

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

---

**DELEVINE MONELL,**

**Plaintiff,**

**vs.**

**1:10-CV-0897  
(MAD/RFT)**

**THE SCOOTER STORE, LTD,**

**Defendant.**

---

**APPEARANCES:**

**OF COUNSEL:**

**FOR PLAINTIFF:**

GOLDSTEIN & GOLDSTEIN LAW FIRM  
40 Garden Street  
Poughkeepsie, NY 12601-3106

Paul J. Goldstein, Esq.

**FOR DEFENDANT:**

MIRANDA, SAMBURSKY LAW FIRM  
240 Mineola Boulevard  
Mineola, NY 11501

Neil L. Sambursky, Esq.

**Mae A. D'Agostino, U.S. District Judge**

**JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT**

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2, it is hereby

ORDERS that:

1) This action is 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 days of the date of the filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language **“that no party hereto is an infant or incompetent”** in compliance with N.D.N.Y.L.R. 41.3; and.

4) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action.

Dated: December 18, 2012  
Albany, New York

  
Mae A. D'Agostino  
U.S. District Judge