

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



JI-NY-001-004

ANDRE H., a minor under the age of 21 years, by his mother and next friend, LULA H.; individually and on behalf of all other persons similarly situated,

Plaintiffs,

-against-

THOMAS SOBOL, in his official capacity as Commissioner of the New York State Department of Education; NEW YORK CITY DEPARTMENT OF JUVENILE JUSTICE; ROSE W. WASHINGTON, in her official capacity as Commissioner of the New York City Department of Juvenile Justice; WILL McINTOSH, in his official capacity as Acting Executive Director of Spofford Juvenile Detention Center; LEONARD DUNSTON, in his official capacity as Director of the New York State Division for Youth; THE BOARD OF EDUCATION OF THE CITY OF NEW YORK; ROBERT F. WAGNER, JR., JAMES REGAN, GWENDOLYN BAKER, EDWARD SADOWSKY, AMALIA BETANZOS, IRENE IMPELLIZZERI and STEPHEN FRANSE, in their official capacities as members of the Board of Education of the City of New York; JOSEPH A. FERNANDEZ, in his official capacity as Chancellor of the Board of Education of the City of New York; STANLEY LITOW, in his official capacity as Deputy Chancellor of the Board of Education of the City of New York; and EDDY BAYARDELLE, in his official capacity as Executive Director of the Division of Special Education of the Board of Education of the City of New York;

Defendants.

84 Civ. 3114 (DNE)

STIPULATION AND  
ORDER REGARDING  
ATTORNEY'S FEES  
AND COSTS


IT IS HEREBY AGREED BY AND BETWEEN THE ATTORNEYS FOR THE  
RESPECTIVE PARTIES THAT:

1. Pursuant to ¶ 35 of the Stipulation and Order of Settlement, plaintiffs' counsel shall accept the sum of \$135,000 (one hundred thirty-five thousand dollars) in full satisfaction of the claim of plaintiffs' counsel for attorney's fees and costs incurred in the prosecution of this action through the date this Stipulation and Order is entered by the Court. In consideration of the receipt of the sum of \$135,000, plaintiffs release defendants from any and all liability for attorney's fees incurred in the prosecution of this action through the date of the entry of this Stipulation and Order. Of the \$135,000, City defendants shall pay to plaintiffs' counsel the sum of \$108,000 (one hundred eight thousand dollars) and State defendants shall pay to plaintiffs' counsel the sum of \$27,000 (twenty-seven thousand dollars).

2. This Stipulation and Order is subject to the approval of all appropriate state officials pursuant to Section 17 of the Public Officer's Law.

3. The attorneys fees and costs are to be made payable to plaintiffs' counsel, The Legal Aid Society, 15 Park Row, 21st Floor, New York, New York 10038.


Dated: New York, New York  
December 26, 1990

  
LENORE GITTIS, ESQ. LG1875  
THE LEGAL AID SOCIETY  
JUVENILE RIGHTS DIVISION  
Attorney for Plaintiffs

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Of Counsel:  
HENRY S. WEINTRAUB, ESQ.

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New York City Department  
of Juvenile Justice,  
Wagner, Regan, Baker,  
Sadovsky, Betanzos  
Impellizzerri, Franse,  
Board of Education of  
the City of New York,  
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By:

  
JONATHAN PINES JP3022  
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and Dunston  
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(212) 341-2647

By:

  
MARTHA O. SHOEMAKER MOS8303  
Assistant Attorney General

SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York  
December 26, 1990 