UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	
RICHARD MINSKY,	<u>-</u>
Plaintiff, v.	No. 1:08-CV-0819 (LEK/DRH)
LINDEN RESEARCH, INC., et al.,	
Defendants.	

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court has been advised by United States Magistrate Judge David R. Homer that the parties in the above-captioned case have reported to him that the case has been settled. Counsel has also advised Judge Homer that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED that:

- 1. The above-captioned case is hereby **DISMISSED** in its entirety **without**prejudice to re-opening upon the motion of any party within forty-five (45) days of the date

 of the filing of this order upon a showing that the settlement was not consummated;
- 2. The dismissal of the above-captioned case shall become **with prejudice** on the forty-sixth day after the date of the filing of this order <u>unless</u> any party moves to reopen this case within forty-five (45) days of the date of the filing of this order upon a showing that the settlement was not consummated;

3. The Clerk shall forthwith serve by electronic mail copies of this Judgment upon the attorneys for the parties appearing in this action and upon plaintiff pro se by regular mail.

IT IS SO ORDERED.

DATED: January 22, 2009 Albany, New York

Lawrence E. Kahn U.S. District Judge