

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SIACI SAINT HONORE,

Plaintiff,

- against -

MEDITERRANEAN SHIPPING COMPANY
S.A. GENEVA, et al.,

Defendants.
-----X

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-13-10
10 CIV. 2225 (VM)

CONDITIONAL
ORDER OF DISCONTINUANCE
WITHOUT PREJUDICE

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated April 13, 2010, a copy of which is attached, that the parties have reached an agreement in principle to resolve this action without further litigation, and consent to the issuance of this Order, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within sixty (60) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action and any pending motions to its active docket and the parties shall be directed to appear before the

Court, without the necessity of additional process, on a date within ten days of the plaintiff'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 plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court are canceled but shall be rescheduled as set forth above in the event plaintiff notifies the Court that the parties' settlement was not effectuated and that such conference is necessary to resume pretrial proceedings herein.

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

SO ORDERED.

Dated: NEW YORK, NEW YORK
13 April 2010

A handwritten signature in black ink, appearing to read 'Victor Marrero', written over a horizontal line.

VICTOR MARRERO
U.S.D.J.

BADIAK & WILL, LLP

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April 13, 2010

VIA TELEFAX ONLY 212-805-6382 (1 Page)

The Honorable Victor Marrero
United States Courthouse
500 Pearl Street
New York, New York 10007

RE: Siaci Saint Honore a/s/o Richemont Latin America & Caribbean LLC
v. Mediterranean Shipping Company S.A. Geneva and Econo Caribe Consolidators, Inc.
Docket No.: 10 Civ. 225 (VM) *10 CV 2225*
Our Ref. No.: 09-E-011-JK

Honorable Victor Marrero:

We represent the plaintiff in the captioned matter and are pleased to confirm to Your Honor that the parties have reached a settlement of the captioned matter and are currently in the process of exchanging closing documentation and settlement proceeds.

In light of the foregoing, we would respectfully request that Your Honor issue a sixty (60) day Order of Discontinuance while the parties consummate the above noted settlement. We would respectfully suggest that the Pre-Trial Conference scheduled for this Friday, April 16, 2010 at 11:30 A.M. be cancelled in light of the resolution of the underlying claim.

We thank Your Honor for your kind consideration to the foregoing and respectfully request that Your Honor favorably consider the above suggestions.

Respectfully submitted,

BADIAK & WILL, LLP



JAMES P. KRAUZLIS

cc: VIA TELEFAX 212-594-4589
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JPK:jm