

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 07-60534-CIV-DIMITROULEAS/ROSENBAUM

HOWARD K. STERN,

Plaintiff,

vs.

JOHN M. O'QUINN and
JOHN M. O'QUINN & ASSOCIATES PLLC
d/b/a The O'Quinn Law Firm,

Defendants.

ORDER

This matter comes before the Court upon Plaintiff Howard K. Stern's Notice of Withdrawal Without Prejudice of Plaintiff Howard K. Stern's Motion Filed Under Seal on February 13, 2009. ("Notice of Withdrawal") [D.E. 275]. Upon receipt of the Notice of Withdrawal, the Court entered an Order Setting Status Conference [D.E. 276] in which it directed the parties to appear before the Court on July 1, 2009, for a status conference.

The Court has now heard from counsel for the parties and notes that during the July 1, 2009, status conference, counsel for Plaintiff notified the Court that Plaintiff will not be pursuing his Motion filed under seal on February 13, 2009. [D.E. 252]. Further, counsel for Plaintiff clarified that the previously filed Notice of Withdrawal should reflect that the February 13, 2009, Motion is being withdrawn **with prejudice**.

Having heard from counsel on July 1, 2009, the Court notes that Plaintiff's Notice of Withdrawal is made with prejudice. Accordingly, in light of the Notice of Withdrawal, Plaintiff's Motion filed under seal on February 13, 2009 [D.E. 252] is hereby **DENIED AS MOOT**.

Additionally, the evidentiary hearing currently scheduled for July 7, 2009, is hereby **cancelled**.

DONE AND ORDERED at Fort Lauderdale, Florida, this 1st day of July, 2009.



ROBIN S. ROSENBAUM

United States Magistrate Judge

cc: Honorable William P. Dimitrouleas
counsel of record