

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

# MANDATE

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25<sup>th</sup> day of August, two thousand and sixteen.

Before: Robert D. Sack,  
Denny Chin,  
Raymond J. Lohier, Jr.,  
*Circuit Judges.*

Dean Nicosia, on behalf of himself and all  
others similarly situated,

Plaintiff - Appellant,

v.

**JUDGMENT**

Docket No. 15-423

Amazon.Com, Inc.,

Defendant - Appellee.

The appeal in the above captioned case from a judgment of the United States District Court for the Eastern District of New York was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the district court's judgment is AFFIRMED in part and VACATED in part, and the case REMANDED for further proceedings.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

  


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  


**MANDATE ISSUED ON 09/20/2016**