GMO Gamecenter USA, Inc. et al v. Whinstone US, Inc. Doc. 85

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GMO GAMECENTER USA, INC. *et al.*,

Plaintiffs,

-v-

WHINSTONE US, INC.,

Defendant.

22 Civ. 5974 (JPC) (KHP)

ORDER

JOHN P. CRONAN, United States District Judge:

For the reasons discussed on the record at the August 9, 2023 conference, GMO's machines shall remain powered on through September 13, 2023 at 5:00 p.m. subject to any curtailment requested or required by the Electric Reliability Counsel of Texas. GMO shall pay Whinstone for continuing to host its machines at the same rate as the past several years, and such payment shall be due by September 27, 2023. Finally, to the extent GMO derives any independent value from their machines remaining in operation at Whinstone's expense, Whinstone may amend its answer to assert any counterclaims based on such unjust enrichment. To the extent necessary, any amended answer shall be due by September 27, 2023.

The Clerk of Court is respectfully directed to close Docket Number 71.

SO ORDERED.

Dated: August 9, 2023
New York, New York

JOHN P. CRONAN
United States District Judge

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