

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



GERALDINE ROBILOTTO.

Plaintiff,

vs.

Civil Action No.
6:10-CV-0307 (NAM/GHL)

BIG LOTS STORES, INC.

Defendant.

APPEARANCES:

OF COUNSEL:

Office of Anthony J. LaFache
288 Genesee Street, Suite 2
Utica, NY 13502
Attorney for Plaintiff

Anthony J. LaFache, Esq.

Carter, Conboy Law Firm
20 Corporate Woods Boulevard
Albany, NY 12211
Attorney for Defendant

William J. Decaire, Esq.

Norman A. Mordue, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

The Court has been advised by counsel (Dkt. No. 15) that this action has been settled, or is in the process of being settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. 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.

4) The Clerk is directed to terminate the motion for summary judgment (Dkt. No. 12). In the event the settlement is not consummated and the case is reopened upon motion by the parties, the motion for summary judgment will be reinstated with new deadlines for the response and reply to be set.

IT IS SO ORDERED.

Dated: May 18, 2011
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge