

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
 :
 PATRICK TUYIZERE, SUK MAYA RAI, :
 BBT by her parent and natural guardian BIRKHA :
 BOLON, ALI JANAR, CHO CHO WIN, ADO :
 LAR, on behalf of themselves and all others :
 similarly situated, :
 :
 Plaintiffs, :
 :
 v. :
 :
 UTICA CITY SCHOOL DISTRICT BOARD OF :
 EDUCATION, UTICA CITY SCHOOL :
 DISTRICT, BRUCE J. KARAM, Superintendent :
 of Utica City School District, in his official :
 capacity, :
 :
 Defendants. :
 -----X

Index No. 15-cv-488 (DNH)(TWD)

**STIPULATION AND [PROPOSED]
ORDER CONCERNING
ATTORNEYS' FEES AND COSTS**

WHEREAS, this Court entered a consent decree and stipulation of dismissal on June 3, 2016 resolving the underlying claims in *Tuyizere, et al. v. Utica City School District Board of Education, et al.*, and *Utica City School District Board of Education, et al. v. Mohawk Valley Resource Center for Refugees*;

WHEREAS, pursuant to Section XIII of the Consent Decree, this Court retained jurisdiction to resolve the New York Civil Liberties Union and Legal Services of Central New York's ("Plaintiffs' counsel") request for attorneys' fees and costs; and

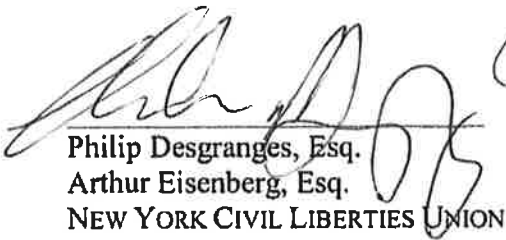
WHEREAS, Plaintiffs' counsel and Defendants (collectively, the "Parties") would like to settle this matter rather than continue generating expenses in litigation.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, and the Parties hereby stipulate, that the issue of attorneys' fees and costs in the above-captioned case will be fully and completely settled upon the following terms and conditions:

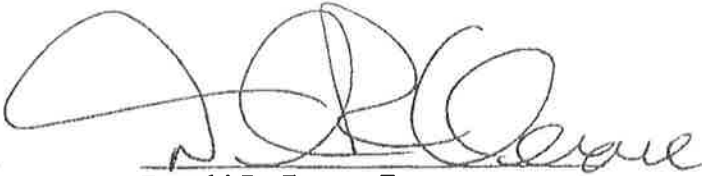
1. Within 30 days of date that this Stipulation and Order Concerning Attorneys' Fees and Costs ("Stipulation and Order") is so ordered by the Court, Defendants shall deliver to the New York Civil Liberties Union a check in the amount of FORTY NINE THOUSAND EIGHT HUNDRED AND EIGHTY-FOUR DOLLARS AND THIRTY CENTS (\$49,884.30) made payable to the New York Civil Liberties Union Foundation, and shall deliver to Legal Services of Central New York a check in the

amount of THIRTY THOUSAND ONE HUNDRED AND FIFTEEN DOLLARS AND SEVENTY CENTS (\$30,115.70) made payable to Legal Services of Central New York.

2. In exchange for the Defendants' full payment of the fees and costs in paragraph 1, Plaintiffs' counsel release their claims against the Defendants for attorneys' fees and costs for the time and resources spent litigating the above-captioned case up to and including the date of this Stipulation and Order.
3. The Court shall maintain jurisdiction to enforce this Stipulation and Order. In the event that the Defendants do not provide full payment of attorneys' fees and costs to Plaintiffs' counsel as required by this Stipulation and Order, Plaintiffs' counsel may move the Court for specific performance of paragraph 1 of this Stipulation and Order.
4. This Stipulation and Order represents the full and entire understanding and agreement between the Parties regarding Plaintiffs' counsel's request for attorneys' fees and costs for the time and resources spent litigating the above-captioned case up to and including the date of this Stipulation and Order. By the signatures appearing below, Plaintiffs' counsel and Defendants represent that they are authorized to enter into this Stipulation and Order, have consented to these terms voluntarily, and intend this Stipulation and Order to be binding and enforceable against the Parties.

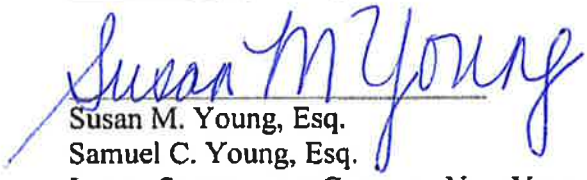

Philip Desgranges, Esq.
Arthur Eisenberg, Esq.
NEW YORK CIVIL LIBERTIES UNION
FOUNDATION

125 Broad Street, 19th Floor
New York, New York 10004
Tel: (212) 607-3300
pdesgranges@nyclu.org
aeisenberg@nyclu.org



Donald R. Gerace, Esq.
DONALD R. GERACE LAW OFFICES
2613 Genesee Street
Utica, New York 13501
Tel: (315) 735-7509
dgerace@yahoo.com

Attorney for Defendants



Susan M. Young, Esq.
Samuel C. Young, Esq.
LEGAL SERVICES OF CENTRAL NEW YORK
221 S. Warren Street, Suite 300
Syracuse, New York 13202
Tel: (315) 703-6500
syoung@lscny.org
samyoung@lscny.org

Attorneys for Plaintiffs

August
Dated: ~~July~~ 4, 2016

SO ORDERED this ___ day of
_____, 2016

UNITED STATES DISTRICT JUDGE