

USDC SDNY *Crotty, J*  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 18 JAN 2011

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VIA ECF

-----X  
EFREN OYERBIDE, *et al.*, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

-against-

09 CV 9940  
Crotty, J.  
Dolinger, M.

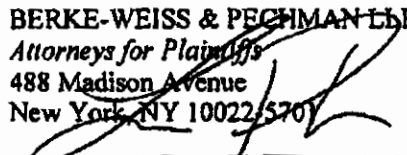
NELLO BALAN, *et al.*,

Defendants.  
-----X

STIPULATION AND ORDER OF SETTLEMENT

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Defendants, that the above-captioned action be dismissed in its entirety, with prejudice, and with no award of attorneys' fees, costs or disbursements by the Court to any Party. The settlement in this matter has been reviewed by this Court, which has found the settlement to be a fair and reasonable compromise of all claims. This Court shall retain jurisdiction of the case pending full payment under the settlement.

BERKE-WEISS & PECHMAN LLP  
*Attorneys for Plaintiffs*  
488 Madison Avenue  
New York, NY 10022/5701

By:   
Louis Pechman, Esq.

Dated: 1/11/11

JACKSON LEWIS LLP  
*Attorneys for Defendants*  
Madison Global LLC, MS Global Holding Corp., Main LLC, Majestate Tantum LLC, Thomas Makkos, George Makkos and Paul Nica  
58 South Service Road, Suite 410  
Melville, New York 11747  
(631) 247-0404

By:   
Felice B. Ekelman, Esq.

Dated: 1/13/11

GORDON, SIBELL & IANNONE,  
PLLC  
*Attorneys for Defendants Nello  
Balan, Nello Summertime LLC, Nello  
(Catering) LLC, Nello (Food) LLC,  
999 Restaurant Corp., K-2 Rest.  
Corp, TD Source, Inc., Midtown  
Technologies Inc., Nello NY Ltd.,  
Nello On Madison, Inc. and 1350  
Sixth Avenue Corp.  
400 Garden City Plaza #106  
Garden City, NY 11021*

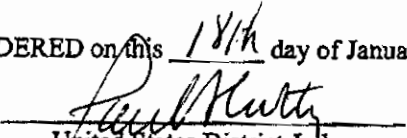
By:

  
James L. Iannone, Esq.

Dated:

1/11/11

SO ORDERED on this 18th day of January 2011

  
United States District Judge

BC