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July 27, 2020

**VIA ECF**

The Honorable Judge P. Kevin Castel  
United States District Court  
500 Pearl Street  
Courtroom 11D  
New York, New York 10007

*The action is dismissed for failure to prosecute with each side to bear its own costs.  
SO ORDERED  
7-28-20*

Re: Tumi Produce International Corporation v. R&L Sunset Produce Corp., et al  
Case No.: 17-cv-5258

Dear Judge Castel:

The undersigned is counsel to the plaintiff in the above-referenced matter. We write to the Court regarding its most recent Order, dated July 14, 2020. Unfortunately, we are unable to proceed as the plaintiff has not been an ongoing concern for a significant period of time and we have been unable to communicate with our client.

In view of the foregoing, we are unable to proceed and do not object to the dismissal of the action. We have spoken with defendant's counsel who also has no objection to dismissal of the action, with each party bearing its own costs.

The courtesy and cooperation of the Court is sincerely appreciated.

Respectfully yours,

HOWARD ROSENBERG

HR/dm

cc: Timothy Fierst, Esq. (via ECF and [tfierst.law@gmail.com](mailto:tfierst.law@gmail.com))