

**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 day of _____, two thousand and _____,

STIPULATION

Docket Number:

It appears that the above-captioned appeal is premature in that some claims remain pending in district court and no Fed. R. Civ. P. 54(b) certification has issued.

The undersigned counsel for the parties stipulate that the above-captioned appeal is withdrawn with prejudice without costs or fees pursuant to FRAP 42(b). This stipulation shall not preclude an appeal from a final judgment or an otherwise appealable order.

Date: _____

Attorney for Appellant

Print Name and Firm

Date: _____

Attorney for Appellee

Print Name and Firm