

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN R. DONOGHUE, As Trustees of the
Laborers' Pension Fund of Local Union 186,
The Laborers' Welfare Fund of Local 186
and the Laborers' Local No. 186 Education
and Training Fund, et al.,

Plaintiffs,

vs.

CIVIL NO. 8:10-cv-659 (GTS/RFT)

H. SCHICKEL GENERAL CONTRACTING,
INC. and HUGH SCHICKEL,

Defendants.

Appearances:

FITZSIMMONS, MACK LAW FIRM
Counsel for Plaintiffs
3223 Church Street
PO Box 310
Valatie, NY 12184

CAMPBELL & ASSOCIATES, PC
Counsel for Plaintiffs
99 Tulip Avenue, Suite 404
Floral Park, NY 11001-1974

Hugh Schickel, *Pro Se Defendant*
45 Railroad Street
Malone, NY 12953

Glenn T. Suddaby, U.S. District Judge

Of Counsel:

BARRETT D. MACK, ESQ.

DANIEL T. CAMPBELL, ESQ.
SUSAN M. BRUNO, ESQ.

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

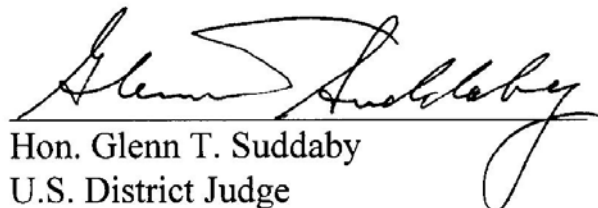
The Court having been advised by counsel that the parties in this action
have entered into an agreement in settlement of all claims in this action, and that

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 electronically serve copies of this Judgment upon the attorneys for the parties appearing in this action and serve pro se defendant via regular mail.

Dated: November 29, 2011
Syracuse, New York


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