UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Karla Otto, Inc.,

Plaintiff,

13 Civ. 0483 (JGK)

- v.-

MEMORANDUM OPINION AND ORDER

Rivoli Creation, S.A.S., d/b/a Lucien Pellat-Finet, and LPF North America, Inc.,

Defendants.

JOHN G. KOELTL, District Judge:

This action is dismissed without prejudice because, as the parties agree, the Court lacks subject matter jurisdiction.

The application by defendant Rivoli Creation, S.A.S. for Rule 11 sanctions is denied. The defendant has failed to comply with the requirements for making a Rule 11 motion, see Fed. R. Civ. P. 11(c)(2), and the Court declines to exercise its power to impose Rule 11 sanctions. There is no basis for Rule 11 sanctions, particularly in view of the fact that the jurisdictional defect was raised by the Court sua sponte after the motion to dismiss was briefed on other bases.

The Clerk is directed to ender judgment dismissing this case without prejudice. The Clerk is also directed to close all pending motions.

SO ORDERED.

Dated: New York, New York
December 3, 2014

____/s/___

John G. Koeltl United States District Judge