

A suggestion of settlement having been made, this case is dismissed. Subject to restoration by either party within 30 days on notice. All pending court dates are cancelled. The Clerk is directed to close the case.



Alvin K. Hellerstein, U.S.D.J.

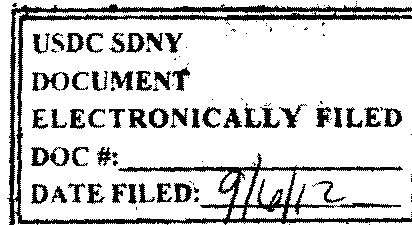
Date: 9-5-12

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September 5, 2012

By Facsimile

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Cooke/Rodino v. DB 85 Gym Corp. et al.  
Civil Action No.: 11 Civ. 0201 (AKH) (RLE)



Dear Judge Hellerstein:

We are the respective counsel for Plaintiffs and Defendants in the above-referenced matter.

We write to report that on Friday August 31, 2012, the parties agreed in principle to settle this matter. Defendants' counsel is preparing a proposed settlement agreement, and we expect to finalize the agreement in the next few weeks.

A conference before Your Honor is scheduled for Friday, September 7, 2012. Considering that we are in the process of finalizing the settlement, we respectfully request a cancellation of the conference.

The settlement is strictly confidential. Accordingly, we request that the Court omit any reference to the settlement in any conditional order or Pacer bounce.

Respectfully,

THE DWECK LAW FIRM, LLP

GORDON & REES LLP

/s/

/s/

Corey Stark (CS-3897)

Michael J. Vollbrecht (MV-1118)