

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK

GROUNDHOG ENTERPRISES, INC., d/b/a	§	
MERCHANT LYNX SERVICES,	§	
	§	
Plaintiff,	§	
	§	
v.	§	C. A. No. 1:21-cv-04339-JSR/KHP
	§	
FRONTLINE PROCESSING CORP.,	§	
	§	
Defendant.	§	
	§	

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff/Counter-Defendant, Groundhog Enterprises, Inc. d/b/a Merchant Lynx Services, and Defendant/Counter-Plaintiff, Frontline Processing Corporation, represented by their attorneys, file this Joint Motion to Dismiss with Prejudice pursuant to Fed. R. Civ. P. 41, and in support thereof respectfully state as follows:

This action is currently set for jury trial beginning on August 15, 2022. The parties have reached a settlement of all claims and counterclaims asserted, or that could have been asserted, in this action. To effectuate their settlement, the parties move the Court to dismiss this action with prejudice to the re-filing of same.

Each of the parties to the Joint Motion is to bear its own costs and fees, including attorney’s fees.

So agreed and stipulated. A proposed Order of Dismissal with Prejudice accompanies this Joint Motion.

Dated: August 1, 2022

Respectfully submitted,

HARRIS BEACH PLLC

/s/ Brian A. Bender

Brian A. Bender, Esq. (BB0218)
445 Hamilton Avenue, Suite 1206
White Plains, NY 10601
(914) 683-1200

FROST BROWN TODD LLC

/s/ Lucas T. Elliot

Lucas T. Elliot (*Pro Hac Vice*)
150 3rd Avenue South, Suite 1900
Nashville, Tennessee 37201
615-251-5565 Telephone
615-251-5551 Facsimile
lelliot@fbtlaw.com

**ATTORNEYS FOR PLAINTIFF
GROUNDHOG ENTERPRISES, INC.
d/b/a MERCHANT LYNX SERVICES**

CROWLEY FLECK PLLP

/s/ Timothy M. Stubson

Jeff Oven (*Pro Hac Vice*)
Timothy M. Stubson (*Pro Hac Vice*)
Crowley Fleck, PLLP
111 West 2nd Street, Suite 220
Casper, WY 82601
(307) 265-2279
(307) 265-2307 (facsimile)
tstubson@crowleyfleck.com

**ATTORNEYS FOR DEFENDANT
FRONTLINE PROCESSING CORP.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 1, 2022, a copy of the foregoing was served on all counsel of record by a manner authorized by Fed. R. Civ. P. 5(b)(2)(E).

/s/ Lucas T. Elliot

Lucas T. Elliot

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK

GROUNDHOG ENTERPRISES, INC.
d/b/a MERCHANT LYNX SERVICES

Plaintiff,

-against-

FRONTLINE PROCESSING CORP.

Defendant.

§
§
§
§
§
§
§
§
§

1:21-cv-04339-JSR/KHP

ORDER OF DISMISSAL WITH PREJUDICE

Before the Court is the Joint Motion to Dismiss with Prejudice filed by Plaintiff/Counter-Defendant, Groundhog Enterprises, Inc. d/b/a Merchant Lynx Services (“Merchant Lynx”), and Defendant/Counter-Plaintiff, Frontline Processing Corporation (“Frontline”). In the Joint Motion, the Parties request that the Court dismiss with prejudice all claims and counter-claims asserted by the Parties in the action pursuant to Federal Rule of Civil Procedure 41.

Having considered the Joint Motion, the Court finds that it should be and hereby is GRANTED. Accordingly, it is ORDERED that Merchant Lynx’s claims and causes of action against Frontline, and Frontline’s counter-claims and causes of action against Merchant Lynx, are DISMISSED WITH PREJUDICE.

Each of the Parties shall bear its own costs, fees, and attorney’s fees.

SO ORDERED.



JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

DATED: New York, New York
August 1, 2022