

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN A. WARD, SR. and PAMELA WARD,
INDIVIDUALLY AND AS ADMINISTRATORS
OF THE ESTATE OF KEVIN A. WARD, JR.,
DECEASED

Civ. Action No. 7:15-cv-01023
DNH-TWD

Plaintiffs,

v.

ANTHONY WAYNE STEWART,

Defendant.

STIPULATED ORDER

WHEREAS, on August 7, 2015, Plaintiffs Kevin Ward, Sr. and Pamela Ward (collectively, “the Wards”) filed a civil lawsuit against Defendant Anthony Wayne Stewart in the New York State Supreme Court located in Lewis County, New York [Dkt. 3]; and

WHEREAS, Stewart properly removed the action to this Court pursuant to 28 U.S.C. § 1446 on diversity of citizenship grounds [Dkt. 1]; and

WHEREAS, on August 28, 2015, Stewart filed his Answer to Complaint and Counterclaim [Dkt. 6]; and

WHEREAS, on September 4, 2015, Stewart filed a Motion for Transfer of Venue to the Western District of New York, Rochester Division [Dkt. 10]; and

WHEREAS, the Motion to Transfer is set to be heard by the Court on October 9, 2015 at 10:00 A.M.; and

WHEREAS, on August 24, 2015, the Court issued a Filing Order, pursuant to which the Court set a status and scheduling conference, pursuant to Federal Rule of Civil Procedure 16(b), for October 8, 2015 at 11:00 A.M. Additionally, the Court ordered the Civil Case Management Plan filed and Mandatory Disclosures exchanged by the parties on or before October 1, 2015 [Dkt. 2]; and

WHEREAS, the Wards hereby consent to the entry of an order by this Court granting the Motion to Transfer and agree that this case should be transferred to the United States District Court located in the Western District of New York, Rochester Division; and

WHEREAS, the parties agree that it is in the interests of judicial efficiency and economy that the current case management dates set forth in the Court's Filing Order should be vacated and reset by the United States District Court located in the Western District of New York after transfer is complete; and

WHEREAS, the parties to the Litigation have jointly prepared and submitted this Stipulated Order;

NOW, THEREFORE, be it ordered as follows:

1. Stewart's Motion for Transfer of Venue to the Western District of New York, Rochester Division [Dkt. 10] is hereby GRANTED, and the Clerk is directed to transfer this case forthwith to the United States District Court for the Western District of New York, Rochester Division; and
2. The Court's Filing Order dated August 24, 2015 [Dkt. 2] is vacated.

SO STIPULATED:

/s/ W. Mark Lanier
W. Mark Lanier
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212-421-2800

/s/ Brian D. Gwitt
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DONE AND ORDERED in Chambers, at Utica, New York, on this _____ day of _____, 2015.

Hon. David N. Hurd
United States District Court Judge