



SUPREME COURT GRANTS HOLWELL SHUSTER & GOLDBERG'S CERT PETITION IN *WAETZIG V. HALLIBURTON*

10.07.2024

New York – The U.S. Supreme Court announced on October 4 that it has granted HSG's petition for certiorari seeking review in *Waetzig v. Halliburton Energy Services, Inc.*, No. 23-971. Oral argument in the case will likely be heard in early 2025.

This case presents the question whether federal district courts have the power under Federal Rule of Civil Procedure 60 to set aside a voluntary dismissal without prejudice filed under Rule 41. HSG's client, Mr. Waetzig, had voluntarily dismissed his age-discrimination case against Halliburton when the latter had moved to compel arbitration. Following arbitration, the district court set the dismissal aside under Rule 60, but the Tenth Circuit reversed, holding that the district court lacked authority to do so. In seeking certiorari, HSG argued that the Tenth Circuit created a circuit split as to the authority of district courts under Rule 60, and erroneously read into the federal rules a "no-man's land" for voluntary dismissals.

HSG partner Vincent Levy, of counsel Kevin D. Benish, and associates Jack Millman and Byron J. Hazzard represent Mr. Waetzig as lead counsel. Mr. Waetzig is also represented by Spencer J. Kontnik and Austin M. Cohen of Kontnik Cohen LLC.

ATTORNEYS

Kevin Benish

Byron Hazzard

Vincent Levy

Jack L. Millman