

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

JAMES HANNA,

Plaintiff,

Civil Action No. 5:13-CV-471  
(NAM/TWD)

vs.

LIFE INSURANCE COMPANY OF  
NORTH AMERICA,

Defendant.

APPEARANCES:

OF COUNSEL:

Office of Frank Clark  
One Park Place  
300 South State Street  
Suite 410  
Syracuse, NY 13202  
Attorney for Plaintiff

Frank A. Clark, Esq.

Russo, Keane Law Firm  
33 Whitehall Street  
16<sup>th</sup> Floor  
New York, NY 10004  
Attorney for Defendant

Kevin G. Horbatiuk, Esq.

**Norman A. Mordue, Senior U.S. District Judge**

JUDGMENT DISMISSING ACTION  
BASED UPON SETTLEMENT

The Court having been advised by counsel that the above entitled action has been settled, or is in the process of reaching a settlement, it is unnecessary for the action to remain active on the Court's calendar. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED, as follows:

- 1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to

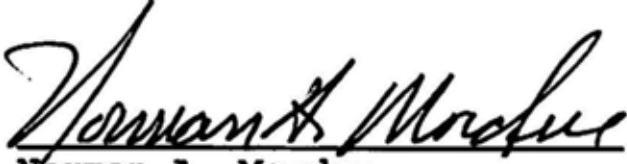
re-opening upon the motion of any party within thirty days of the date of the filing of this order upon a showing that the settlement was not consummated;

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 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

3) The Clerk shall serve copies of this Judgment upon counsel in this matter by electronic means.

IT IS SO ORDERED.

Date: July 17, 2014

  
**Norman A. Mordue**  
**Senior U.S. District Judge**