

without the necessity of additional process, on a date within ten days of either party's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event neither party has requested restoration of the case to the active calendar within such period of time.

The trial of this action preliminarily scheduled for on or about June 15, 2009 is canceled but shall be rescheduled as set forth above in the event either party notifies the Court that the parties' settlement was not effectuated and that such trial is necessary to resolve any remaining dispute.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
29 May 2009



VICTOR MARRERO
U.S.D.J.