

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: ANNE Y. SHIELDS  
U.S. MAGISTRATE JUDGE

DATE: 04/24/2015  
TIME: 11:00 AM  
FTR: 11:07-11:34  
Recalled: 11:53-11:59

CASE: **CV 11-5138 (MKB) (AYS)** Del Cole & Doukas v. Rice, et al

TYPE OF CONFERENCE: PRE MOTION CONFERENCE

APPEARANCES: Plaintiff **Robert J. Del Col (Pro Se) , John M. Stravato**

Defendant **Paul A. Ferrillo, Scott E. Mollen, Daniel A. Bartoldus,  
Liora M. Ben-Sorek, and Jason Myatt**

**THE FOLLOWING RULINGS WERE MADE:**

- Scheduling Order entered.
- Settlement conference scheduled for \_\_\_ in courtroom 830 of the Long Island Courthouse. Counsel shall comply with the undersigned's individual rules on settlement.
- Proposed settlement pending: By \_\_\_, each party shall notify the court by *ex parte* letter to chambers at (631) 712-5715 whether it accepts or rejects the proposed settlement. These letters will be kept confidential.
- The Joint Pretrial Order is accepted for filing and the action is deemed ready for trial.
- Other: While Plaintiff Doukas previously agreed to the global settlement in this matter he

neither appeared at the conference nor executed the global settlement agreement. In view of his prior representation regarding his agreement to the settlement, Doukas is directed to execute that agreement and return an executed copy to Defendants by Wednesday April 29, 2015. The agreed upon settlement amount is to be paid (in the manner described below) on or before May 15, 2015. In the event that Defendants have difficulty in making payment by that date, they shall promptly inform Plaintiffs and this court of any such difficulty. The parties have raised an issue regarding a possible creditor's rights to the settlement portion to be paid to Doukas, including a claim of priority alleged to be

superior to that of Doukas' counsel to his fee. The Defendants responsible for the payment of the settlement have noted their agreement to the global settlement of this matter. They have also expressed their desire to pay the settlement and end their participation in this litigation. In light of the foregoing, the court orders that the portion of the settlement proceeds that is to be paid to Doukas be paid instead into the Clerk of the Court, pending resolution of the dispute. The parties shall inform the court, as soon as practicable, as to the procedural means they intend to employ in order to resolve the priority dispute. The court notes that there is no dispute regarding the portion of the settlement proceeds to be paid to Plaintiff Del Col. Therefore, the portion of the settlement proceeds to be paid to Del Col shall not be paid into court, but shall be paid directly to Del Col by the date set forth above. In view of the foregoing, the date by which a Stipulation of Discontinuance is due is to be filed in this matter is extended up to and including May 30, 2015. The parties have agreed that all Defendants will execute the global settlement agreement, and not separate releases. The Court notes and recognizes, as stated and agreed by counsel appearing today, the fact that that this case has been settled without any finding of liability on the part of any party. The Court further notes and recognizes, as stated and agreed by counsel appearing today, the fact that this matter has been settled without the payment of any funds by the Nassau County Defendants.

SO ORDERED

/s/ Anne Y. Shields

ANNE Y. SHIELDS

United States Magistrate Judge