

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DAVID HOWELL,

Plaintiff,

vs.

No. 1:09-CV-668
(NAM/DRH)

PETER T ROACH & ASSOCIATES PC,

Defendant.

APPEARANCES:

OF COUNSEL:

Anthony J. Pietrafesa, Esq.
117 Christopher Lane
Altamont, NY 12009
Attorney for Plaintiff

Peter T. Roach & Associates, PC
125 Michael Drive
Syosset, NY 11791
Attorney for Defendant

Peter T. Roach, Esq.

Hon. Norman A. Mordue, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court has been advised by United States Magistrate Judge David R. Homer that the parties in the above-captioned case have reported to him that the case has been settled. Counsel has also advised Judge Homer that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED that:

1. The above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated;

2. The dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3. The Clerk shall forthwith serve this Judgment upon the attorneys for the parties appearing in this action by electronic mail.

IT IS SO ORDERED.

DATED: October 21, 2009
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge

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