

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CENTURY SURETY COMPANY,	:	:
	:	:
Plaintiff,	:	17-CV-633 (JMF)
	:	:
-v-	:	<u>MEMORANDUM OPINION</u>
	:	<u>AND ORDER</u>
RUKH ENTERPRISES, INC. et al.,	:	:
	:	:
Defendants.	:	:
-----X		:

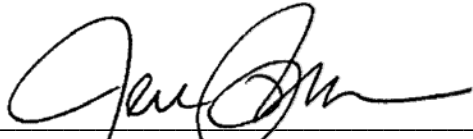
JESSE M. FURMAN, United States District Judge:

On May 9, 2019, the Supreme Court of the State of New York issued a decision denying Rukh Enterprises Inc.’s and Marcelo DeJesus’s motions for summary judgment. *See DeJesus v. Rukh Enterprises, Inc.*, No. 706159/2013 (N.Y. Sup. Ct. May 9, 2019). That Court found, among other things, that there were “issues of fact as to Rukh’s involvement, if any, in directing East Coast’s work or employees at the job site.” *Id.* In light of that decision, which is consistent with this Court’s January 29, 2019 Memorandum Opinion and Order, *see* Docket No. 75, the Court concludes that awaiting a final judgment in the state court case is unlikely to meaningfully advance this case. Accordingly, and mindful of the Court’s discretion in the matter, the pending motion to stay is hereby DENIED. *See Wilton v. Seven Falls Co.*, 515 U.S. 277, 288 (1995) (confirming that a district court may exercise its discretion in deciding whether to stay federal proceedings pending state court proceedings).

In accordance with the Court’s February 22, 2019 Order, the parties shall file their joint pretrial order and related submissions no later than **two weeks** from the date of this Order.

Finally, in light of Century Surety’s failure to show cause for its failure to serve Marcelo DeJesus, *see* Docket No. 89, the claims against Mr. DeJesus are dismissed, and the Clerk of Court is directed to terminate Mr. DeJesus as a party. The Clerk of Court is also directed to terminate Docket No. 77.

Dated: May 14, 2019
New York, New York



JESSE M. FURMAN
United States District Judge