

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCESCO ZANGHI and ZANGHI LLC,

Plaintiffs,

ORDER

- against -

19 Civ. 5830 (NRB)

PIERGRAZIANO RITELLA, GIUSEPPE
CAVALLARO, ALESSANDRO VACCA,
GIANLUCA ALOCCI, STEFANO CALLEGARI,
FUTURA HOSPITALITY LLC, STUDIO
LEGALE CAVALLARO, and GIOIA E VITA
S.R.L.,

Defendants.

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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

WHEREAS plaintiffs' First Amended Complaint asserted two bases for the exercise of federal subject matter jurisdiction, namely 15 U.S.C. § 78aa (securities) and 18 U.S.C. § 1964(c) (RICO); and

WHEREAS defendant Stefano Callegari ("Callegari") was not named in the securities law counts (Counts I and II), so the only asserted basis for the exercise of federal subject matter jurisdiction over Callegari was RICO; and

WHEREAS this Court's Memorandum and Order, filed on September 24, 2021, dismissed the RICO claim with prejudice; and

WHEREAS a plaintiff "must establish the court's jurisdiction with respect to each claim asserted," Sunward Elec. Inc. v. McDonald, 362 F.3d 17, 24 (2d Cir. 2004); and

WHEREAS supplemental jurisdiction is the sole basis for the assertion of jurisdiction over the only state law claim asserted against Callegari, it is within the Court's discretion to determine whether to exercise supplemental jurisdiction over that claim, see Robertson v. MetLife Securities, Inc., 779 F. App'x 783, 786 (2d Cir. 2019); and

WHEREAS this Court has determined that the exercise of supplemental jurisdiction is not warranted, First Capital Asset Mgmt., Inc. v. Satinwood, Inc., 385 F.3d 159, 183 (2d Cir. 2004), given that the September 24, 2021 decision transferred all of the claims concerning the Sforno transaction to Italy following a *forum non conveniens* analysis; it is hereby

ORDERED that any claim arguably remaining in this Court against Callegari is dismissed for lack of subject matter jurisdiction.

Dated: New York, New York
January 7, 2022



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE