

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

TAMMY L. HIERHOLZER aka/ Tammy L. Holton,
Plaintiff,

Civil Action: 5:10-CV-982 (FJS/ATB)

vs.

THE LAW OFFICE OF JOHN P. FRYE, PC;
JOHN P. FRYE

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Kaufman, Borgeest Law Firm
200 Summit Lake Drive
Valhalla, New York 10595

Sergio Alves, Esq.

FOR DEFENDANTS:

Office of Clifford Forstadt
5788 Widewaters Parkway
Dewitt, New York 13214

Clifford Forstadt, Esq.

FREDERICK J. SCULLIN, JR.
SENIOR U.S. DISTRICT JUDGE

**JUDGMENT DISMISSING ACTION
BY REASON OF SETTLEMENT**

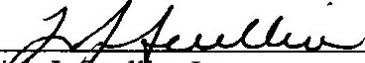
The parties have entered into a settlement agreement which has been approved by the bankruptcy court which in effect settles all claims in this action, and that this action will, therefore, be discontinued by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, it is no longer necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within two months from the date of this order upon good cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.
- 4) That the filing of this judgment does not preclude the parties from filing a stipulation of discontinuance.

Dated: November 28, 2011
Syracuse, New York



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