

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
JPMORGAN CHASE BANK, N.A.,	:	
Plaintiff,	:	
	:	24 Civ. 2924 (LGS)
-against-	:	
	:	<u>ORDER</u>
VTB BANK, P.J.S.C.,	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on July 11, 2024, Plaintiff filed a pre-motion letter requesting a conference regarding Plaintiff's anticipated motion to discontinue this action. Plaintiff represented that it was coerced into filing a motion to discontinue because Defendant obtained a permanent anti-suit injunction from the Russian court ordering Plaintiff to discontinue this action.

WHEREAS, on July 15, 2024, Defendant filed a response to Plaintiff's letter, stating that Defendant did not oppose discontinuance of this action.

WHEREAS, on August 8, 2024, a conference was held on Plaintiff's pre-motion letter. It is hereby

ORDERED that Plaintiff's unopposed motion to discontinue this action is **GRANTED**. This action is **DISMISSED WITHOUT PREJUDICE**. Plaintiff may, in its sole discretion, file an application or motion seeking to restore this action to this Court's calendar at any time. It is further

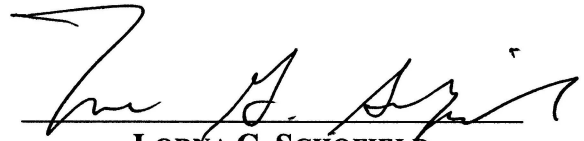
ORDERED that Defendant's pending motion to dissolve this Court's preliminary injunction is **DENIED** as moot without prejudice to renewal. It is further

ORDERED that for the avoidance of doubt, the entirety of the July 29, 2024, Order finding Defendant in civil contempt for its violation of the April 26, 2024, Preliminary Injunction

and the entirety of the August 6, 2024, Order fining Defendant \$500,000 in accordance with the July 29, 2024, Order remain in effect after discontinuance, unless and until modified by Court order. Failure to comply with those orders may result in further sanctions. This Court retains its power to sanction even after a suit is discontinued. *See U.S. D.I.D. Corp. v. Windstream Commc'ns, Inc.*, 775 F.3d 128, 134 (2d Cir. 2014) (“It is well established . . . that a federal court may consider collateral issues after an action is no longer pending,” including “for instance . . . initiat[ing] contempt proceedings after a voluntary dismissal without prejudice,” and voluntary dismissal “does not preclude the district court from considering collateral issues such as sanctions”)¹; *Rice v. NBCUniversal Media, LLC*, No. 19 Civ. 447, 2019 WL 3000808, at *4 (S.D.N.Y. July 10, 2019) (Court “plainly had authority to consider sanctions and to mandate counsel’s appearance at a conference related to sanctions” after a signed stipulation of dismissal.).

The Clerk of Court is respectfully directed to close this case.

Dated: August 15, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

¹ Unless otherwise indicated, in quoting cases, all internal quotation marks, footnotes and citations are omitted, and all alterations are adopted.