

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BARTER HOUSE, INC., and BRIAN DIMARCO,

Plaintiffs,

-v-

INFINITY SPIRITS LCC, *a limited liability company*, DON GOOD TEQUILA COMPANY, LLC, *a limited liability company*, EUROPEAN INFINITY GROUP INC., *a corporation*, and BRIAN HOPKINS, *an individual*,

Defendants.

17 Civ. 9276 (PAE) (BCM)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court having been advised by the parties that all claims asserted herein have been settled in principle, Dkt. 442, it is ORDERED that the above-entitled action is hereby dismissed and discontinued without costs, and without prejudice to the right to reopen the action within 45 days of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen must be filed within 45 days of this Order; any application to reopen filed thereafter may be denied solely on that basis. Further, if the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they must submit the settlement agreement to the Court within the same 45-day period to be "so ordered" by the Court. Per Paragraph 4(C) of the Court's Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any proposed order approving the settlement agreement that seeks the Court's continued jurisdiction should either (1) expressly state that the Court retains jurisdiction to enforce the agreement or (2) incorporate the terms of the settlement agreement in the order.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: February 17, 2021
New York, New York