

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/13/2023

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MUSA HOXHAI, ABDOU EL SHABEINY, AND
RICARDO CORDERO,

Plaintiffs,

-v-

MICHAEL CETTA, INC., MICHAEL CETTA, AND
STEVEN CETTA,

Defendants.
-----X

21-cv-6486 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

A hearing on the settlement was held on November 13, 2023 and memorialized by transcript. For the reasons stated at that hearing, the Court finds that the settlement is fair and reasonable and approves Plaintiff's counsel's request for attorneys' fees and costs. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206–07 (2d Cir. 2015); *see also Fisher v. SD Protection Inc.*, 948 F.3d 593, 600 (2d Cir. 2020). Because the settlement resolves other than wage-and-hour claims and because it can be characterized as a "walk away" agreement, the mutual releases and non-disparagement provision are acceptable. *See Strauss v. Little Fish Corp.*, 2020 WL 4041511, at *5 (S.D.N.Y. July 17, 2020) (discussing the requirements for adequately justifying non-economic terms in a settlement agreement, including a general release of claims provision and non-disparagement provision).

Accordingly, it is hereby ORDERED that this action is DISMISSED without costs and without prejudice to restoring the action to the Court's calendar, provided the application to restore the action is made within forty-five (45) days of this Order. Any application to reopen

filed after forty-five (45) days from the date of this Order may be denied solely on that basis.

Any pending motions are DISMISSED as moot, and all conferences and deadlines are CANCELLED.

SO ORDERED.

Dated: November 13, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is positioned above a horizontal line.

LEWIS J. LIMAN
United States District Judge