

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROL PERLMAN,

Plaintiff,

-v-

GENERAL ELECTRIC, *et al.*,

Defendants.

22 Civ. 9823 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On June 30, 2023, the Court dismissed plaintiff's case without prejudice to her right to move to file an amended complaint by July 14, 2023. *See* Dkt. 35. On July 11, 2023, the Court granted plaintiff's motion for an extension of time to file an amended complaint, setting a new deadline of August 14, 2023. *See* Dkt. 37.

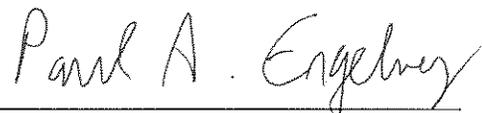
On July 28, 2023, plaintiff filed a notice of appeal directed at the Court's order granting defendants' motion to dismiss. *See* Dkt. 38. On August 14, 2023, with her appeal pending before the Second Circuit, plaintiff filed an amended complaint in this case. *See* Dkt. 39. On September 11, 2023, defendants filed a motion to dismiss the amended complaint. *See* Dkt. 40; *see also* Dkt. 41 (memorandum of law filed in support of defendant's motion).

Although defendants' motion to dismiss does not discuss the possible ramifications of plaintiff's pending appeal, the Court raises it here, as it has an "independent obligation to consider the presence or absence of subject matter jurisdiction *sua sponte*." *Joseph v. Leavitt*, 465 F.3d 87, 89 (2d Cir. 2006). "The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its

control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982).

To enable the Court to determine whether it retains jurisdiction over this case, the Court directs plaintiff, by **September 19, 2023**, to file a letter updating the Court as to the status of her appeal. If plaintiff’s appeal is pending, the Court will stay proceedings in this Court pending disposition of the appeal.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: September 12, 2023
New York, New York