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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

- against -

L&M 93RD STREET LLC and COSTAS
KONDYLIS & PARTNERS, LLP,

Defendants.

ECF CASE

~~PROPOSED~~ STIPULATION AND
ORDER EXTENDING CERTAIN
DEADLINES IN AND THE DURATION
OF CONSENT DECREE

10 Civ. 7495 (RMB)

RMB

WHEREAS, on July 22, 2011, this Court entered a Consent Decree between plaintiff the United States and defendant L&M 93rd Street LLC (the "Developer Defendant") resolving the United States' claims against the Developer Defendant under the Fair Housing Act ("FHA"), codified at 42 U.S.C. §§ 3601-3619, concerning the Melar Apartments ("The Melar"), a residential apartment building in New York, New York;

WHEREAS, pursuant to paragraphs 7, 8, and 12 of the Consent Decree, the Developer Defendant was required to provide certain notices to current residents and, under paragraph 8, prospective residents concerning retrofits to the public areas and to individual apartments at The Melar (collectively, the "Retrofit Notices"), within 10 days of entry of the Consent Decree;

WHEREAS, pursuant to paragraphs 26, 27, and 28 of the Consent Decree, the Developer Defendant was required to (i) commence publishing in certain newspapers a notice to Persons Who May Have Suffered Housing Discrimination in the form set forth at Appendix E of the Consent Decree (the "Aggrieved Persons Notice"), (ii) place an electronic version of the Aggrieved Persons Notice as a link on the website of The Melar, and (iii) send the Aggrieved Persons Notice to the Fair Housing Justice Center and the United Spinal Association, within 15 days of the entry of the Consent Decree;

WHEREAS, pursuant to paragraph 29 of the Consent Decree, the Developer Defendant was required to send a copy of the Aggrieved Persons Notice to all current and former residents of The Melar, within 30 days of the entry of the Consent Decree;

WHEREAS, pursuant to paragraphs 38 and 40 of the Consent Decree, the Developer Defendant was required to (i) provide a copy of the Consent Decree to all agents and employees involved in the design or construction of The Melar (meaning a representative of Rose Associates, Inc.) or involved in the rental of units at the Melar and/or the supervision of services at The Melar, and (ii) obtain signed statements from these individuals that they received and read the Consent Decree, and had any question about the Consent Decree answered, within 30 days of the entry of the Consent Decree;

WHEREAS, pursuant to paragraph 46 of the Consent Decree, and for the duration of the Consent Decree, the Developer Defendant was required to place, in a conspicuous location in all advertisements and promotional materials regarding The Melar, a statement that the apartments include features for persons with disabilities as required by the Fair Housing Act;

WHEREAS, the Developer Defendant asserts that, due to certain delays in organizing the form of notice to be sent to each existing or prospective tenant regarding the required or optional retrofits to the various apartments, and arranging for the publication or other form of distribution of notices as provided in the Consent Decree, it did not commence sending out or posting electronically the notices required under the Consent Decree until October 2011, did not complete the required distribution or electronic posting of such notices until December 2011, and did not complete the publication of the Aggrieved Persons Notice in newspapers until January 2012;

WHEREAS, the Developer Defendant and the United States agree that, as result of the Developer Defendant's delays in meeting the deadlines set forth in the Consent Decree, as

described above, implementation of the Consent Decree has been delayed;

WHEREAS, the Developer Defendant and the United States agree that it is in the interest of justice to extend the term of Consent Decree to ensure timely and full compliance with the terms of the Consent Decree;

IT IS HEREBY STIPULATED, AGREED AND ORDERED, that:

1. The following deadlines for performance by the Developer Defendants under the Consent Decree are hereby extended, *nunc pro tunc*, by 150 days:

(A) The date by which the Developer Defendant must distribute the Retrofit Notices, as set forth in paragraphs 7, 8, and 12 of the Consent Decree;

(B) The date by which the Developer Defendant must publish the Aggrieved Persons Notice, place an electronic version of the Aggrieved Persons Notice on The Melar's website, and send a copy of the Aggrieved Persons Notice to the Fair Housing Justice Center, the United Spinal Association, and current and past residents of The Melar, in accordance with paragraph 26, 27, 28, and 29 of the Consent Decree;

(C) The date by which the Developer Defendant must comply with the requirements of the Educational Program, in accordance with paragraphs 38 and 40 of the Consent Decree;

(D) The date by which the Developer Defendant shall comply with the requirements of the Non-Discrimination Policy provisions of the Consent Decree, as set forth in paragraph 46 of the Consent Decree;

2. The following deadlines for actions to be taken by the United States under the Consent Decree are hereby extended by 150 days:

(A) The date by which the United States shall inform the Developer Defendant of all of

its initial determinations regarding the claims of allegedly aggrieved persons, in accordance with paragraph 32 of the Consent Decree; and

(B) The date by which the United States shall inform the Developer Defendant of all of its remaining determinations regarding the claims of allegedly aggrieved persons, in accordance with paragraph 32 of the Consent Decree.

3. All other deadlines and/or time limits for the Developer Defendant to comply with requirements of the Consent Decree not explicitly set forth in paragraphs 1 and 2 of this Stipulation and Order remain as set forth in the Consent Decree.

4. The duration of the Consent Decree shall be extended by an additional 150 days.

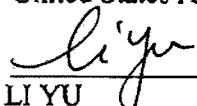
For the United States:

For L&M 93rd Street LLC:

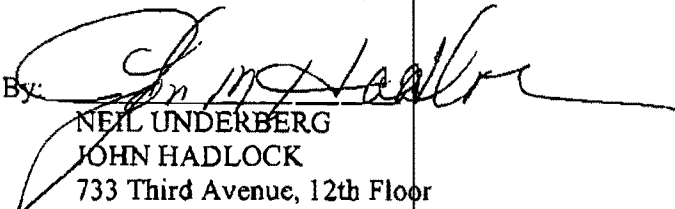
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ON CONSENT,
SO ORDERED this 9th day of February, 2012.


HON. RICHARD M. BERIMAN
UNITED STATES DISTRICT COURT JUDGE