

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE FOOD CLUB CORP.,

Plaintiff,

-against-

KUEHNE + NAGEL, INC.,

Defendant.

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15 Civ. 7047 (AJP)

OPINION & ORDER

ANDREW J. PECK, United States Magistrate Judge:

Presently before the Court are the parties' cross summary judgment motions. (Dkt. Nos. 81, 85.) The parties have consented to decision of this case by a Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 53.) The Court has reviewed the parties' submissions and concludes that there are genuine disputes of material fact that preclude summary judgment for either party. See, e.g., Cross Commerce Media, Inc. v. Collective, Inc., 841 F.3d 155, 162 (2d Cir. 2016). The summary judgment motions accordingly are DENIED. The Final Pretrial Order is due March 13, 2017.

SO ORDERED.

Dated: New York, New York
February 13, 2017



Andrew J. Peck
United States Magistrate Judge

Copies ECF to: All Counsel