

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADAM PRITCHARD, EDWARD
ROBINSON, and JULENNE TUCKER,
both individually and on behalf of a class of
others similarly situated,
Plaintiffs,

v.

THE COUNTY OF ERIE, PATRICK M.
GALLIVAN both individually and in his
official capacity as Sheriff of the County of
Erie, TIMOTHY HOWARD, both
individually and as Undersheriff of the
County of Erie, DONALD J.
LIVINGSTON, both individually and as
Acting Superintendent of the Erie County
Correctional Facility, ROBERT HUGGINS,
both individually and as Deputy
Superintendent of the Erie County
Correctional Facility, and H. McCARTHY
GIBSON, both individually and as
Superintendent of the Erie County Holding
Center,
Defendants.

Hon. Hugh B. Scott

04CV534C

STIPULATION AND ORDER

WHEREAS, the Defendants are represented by counsel;

WHEREAS, the Defendants COUNTY OF ERIE, PATRICK M. GALLIVAN,
TIMOTHY HOWARD, DONALD J. LIVINGSTON, and ROBERT HUGGINS, in their Answer
dated September 16, 2004, asserted a cross-claim against Defendant H. McCARTHY GIPSON;

WHEREAS, the Defendant H. McCARTHY GIPSON (incorrectly sued herein as H.
McCARTHY GIBSON), in his Answer dated September 16, 2004, asserted a cross-claim against

the Defendants COUNTY OF ERIE, PATRICK M. GALLIVAN, TIMOTHY HOWARD,
DONALD J. LIVINGSTON and ROBERT HUGGINS;

WHEREAS, the Defendants each have agreed between themselves to withdraw their
respective cross-claims asserted in their original answers and to serve amended answers,

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. That the Defendants COUNTY OF ERIE , PATRICK M. GALLIVAN, TIMOTHY
HOWARD, DONALD J. LIVINGSTON and ROBERT HUGGINS hereby agree
to withdraw their cross-claim against Defendant H. McCARTHY GIPSON; and
2. That the Defendant H. McCARTHY GIPSON hereby agrees to withdraw his cross-
claim against the Defendants COUNTY OF ERIE, PATRICK M. GALLIVAN,
TIMOTHY HOWARD, DONALD J. LIVINGSTON and ROBERT HUGGINS .

STIPULATED AND AGREED TO BY:

/s/Thomas C. D'Agostino
Thomas C. D'Agostino
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/s/Frank Gaglione
Frank Gaglione
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Timothy Howard, Donald J.
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SO ORDERED:

s/HBS
Honorable Hugh B. Scott
United States Magistrate Judge

Buffalo, New York
June 23, 2005