

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALTAUNE BROWN,

Plaintiff,

-v-

IVAPE NY, CORP. et al.,

Defendants.

26-CV-2556 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

The Court having been advised at ECF No. 17 that all claims asserted herein have been settled in principle, it is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action **within sixty days** of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen **must** be filed **by the aforementioned deadline**; any application to reopen filed thereafter may be denied solely on that basis. **Further, requests to extend the deadline to reopen are unlikely to be granted.**

If the parties wish for the Court to retain jurisdiction for the purposes of enforcing any settlement agreement, they **must** submit the agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Per Paragraph 5.B of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

Notwithstanding the foregoing, if the settlement in this action requires judicial approval — for example, because it involves a class action, *see* Fed. R. Civ. P. 23(e), “an infant or incompetent person,” *see* Local Civil Rule 83.2(a), or claims under the Fair Labor Standards Act,

29 U.S.C. § 201 *et seq.*, see *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) — the parties **must** file a letter within **three business days** of the entry of this Order alerting the Court and proposing a schedule for seeking such approval.

Any pending motions are moot. All conferences are canceled. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: June 16, 2026  
New York, New York



JESSE M. FURMAN  
United States District Judge