

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAN MARTÍNEK,

Plaintiff,

-v.-

AMTRUST FINANCIAL SERVICES, INC.,
BARRY D. ZYSKIND, GEORGE KARFUNKEL,
and LEAH KARFUNKEL,

Defendants.

19 Civ. 8030 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

On January 14, 2022, Plaintiff Jan Martínek filed a motion for a spoliation finding and an adverse inference to be utilized at summary judgment and trial. (Dkt. #76). More recently, on July 21, 2022, the Court granted preliminary approval of Plaintiff's proposed class action settlement pursuant to Rule 23(e)(1)(B) of the Federal Rules of Civil Procedure and scheduled a final review hearing for November 16, 2022, at 3:00 p.m. (Dkt. #97).

The Court understands from its communications with Plaintiff that he intends to pursue his pending spoliation motion only in the event that the Court does not grant final approval of the proposed class action settlement. Accordingly, for administrative purposes, the Court hereby DENIES Plaintiff's motion without prejudice to its renewal following the Court's decision on whether to approve the proposed settlement.

The Clerk of Court is directed to terminate the motions at docket entries 64 and 76.

SO ORDERED.

Dated: August 9, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge