

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

HAROLD Y. MacCARTNEY, JR.,

Plaintiff, *Pro Se*,

- against -

KEVIN D. O'DELL and CHRISTOPHER J. WALSH,
individually and doing business as MacCARTNEY,
MacCARTNEY, KERRIGAN & MacCARTNEY, LAW
OFFICE OF KEVIN D. O'DELL, P.C., and WILLIAM
K. KERRIGAN, individually and doing
business as MacCARTNEY, MacCARTNEY,
KERRIGAN & MacCARTNEY,

Defendants.

STIPULATION AND
CONSENT ORDER OF
DISMISSAL NOT ON
THE MERITS AND
WITHOUT PREJUDICE
PURSUANT TO
FRCP 41(a)(1)(ii)

7:14-cv-03925-NSR

-----X

WHEREAS, the Defendants Kevin D. O'Dell, William K. Kerrigan and the Law Offices of Kevin D. O'Dell, P.C., moved to dismiss Plaintiff's amended complaint (ECF No. 38), or the "Amended Complaint") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (ECF No. 51) and the Court granted the motion in part and denied the motion in part in an Opinion and Order dated February 29, 2016 (ECF No. 57), dismissing all of Plaintiff's claims against Defendants Kevin D. O'Dell and the Law Offices of Kevin D. O'Dell, P.C., except for unjust enrichment and dismissing Plaintiff's claims against Kerrigan except for breach of fiduciary duty, accounting, breach of New York Partnership Law, and unjust enrichment.

IT IS HEREBY STIPULATED AND AGREED by and between the Plaintiff and the Defendants pursuant to FRCP 41(a)(1)(ii) that all of the remaining claims in the above entitled action are DISMISSED WITHOUT PREJUDICE AND NOT ON THE MERITS, with each party bearing that party's own attorney's fees and costs.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/7/2021


Dated: April 6, 2021

HAROLD Y. MacCARTNEY, JR.
Plaintiff, *Pro Se*

By: Harold Y. MacCartney, Jr.

Harold Y. MacCartney, Jr.
131 Ocean Grande Blvd. Unit 805
Jupiter, FL 33477
(914) 954-9207 and (561) 745-1755
haroldmaccartney@aol.com

BELOWICH & WALSH LLP
Attorneys for the O'Dell Defendants

By: 

Brian T. Belowich
140 grand Street, 8th Floor
White Plains, New York 10601
(914) 265- 6088
bbelowich@belowichwalsh.com

WILLIAM K. KERRIGAN, ESQ.
Defendant *Pro Se*

By: _____

William K. Kerrigan
42 Indian Hill Road
Katonah, New York 10536
(914) 645-0392
wkerrigan@mmkmlaw.com

CHRISTOPHER J. WALSH, ESQ.
Defendant *Pro Se*

By: 

Marin Goodman, LLP
500 Mamaroneck Ave. Suite 102
Harrison, New York 10528
(212) 661-1151
CWalsh@maringoodman.com

Dated: April 6, 2021

HAROLD Y. MacCARTNEY, JR.
Plaintiff, *Pro Se*

By: Harold Y. MacCartney, Jr.

Harold Y. MacCartney, Jr.
131 Ocean Grande Blvd. Unit 805
Jupiter, FL 33477
(914) 954-9207 and (561) 745-1755
haroldmaccartney@aol.com

BELOWICH & WALSH LLP
Attorneys for the O'Dell Defendants

By: 

Brian T. Belowich
140 grand Street, 8th Floor
White Plains, New York 10601
(914) 265- 6088
bbelowich@belowichwalsh.com

WILLIAM K. KERRIGAN, ESQ.
Defendant *Pro Se*

By: William K. Kerrigan

William K. Kerrigan
42 Indian Hill Road
Katonah, New York 10536
(914) 645-0392
wkerrigan@mmkmlaw.com

CHRISTOPHER J. WALSH, ESQ.
Defendant *Pro Se*

By: _____

Marin Goodman, LLP
500 Mamaroneck Ave. Suite 102
Harrison, New York 10528
(212) 661-1151
CWalsh@maringoodman.com

ORDER OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure § 41(a), all of the remaining claims in the above entitled action are DISMISSED WITHOUT PREJUDICE AND NOT ON THE MERITS, with each party bearing that party's own attorney's fees and costs. The Clerk is directed to close the file.

SO ORDERED.

Dated: April 7, 2021



NELSON S. ROMÁN, USDJ