

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EDWARD DARROW, ET AL.,

Plaintiffs,

vs.

CIVIL NO.5:09-CV-1301 (GTS/GHL)

DJO, LLC, ET AL.,

Defendants.

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Appearances:

Of Counsel:

For Plaintiffs:

MICHAELS, SMOLAK LAW FIRM  
17 East Genesee Street, Suite 401  
Auburn, NY 13021

JAN M. SMOLAK, ESQ.

For Defendant DJO, LLC:

SASSANI, SCHENCK LAW FIRM  
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Liverpool, NY 13090

KATHLEEN C. SASSANI, ESQ.

For Defendant Hanger Orthopedic:

HANCOCK, ESTABROOK, LAW FIRM  
1500 AXA Tower I  
Syracuse, NY 13221

CHRISTINA VERONE JULIANO, ESQ.  
JOHN L. MURAD, JR., ESQ.

Glenn T. Suddaby, U.S. District Judge

**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

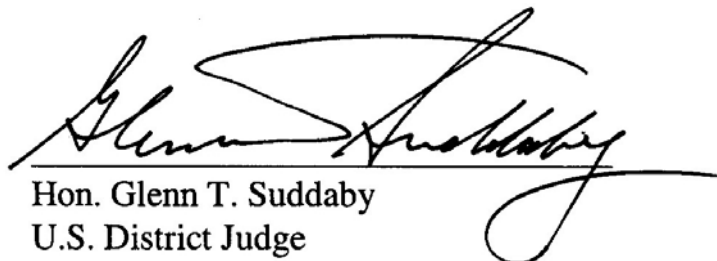
The Court having been advised by counsel that the parties in this action have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be

discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this action. Based upon this development, I find that it is not necessary for this action to remain on the calendar of the Court. It is therefore hereby

**ORDERED** that this action is **DISMISSED** in its entirety **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment is issued without prejudice to the right of the parties to secure reinstatement of the case within sixty (60) days after the date of this judgment by making a showing that the settlement was not, in fact, consummated; and in the event that no request is made for reinstatement within sixty (60) days of the date of this judgment, the dismissal of this case shall thereafter be **with prejudice**; and it is further

**ORDERED** that the Clerk shall serve copies of this Judgment upon the attorneys for the parties appearing in this action.

Dated: November 29, 2011  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge