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October 26, 2020

VIA ECF and EMAIL

The Honorable Valerie E. Caproni
United States District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007
Email: CaproniNYSDCChambers@nysd.uscourts.gov

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 10/26/2020

MEMO ENDORSED

Re: *Snitzer, et al. v. The Board of Trustees of the American Federation of Musicians and Employers' Pension Fund, et al.*, No. 17-cv-05361-VEC

Dear Judge Caproni:

Attached is the Mandate issued today by the Second Circuit approving the Stipulation agreed to by Mr. Stoner and the Parties to voluntarily dismiss Mr. Stoner's appeal with prejudice. As reflected in the Stipulation, Mr. Stoner and the Parties are bearing their own costs and attorneys' fees incurred in connection with the appeal, and no money or other consideration has been paid or promised in connection with the dismissal of the appeal. Accordingly, Plaintiffs withdraw their motion for a Bond (ECF #226) as moot.

Thank you for Your Honor's consideration of this matter and Your Honor's courtesies throughout this litigation.

Respectfully,

Steven A. Schwartz

cc: All Counsel of Record (via ECF)
Mr. Martin Stoner (via email)

MANDATE

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26th day of October, two thousand twenty,

Andrew Snitzer, individually and as representatives of a class of similarly situated persons, on behalf of the American Federation of Musicians and Employers' Pension Plan, Paul Livant, individually and as representatives of a class of similarly situated persons, on behalf of the American Federation of Musicians and Employers' Pension Plan, **ORDER**
Docket No. 20-3228

Plaintiffs - Appellees,

v.

Martin Stoner,

Appellant,

v.

The Board of Trustees of the American Federation of Musicians and Employers' Pension Fund, Raymond M. Hair, Jr., Augustino Gagliardi, Gary Matts, William Moriarty, Brian F. Rood, Laura Ross, Vince Trombetta, Philip E. Yao, Christopher J.G. Brockmeyer, Michael DeMartini, Robert W. Johnson, Alan H. Raphael, Jeffrey Ruthizer, Bill Thomas, JoAnn Kessler, Marion Preston, Elliot H. Greene, The Investment Committee of the Board of Trustees of the American Federation of Musicians and Employers' Pension Fund,

Defendants - Appellees.

Andrea Finkelstein, Maureen B. Kilkelly, Does 1-6, Thomas F. Lee, William Foster, Melinda Wagner, Harold Bradley, Lovie Smith-Wright,

MANDATE ISSUED ON 10/26/2020

Defendants.

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to FRAP 42.

The stipulation is hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,
Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit




The Motion for a Rule 7 Bond is hereby dismissed as moot.

The Clerk of Court is respectfully directed to mail a copy of this endorsement to Mr. Stoner and note the mailing on the docket. The Clerk of Court is further directed to terminate the open motion at Dkt. 226 and close this case.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni". The signature is written in a cursive style with a prominent flourish at the end.

Date: October 26, 2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE