

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DAVID A. JOFFE,	:	
	:	
	:	17-CV-3392 (VEC)
Plaintiff,	:	
-against-	:	<u>ORDER TO SHOW CAUSE</u>
	:	
KING & SPALDING LLP,	:	
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS Mr. Joffe brought an ERISA claim and a New York state common law claim under *Wieder v. Skala*, 80 N.Y.2d 628 (1992) against King & Spalding, Compl., Dkt. 1;

WHEREAS on November 10, 2020, the parties stipulated to a non-jury trial on the ERISA claim, Dkt. 258;


WHEREAS on November 11, 2020, the Court informed the parties that it would decide the ERISA claim after the jury returned a verdict on the *Wieder* claim, Dkt. 259; and

WHEREAS on November 29, 2021, the jury returned a verdict in favor of King & Spalding on Mr. Joffe's *Wieder* claim;

IT IS HEREBY ORDERED that by no later than **Friday, December 17, 2021**, Mr. Joffe must show cause why judgment should not be entered in King & Spalding's favor on his ERISA claim given the record developed at trial.

**SO ORDERED.**

**Date: November 30, 2021**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**