
A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMMANUEL TORRES,

Plaintiff,

-v-

BAY AREA CREDIT SERVICES, et al.,

Defendants.

19 Civ. 9557 (PAE)

ORDER

PAUL A. ENGLMAYER, District Judge:

Before the Court is plaintiff's *pro se* application to reopen this case.


On November 12, 2019 having been advised by the parties that they had reached a settlement in principle, the Court issued an order closing this case. Dkt. 15. The Court directed that any application to reopen the matter was to be filed within 30 days. *Id.* On December 6, 2019 plaintiff filed a *pro se* application to reinstate the case, a supporting brief, and a first amended complaint. Dkts. 16, 18, & 19. On December 10, 2019 defendant American Medical Response ("AMR") filed a letter in opposition on the basis that a settlement between plaintiff, AMR, and defendant Bay Area Credit Services ("BACS") had been consummated. Dkt. 17. AMR further stated that, as part of the settlement, plaintiff signed a release agreement promising to refrain from further litigation against AMR and BACS. *Id.* Also on December 10, 2019 counsel for BACS filed a letter joining AMR's opposition. Dkt. 20. On December 13, 2020 the Court issued an order instructing defendants to file, under seal, an affidavit and supporting documentation setting out the basis for their belief that the settlement had been consummated. Dkt. 21. Defendants have now done so.

In its order closing this case, the Court stated that a party could move to reopen within 30 days "if the settlement is not consummated." *See* Dkt. 15. The Court has reviewed the signed settlement agreement between plaintiff and defendants BACS and AMR, which has been filed under seal. Defendants have also submitted documentation under seal that leaves the Court satisfied that BACS and AMR have upheld their end of the bargain. The Court therefore has no trouble concluding that settlement has been consummated in this matter.

Plaintiff's application to reopen is therefore denied. The Clerk of Court is respectfully directed to terminate the motion pending at docket 18, strike the First Amended Complaint at docket 6, and dismiss defendants Wakefield & Associates and Rural Metro Ambulance Corp., which were added as parties by the First Amended Complaint. If plaintiff wishes to pursue litigation against these new defendants he may do so in a court of appropriate jurisdiction. This matter, however, will remain closed.

The Clerk of Court is respectfully directed to mail a copy of this Order to plaintiff.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 23, 2019
New York, New York

B

United States Court of Appeals
FOR THE
SECOND CIRCUIT

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 25th day of January, two thousand twenty-one.

Present: Barrington D. Parker,
Raymond J. Lohier, Jr.,
Steven J. Menashi,
Circuit Judges.

Emmanuel Torres,

Docket No. 20-297

Plaintiff-Appellant,

v.

Bay Area Credit Services, American Medical Response, Inc.,

Defendants-Appellees,

Wakefield and Associates, Rural Metro Ambulance Corp.,

Defendants.

Appellee American Medical Response, Inc. moves, unopposed, to dismiss the appeal as moot. Upon due consideration it is hereby ORDERED that the motion is GRANTED and the appeal is dismissed as MOOT. *See LaForest v. Honeywell Int'l Inc.*, 569 F.3d 69, 73–74 (2d Cir. 2009).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe


C

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

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 26th day of March, two thousand twenty-one,

Present: Barrington D. Parker,
Raymond J. Lohier, Jr.
Steven J. Menashi,

Circuit Judges,

Emmanuel Torres,

Plaintiff - Appellant,

v.

Bay Area Credit Services, American Medical Response,
Inc.,

Defendants - Appellees,

Wakefield and Associates, Rural Metro Ambulance
Corp.,

Defendants.

Appellant Emmanuel Torres filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe



D

MANDATE

S.D.N.Y.
19-ev-9557
Engelmayer, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

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 25th day of January, two thousand twenty-one.

Present: Barrington D. Parker,
Raymond J. Lohier, Jr.,
Steven J. Menashi,
Circuit Judges.

Emmanuel Torres,

Docket No. 20-297

Plaintiff-Appellant,

v.

Bay Area Credit Services, American Medical Response, Inc.,

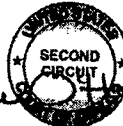
Defendants-Appellees,

Wakefield and Associates, Rural Metro Ambulance Corp.,

Defendants.

Appellee American Medical Response, Inc. moves, unopposed, to dismiss the appeal as moot. Upon due consideration it is hereby ORDERED that the motion is GRANTED and the appeal is dismissed as MOOT. *See LaForest v. Honeywell Int'l Inc.*, 569 F.3d 69, 73-74 (2d Cir. 2009).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court



Catherine O'Hagan Wolfe

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe

MANDATE ISSUED ON 04/02/2021