

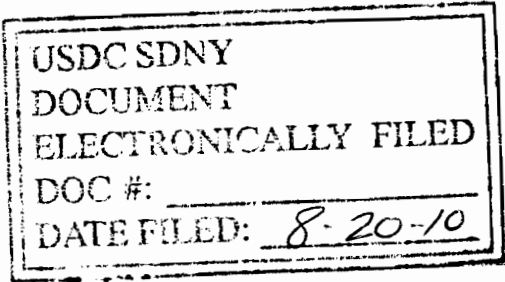
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
THOMAS AND AGNES CARVEL FOUNDATION, :
 :
 Plaintiff, :
 :
 -v- :
 :
 PAMELA CARVEL and THE CARVEL :
 FOUNDATION, INC., :
 :
 Defendants. :
----- X

09 Civ. 5083 (JSR)

ORDER

PAMELA CARVEL, :
 :
 Counterclaim and :
 Third-Party Plaintiff, :
 :
 -v- :
 :
 THOMAS AND AGNES CARVEL FOUNDATION, :
 WILLIAM GRIFFIN, and KEVIN STEVENS, :
 :
 Counterclaim and :
 Third-Party :
 Defendants. :
----- X



Thomas and Agnes Carvel Foundation v. Carvel et al

Doc. 57

JED S. RAKOFF, U.S.D.J.

On May 7, 2010, the Honorable Michael H. Dolinger, United States Magistrate Judge, issued a thorough and well-reasoned 107-page Report and Recommendation ("Report") in the above-captioned matter, recommending that: 1) the motion for summary judgment by plaintiff Thomas and Agnes Carvel Foundation ("TAF") be granted; 2) the motion by counterclaim defendants TAF, William Griffin and Kevin Stevens dismissing claims by counterclaim plaintiff Pamela Carvel ("Ms. Carvel") be granted; 3) the motion by Ms. Carvel for sanctions against counterclaim defendants be denied; 4) defendant Carvel

Foundation be dismissed from the lawsuit; 5) TAF, Griffin and Stevens be awarded their costs, including reasonable attorneys' fees, as against Ms. Carvel for their defense against her claims; and, finally, 6) that the Court enjoin Ms. Carvel from further, similar court filings as follows:

Pamela Carvel is hereby permanently enjoined from filing any new lawsuit against any defendant in the Southern District of New York that arises from or seeks to affect the disposition of any assets in the custody or control of any fiduciaries of the estates or trusts of Thomas Carvel or Agnes Carvel without first obtaining leave of court in accordance with the following conditions:

(1)

(A) Pamela Carvel shall file with the complaint of any new action a motion captioned "Motion Pursuant to Court Order Seeking Leave to File;

(B) Pamela Carvel shall attach, as an exhibit to the motion, a copy of this order;

(C) Pamela Carvel shall also attach, as an exhibit to the motion, an attestation under penalty of perjury that she has

(i) complied with Rule 11 of the Federal Rules of Civil Procedure; and

(ii) has complied with the conditions of this injunction;

(2) Any initial filing that does not include an attestation that complies with the requirements of subdivision (C) shall be summarily dismissed pursuant to the terms of this injunction; and

(3) Any initial filing that does not comply with the terms of this injunction may subject plaintiff to sanctions and/or citation for contempt of court.

On June 10, 2010, Ms. Carvel filed voluminous objections, amplified by numerous exhibits, objecting to the Report "in its entirety."

Accordingly, the Court has reviewed the objections and underlying record de novo. Having done so, the Court finds itself in complete agreement with the Report, which the Court hereby adopts

by reference.¹ Among other things, this means that the aforesaid injunction takes effect immediately.

The Clerk of the Court is directed to enter final judgment and to close documents 5 and 41 on the docket of this case.

SO ORDERED.

Dated: New York, NY
August 19, 2010



JED S. RAKOFF, U.S.D.J.

¹Items #5 and #6 are also warranted under Rule 11, FED. R. CIV. P.