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DATE FILED: 6/8/16

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

-----X
GARY ZAGAMI, individually and on behalf
of all others similarly situated,

Plaintiff,

15 CIVIL 7194 (KPF)

-against-

JUDGMENT

CELLCEUTIX CORPORATION, et al.,
Defendants.
-----X

Defendants having moved to dismiss Plaintiff's Second Amended Complaint ("SAC") in its entirety, and the matter having come before the Honorable Katherine Polk Failla, United States District Judge, and the Court, on June 8, 2016, having rendered its Opinion and Order granting Defendants' motion to dismiss Plaintiff's SAC. Plaintiff has requested leave to replead, without presenting any concrete means of remedying the deficiencies identified in the Opinion. Because Plaintiff has previously been given leave to replead, and because the Court finds that any further repleading would be futile, the Court is denying Plaintiff's request. See *Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC*, 797 F.3d 160, 190 (2d Cir. 2015) (identifying futility as a proper ground for denying leave to replead); see generally *United States ex rel. Ladas v. Exelis, Inc.*, F.3d, No. 14-4155-cv, 2016 WL 3003674, at *9 (2d Cir. May 25, 2016); and directing the Clerk of Court to terminate all pending motions, adjourn all remaining dates, and close this case, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated June 8, 2016, Defendants' motion to dismiss Plaintiff's SAC is granted. Plaintiff has requested leave to replead, without presenting any concrete means of remedying the deficiencies identified in this Opinion. Because Plaintiff has previously been given

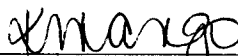
leave to replead, and because the Court finds that any further repleading would be futile, Plaintiff's request is denied; accordingly, the case is closed.

Dated: New York, New York
June 8, 2016

RUBY J. KRAJICK

Clerk of Court

BY:



Deputy Clerk