

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELVIN BLATCH, *et al.*,

Plaintiff,

vs.

TINO HERNANDEZ, *et al.*,

Defendant.

97 Civ. 3918 (LTS) (RBP)

AND ORDER for
**STIPULATION OF SETTLEMENT
OF ATTORNEYS' FEES, COSTS
AND DISBURSEMENTS**

WHEREAS counsel for the parties jointly sought, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, approval by this Court of the Stipulation and Order of Settlement entered into by the parties, so-ordered on October 10, 2008 (the "Settlement"); and

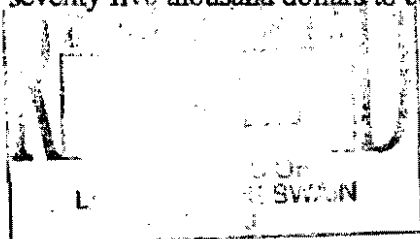
WHEREAS the Court held a fairness hearing on September 23, 2008 at which it determined that the Settlement is fair, reasonable, and adequate for the reasons set forth at that hearing and by Order filed October 10, 2008,

WHEREAS the Court entered a final judgment on December 15, 2008 and so-ordered a stipulation extending the plaintiffs' time to move for an award of attorneys' fees, costs and disbursements;

WHEREAS the parties now seek to resolve the issues of attorneys' fees, costs, and disbursements without further litigation on terms just and fair to all parties and hereby enter into the within Stipulation of Settlement of Attorneys' Fees, Costs and Disbursements ("Fee Stipulation");

IT IS HEREBY STIPULATED AND AGREED as follows:

- 1) The New York City Housing Authority shall pay the sum of five hundred and seventy five thousand dollars to counsel to the plaintiff class, and the plaintiff class hereby



agrees to accept said payment in full satisfaction of all claims for attorneys' fees, costs, and disbursements, in, arising from, or in connection with this action for the time period and to the extent set forth in paragraph 3 below. Payment should be made by check as follows: \$491,050 to the Legal Aid Society and \$83,950 to Skadden, Arps, Slate, Meagher & Flom LLP. These two payments shall be made within sixty days from the date the within Fee Stipulation is "so ordered" by the Court with post-judgment interest accruing if payment is issued after that date.

2) In consideration of this payment, the plaintiffs individually and on behalf of each member of the class, and on behalf of the respective heirs, executors, administrators, personal representatives, successors and assigns of each of themselves and each of the members of the class hereby jointly and severally release and forever discharge the New York City Housing Authority, including without limitation its past and present officials, employees, departments, agencies, representatives, directors and agents, their successors and assigns and their respective heirs, executors, administrators, personal representatives, and transferees and each of them from any and all claims for fees, costs, and disbursements arising from or in connection with the above-captioned action through the date that the Stipulation is "so-ordered" by the court and to the extent set forth in paragraph 3 below, and this Fee Stipulation shall be deemed a release to that effect.

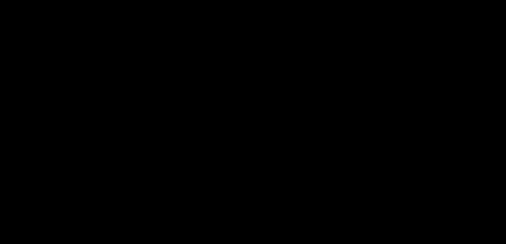
3) This Fee Stipulation resolves all claims for attorneys' fees, costs, and disbursements accruing from the beginning of time through the duration of the Court's retention of jurisdiction in accordance with the provisions of the Stipulation of Settlement as set forth in paragraphs 4 and 13 of the Stipulation and Order of Settlement, provided however, that the plaintiff class reserves claim(s), if any by them, for attorneys' fees, costs and disbursements which may be accrued or incurred in connection with a motion as against the defendants seeking

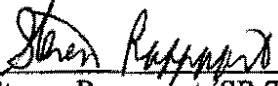
an order enforcing the term(s) of the Stipulation and Order of Settlement in accordance with the court's reservation of jurisdiction pursuant to paragraphs 4 and 13 of the Stipulation of Settlement based upon defendants' alleged non-compliance with its provisions or a motion as against defendants seeking an order for enforcement of and/or any and all remedies for failure to comply with the provisions of the Stipulation.

4) Each of the undersigned represents that he or she has been duly authorized to enter into this Fee Stipulation.

5) Facsimile signatures are acceptable for execution and filing of this Fee Stipulation.

Dated: New York, New York
March 2, 2009


Judith Goldiner (JG 3602)
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New York, NY 10038
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Attorney for the Defendants

SO ORDERED:


3/11/2009
Laura Taylor Swain
U.S.D.J.