

## UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Docket Number(s): 17-2218

Caption [use short title]

Motion for: Dismissal of Appeal

Set forth below precise, complete statement of relief sought:

The Parties to the above-referenced appeal jointly move,  
pursuant to Federal Rule of Appellate Procedure 42(b),  
to dismiss this appeal with prejudice. Through the attached  
motion, notice is hereby given that pursuant to Federal  
Rule of Appellate Procedure 42(b), the Parties hereby stipulate  
and agree to dismiss this appeal in its entirety with prejudice.

Vincent v. People Against Dirty, PBC

MOVING PARTY: Ashley Hammack, Objector/Appellant

OPPOSING PARTY: Wesley Vincent, Noelle Mrogante, et. al.

☒ Plaintiff☒ Defendant☒ Appellant/Petitioner☒ Appellee/Respondent

MOVING ATTORNEY: Stephen D. Field, Esq.

OPPOSING ATTORNEY: Jason P. Sultzer, Esq.

[name of attorney, with firm, address, phone number and e-mail]

Stephen D. Field, Esq., STEPHEN D. FIELD, P.A.

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Court- Judge/ Agency appealed from: United States District Court for the Southern District of New York, Judge Nelson S. Roman

## Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):

## FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

Is oral argument on motion requested?

☐ Yes☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No If yes, enter date:

Signature of Moving Attorney:

/s/Stephen D. Field

Date: 08/28/2017

Service by: ☒ CM/ECF☐ Other [Attach proof of service]

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

Appeal Case No.: 17-2218  
District Court Docket No. 0:16-cv-6936

WESLEY VINCENT, NOELLE MORGANTE,  
DANIEL RICHMAN, AND ASHLEY  
PELUCHETTE individually on behalf of himself  
and on behalf of all others similarly situated and  
John Does (1-100) on behalf of themselves and all  
others similarly situated,

Plaintiffs/Appellees,

v.

ASHLEY HAMMACK,

Objector/Appellant

**JOINT MOTION TO DISMISS APPEAL**

COME NOW, the Parties to the above-referenced appeal, and jointly move, pursuant to Federal Rule of Appellate Procedure 42(b), to dismiss this appeal with prejudice. Through this Motion, notice is hereby given that pursuant to Federal Rule of Appellate Procedure 42(b), the Parties hereby stipulate and agree to dismiss the above-referenced appeal in its entirety with prejudice, and with each party to bear its own fees and costs.

Dated: August 28, 2017

Respectfully submitted,

/s/ Jason P. Sultzer

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*Counsel for Plaintiffs/Appellee and the  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on August 28, 2017, the foregoing was filed with the Clerk of the Court via the CM/ECF system, which sent an electronic copy to all counsel of record on the Service List below.

/s/ Stephen D. Field

Stephen D. Field