

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARN 11, LLC,

Plaintiff,

-against-

SPECTRUM GLOBAL SOLUTIONS, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/3/2021

1:20-cv-4113 (MKV)

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

On March 8, 2021, the Parties in this case submitted a stipulation and proposed judgment resolving the case. *See* ECF No. 22. Three days later, on March 11, 2021, the Court emailed counsel for both Parties asking them to refile the documents because the stipulation contained inaccurate dates for certain events in the case. Because the stipulation was incorporated by reference into the consent judgment, the Court noted that it would not endorse the judgment in light of the errors. The Court received no response to the email.

Approximately a month later, on April 6, 2021, the Court sent another email to counsel for the Parties following up on the March 11 email. Once again, the Court received no response.

Finally, a month after that, on May 11, 2021, the Court sent counsel a third email regarding the same errors in the stipulation and judgment. No response was received. However, more than a week later, on May 21, 2021, a revised stipulation was filed correcting some, but not all of the errors. *See* ECF No. 23. In particular, while the date of the filing of Defendant's Answer was corrected, the stipulation still incorrectly states the year of all events in the case as occurring in 2021. *Compare* ECF No. 22-1 with ECF No. 23-1. In addition, the Clerk of Court also rejected the filing because it did not have handwritten signatures.

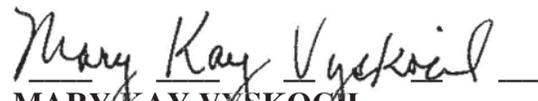
On May 25, 2021, the Court entered an Order to Show Cause why the case should not be dismissed in light of the continued errors and resulting inaction in the case. The Parties filed a joint letter on June 2, 2021, erroneously claiming that they had corrected all of the errors in their stipulation. *See* ECF No. 26. The Parties also refiled the stipulation (which still contained incorrect dates, but included handwritten signatures), *see* ECF No. 25, and asked the Court to endorse the Proposed Judgment. Finally, the Parties noted that this case was “amicably resolved” in March. *See* ECF No. 26 at 1. The Stipulations filed on the docket also reference a Confidential Settlement Agreement and General Release dated March 8, 2021. *See, e.g.*, ECF No. 25.

In light of the errors that remain in the stipulation as submitted, counsel’s failure to respond to the Court’s earlier outreach, and the apparent settlement of this case,

IT IS HEREBY ORDERED that this action is DISMISSED WITH PREJUDICE. The Clerk of Court respectfully is requested to close the case.

SO ORDERED.

Date: June 3, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge