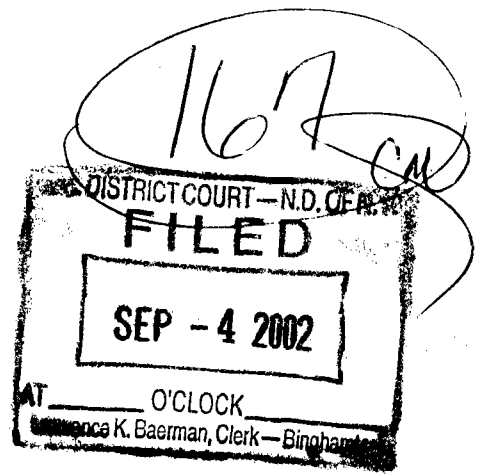


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& filed
9/4/02
AK*



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES FRISBEE

vs.

CIVIL NO. 1: 00-CV-824

MICHAEL SILER & CITY OF SCHENECTADY

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court has been advised by counsel that this action has been settled, or is in the process of being settled only as to the parties referenced herein, Charles Frisbee, Michael Siler and the City of Schenectady. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

ORDERED that:

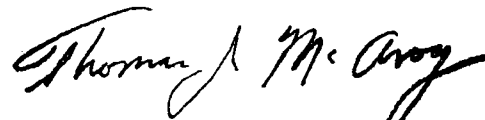
1. The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party referenced herein within thirty days of the date of the filing of this order upon a showing that the settlement was not consummated;

2. The dismissal of the above captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party as referenced herein moves to re-open this case within thirty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and **file** a Stipulation of Discontinuance with the Court; and,

3. The Clerk shall forthwith serve by regular mail copies of this Judgment upon the attorneys for the parties appearing in this action.

IT IS SO ORDERED.

Dated: September 4, 2002



Hon. Thomas J. McAvoy
U.S. District Judge

settlmnt.3/00