

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KELVIS BORGEN, : : 21cv8045 (DLC)  
: Plaintiff, : : ORDER  
: :  
-v- : :  
LARRY D. TELL-LEE, JR., : :  
: Defendant. : :  
: :  
-----X  
-----X  
: :  
LARRY D. TELL-LEE, JR., : :  
: Third-Party : :  
: Plaintiff : :  
: :  
-v- : :  
MAMADOU DIALLO, et al., : :  
: Third-Party : :  
: Defendants. : :  
: :  
-----X

DENISE COTE, District Judge:

On August 19, 2022, third-party defendant Uber Technologies, Inc. ("Uber") filed its answer to defendant Tell-Lee Jr.'s third-party complaint. On January 13, 2023, the parties filed their proposed joint pretrial order. In the pretrial order, the parties represented that Tell-Lee Jr. "voluntarily discontinued his claims against Uber Technologies

on January 13, 2023." Pursuant to Fed. R. Civ. P. 41(a)(1)(A),

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plaintiff may dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) a stipulation of dismissal signed by all parties who have appeared.

Accordingly, it is hereby

ORDERED that the parties shall, by January 20, 2023, file a stipulation of dismissal of Tell-Lee Jr.'s claims against Uber signed by all parties who have appeared in this action.

Dated: New York, New York  
January 17, 2023



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DENISE COTE

United States District Judge