

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LARYSSA JOCK, et al.,	:	1:08 CV 2875 (JSR)
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Plaintiffs,	:	U.S. District Judge Jed S. Rakoff
	:	
v.	:	
	:	
STERLING JEWELERS INC.,	:	
	:	
Defendant.	:	
	:	
	:	
	:	
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Upon consideration of the Parties’ Status Report filed on October 28, 2020, ECF # 175, and the entire record herein, the Court finds that:

1. This case was remanded to this Court by the United States Court of Appeals for the Second Circuit on October 13, 2020.
2. In its remand order, the Court of Appeals directed this Court to reexamine the issue whether the arbitrator exceeded her authority by certifying a class pursuant to Rule 23(b)(2) that permitted members to opt out.
3. After this Court called into question whether that facet of the certified class was permissible in its Opinion and Order issued on November 16, 2015, the arbitrator issued an Amendment to Class Determination Award on March 30, 2016. In that amendment, the arbitrator removed the provision allowing class members to opt out of the certified class. A copy of the Amendment is attached as Exhibit 1 to the Parties’ Status Report.
4. Therefore, the Court finds that the issue the Court of Appeals believed to remain outstanding was resolved by the Amendment and therefore the issue is moot.
5. Accordingly, it is this 27th day of January hereby

ORDERED that this case is remanded to the American Arbitration Association for further proceedings in this arbitration.

Dated: January 27, 2021


United States District Judge