RECOMMENDATION

CV 09-2102 (JS) (WDW)

NIELS MEULMAN

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APPEARANCES:

For Plaintiff:

John Ruggiero, Esq.  
1461 Franklin Av.  
Garden City NY 11530

For Defendants:

NONE

SEYBERT, DISTRICT JUDGE:

The above-captioned case was filed on May 15, 2009.

In his Order to Show Cause dated Sep. 1, 2010 (docket entry [3]), Magistrate Judge Michael L. Orenstein directed the plaintiffs to explain the absence of any filings since the case's inception. There was no response.

Upon Judge Orenstein's retirement, Magistrate Judge William D. Wall was assigned pretrial supervision. Judge Wall gave the plaintiffs one final opportunity to respond to the Order to Show Cause, or else he would recommend dismissal (Order dated Oct. 25, 2010, docket entry [4]). As the plaintiff did not do so, a Report & Recommendation was issued on Nov. 9, 2010 (docket entry [5]). There was no objection to the Report & Recommendation, so it is ADOPTED in its entirety.

IT IS HEREBY ORDERED that this case be dismissed with prejudice for lack of prosecution, pursuant to Rule 41(b), Federal Rules of Civil Procedure. The Clerk of Court is directed to mark the case closed.

SO ORDERED.

\_\_\_\_\_/s/ JOANNA SEYBERT  
JOANNA SEYBERT  
U.S. DISTRICT JUDGE

Dated: Central Islip, New York

Nov. 29, 2010