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DOC #: _____
DATE FILED: 1/17/2023

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARTIN MARTINEZ,  
:  
:  
Plaintiff, :  
:  
-against- :  
:  
35 WEST 20TH STREET REST. INC., :  
*doing business as* PERIYALI :  
RESTAURANT, *and* NICOLA TZOLIS *and* :  
SOTIRIOS TZOLIS, aka STEVE TZOLIS, :  
*individually,* :  
:  
Defendants. :  
----- X

22-CV-6067 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on January 13, 2023, the parties submitted a proposed settlement agreement for the Court’s approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), *see* Dkt. 13;

WHEREAS the Court finds that counsel’s requested fee and the settlement amount for the case are reasonable; and

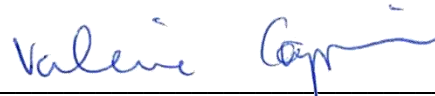
WHEREAS the Court finds that the proposed settlement agreement is fair and reasonable but contains the following two typographical errors: in the “Settlement Amount” paragraph on page 2 of the agreement, “Defendants agree to pay Plaintiff the total sum of fourteen thousand give hundred dollars (\$13,500.00),” and in paragraph 6, page 4, the agreement provides that the parties consent to jurisdiction in the Eastern District of New York for litigation arising out of the settlement agreement. *See* Dkt. 13-1, Ex. A.

IT IS HEREBY ORDERED that the parties must submit a corrected proposed settlement agreement by no later than **January 20, 2023**. The Court would be prepared to approve as fair and reasonable a settlement agreement that is free of typographical errors discussed above.

IT IS FURTHER ORDERED that the status conference scheduled for January 20, 2023 is CANCELLED.

**SO ORDERED.**

**Date: January 17, 2023**  
**New York, NY**

Handwritten signature of Valerie Caproni in blue ink.

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**VALERIE CAPRONI**  
**United States District Judge**