

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

**IN THE MATTER OF THE COMPLAINT
OF A.P. FRANZ, JR. TRUSTEE, as
owner, and BUCHANAN MARINE, L.P.,
as bareboat charterer of the Barge
B-252 FOR EXONERATION FROM
OR LIMITATION OF LIABILITY**

No. 1:13-cv-411 (GLS/DJS)

ORDER OF DISMISSAL BY REASON OF SETTLEMENT

The matter reached a resolution and settled during an In-Chamber Conference conducted on June 18, 2018. See June 18, 2018 Text Minute Entry. 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 and discontinued in its entirety, without costs, and without prejudice to the right of any party to reopen this action within ninety (90) days of the date of this Order if the settlement is not consummated.
2. Any application to reopen this case must be filed within ninety (90) days of the date of this Order. An application to reopen filed after the expiration of that ninety day period, unless it is extended by the Court prior to its expiration, may be summarily denied solely on the basis of untimeliness.
3. If the parties wish for the court to retain ancillary jurisdiction for the purpose enforcing any settlement agreement, they must submit a request that the Court retain jurisdiction over enforcement of the agreement or submit the agreement to the Court or incorporation of its terms into an Order retaining jurisdiction within the above-reference ninety (90) day period for reopening the matter.

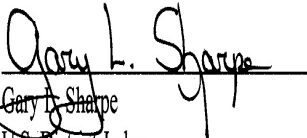
4. The dismissal fo the above-captioned action shall become with prejudice on the ninety-first day following the date of this Order, unless any party moves to reopen this case within ninety (90) days of the date of this Order upon a showing that the settlement was not consummated, or the Court extends the ninety (90) day period prior to its expiration.

5. The parties are directed to file a stipulation of discontinuance within ninety (90) days of this order in full compliance with Local Rule 41.3.

6. The Clerk of the Court is respectfully directed to close this case and forward a copy of this Order to the parties pursuant to the Court's Local Rules.

IT IS SO ORDERED.

July 25, 2018
Albany, New York


Gary L. Sharpe
U.S. District Judge