

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

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**JUDITH A. KIMBALL,**

**Plaintiff,**

**v.**

**1:15-CV-276  
(FJS/DJS)**

**ST. PETER'S HOSPITAL; ST. PETER'S  
ADDICTION RECOVERY CENTER;  
MARY LIZA INZINGA, Operations Manager;  
MEGAN DUNCAN, Senior Clinician; DALE  
WALSH, Supervisor of Human Resources; and  
PATRICK CARESSE, Executive Director,**

**Defendants.**

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**ORDER OF DISMISSAL BY REASON OF SETTLEMENT**

The Court is aware that the parties have settled or are in the process of settling this action. *See* Text Minute Entry Dated May 19, 2017. A review of the Court's docket indicates that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y. L.R. 68.2(a), the Court hereby

**ORDERS** that 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 thirty (30) days of the date of this Order if the settlement is not consummated; and the Court further

**ORDERS** that any application to reopen this case must be filed within thirty (30) days of the date of this Order. An application to reopen filed after the expiration of that thirty-day period, unless the Court extends that period prior to its expiration, may be summarily denied solely on the basis of untimeliness; and the Court further


**ORDERS** that, if the parties wish for the Court to retain ancillary jurisdiction for the purpose of 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 for incorporation of its terms into an Order retaining jurisdiction within the above-referenced thirty (30) day period for reopening this matter; and the Court further

**ORDERS** that the dismissal of the above-captioned action shall become with prejudice on the thirty-first day following the date of this Order, unless any party moves to reopen this case within thirty (30) days of the date of this Order upon a showing that the settlement was not consummated, or the Court extends the thirty (30) day period prior to its expiration; and the Court further

**ORDERS** that the Clerk of the Court shall close this case and serve a copy of this Order on the parties in accordance with the Court's Local Rules.

**IT IS SO ORDERED.**

Dated: May 23, 2017  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Judge