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May 2, 2022

VIA ECF

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
300 Quarropas Street, Courtroom 521
White Plains, New York 10601

MEMO ENDORSED

Re: Turk, et al. v. Rubbermaid Incorporated, Case No. 7:21-cv-00270-KMK
Letter Request for Clarification of Opinion & Order Dated April 26, 2022

Dear Judge Karas:

We represent Defendant Rubbermaid Incorporated in the above-referenced action. Defendant respectfully requests clarification of the Court's Opinion and Order dated April 26, 2022 (Dkt. No. 33) that dismissed this action without prejudice. That Opinion and Order notes, however, that "Plaintiffs were offered the opportunity to file an amended complaint over a month ago, and were warned that failure to file an amended complaint would result in dismissal with prejudice." *Id.* at 2. Indeed, the Court previously issued an Order on March 21, 2022 (Dkt. No. 32) that permitted Plaintiffs to file a Second Amended Complaint as to some of their causes of action within 30 days and noted that, if Plaintiffs did not amend, this "[would] result in dismissal of these claims with prejudice." For clarity in light of the March 21 and April 26 Orders, Defendant wishes to determine whether the final dismissal was with or without prejudice.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Brett F. Clements

Brett F. Clements

cc: All Counsel of Record (via ECF)

Upon reflection, the Court has determined that the Action should be dismissed with prejudice. Therefore, the dismissal is hereby with prejudice.

SO ORDERED

KENNETH M. KARAS U.S.D.J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Letter Request for Clarification of Opinion & Order Dated April 26, 2022 was served via ECF on all counsel of record.

Dated: May 2, 2022

By: /s/ Brett F. Clements
Brett F. Clements