

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/17/19

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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 JEROME SCHENTAG, individually and :
 derivatively on behalf of THEREABRAKE, INC. :
 :
 Plaintiffs, :
 :
 -against- :
 :
 VOLANT HOLDINGS GMBH, :
 Defendant, :
 :
 -and- :
 :
 JOSEPH M. FAYAD, :
 :
 Defendants-Counterclaim Plaintiffs, :
 :
 -and- :
 :
 GEORG NEBGEN and PARVIZ :
 GHARHRAMANI :
 :
 Counterclaim Plaintiff. :
 -----X

1:17-cv-8734-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

A jury trial was held in this case from November 4, 2019 to November 13, 2019. At the close of Plaintiffs’ case, the Court granted Defendant’s motion for judgment pursuant to Fed. R. Civ. P. 50 with respect to Count 3 as designated in the Amended Joint Pretrial Order, Dkt. No. 169.

The jury returned a verdict in favor of Defendant Fayad against Plaintiffs with respect to Counts 1 and 2 as designated in the Amended Joint Pretrial Order. Plaintiffs thereafter stipulated the Court should accept the jury’s determinations without further inquiry or fact-finding on those Counts. Defendant Fayad consented to Plaintiffs’ request. Thus, the Court enters judgment in favor of Defendant Fayad with respect to Counts 1 and 2 on the basis of the jury’s verdict against Plaintiffs.

The parties also stipulated on the record to dismissing Plaintiffs' Count 4 as designated in the Amended Joint Pretrial Order without prejudice pursuant to Fed. R. Civ P. 41(a)(1)(A)(ii).

Finally, the Court held a teleconference on December 17, 2019, during which it orally delivered its decision with respect to Claim 5 as designated in the Amended Joint Pretrial Order. For the reasons stated on the record during that conference, the Court will enter judgment for Defendant Volant with respect to Claim 5.


With respect to Counterclaim A as designated in the Amended Joint Pretrial Order, the jury returned a verdict in favor of Counterclaim Defendants Schentag and TheraBrake.

Accordingly, the Clerk of Court is directed to enter judgment in favor of Defendants on Plaintiffs' Counts 1, 2, 3, 4, and 5. The Clerk of Court is directed to enter judgment in favor of Plaintiffs Schentag and TheraBrake on Counterclaim A.

The Clerk of Court is further directed to terminate all pending motions and deadlines, and close the case.

SO ORDERED.

Dated: December 17, 2019
New York, New York



GREGORY H. WOODS
United States District Judge