

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANTHONY MEDINA, KELVIN CURRAN, JAMES COLANTUONO, WARREN DAVIS, KEVIN JONES, PETER LOPEZ, CHRISTOPHER MORRISHAW AND MICHAEL SMITH,  
*individually and on behalf of others similarly situated,*

Plaintiffs,

-against-

THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SERVICES; BRIAN FISCHER, COMMISSIONER OF THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SERVICES; LUCY BUTHER, ADA COORDINATOR OF THE NEW YORK STATE DEPARTMENT OF CORRECTIONS AND COMMUNITY SERVICES; PATRICK J. GRIFFIN, SUPERINTENDENT OF SULLIVAN CORRECTIONAL FACILITY; DARROW CUNNINGHAM, DEPUTY SUPERINTENDENT OF PROGRAMS FOR SULLIVAN CORRECTIONAL FACILITY; CHRISTOPHER KARSON, ASSISTANT DEPUTY SUPERINTENDENT OF PROGRAMS FOR SULLIVAN CORRECTIONAL FACILITY; DALE ARTUS, SUPERINTENDENT OF WENDE CORRECTIONAL FACILITY; AND KAREN CROWLEY, DEPUTY SUPERINTENDENT OF PROGRAMS FOR WENDE CORRECTIONAL FACILITY,

Defendants.

**11 Civ. 176 (LAP) (JLC)**

**ECF Case**

**STIPULATION OF DISMISSAL  
OF PLAINTIFF MORRISHAW'S  
CLAIMS**

WHEREAS, this is an action on behalf of prisoners in the custody of and classified as Legally Blind or Severely Visually Impaired ("LB/SVI") by Defendant The New York State Department of Corrections and Community Services ("DOCCS") and

housed at either the Sullivan Correctional Facility (“Sullivan”) or the Wende Correctional Facility (“Wende”); and

WHEREAS, Plaintiff Christopher Morrishaw (“Morrishaw”) has had corrective eye surgery, is not currently classified as LB/SVI and, although still in DOCCS’s custody, is no longer housed at Sullivan or Wende; and

WHEREAS, Plaintiffs Anthony Medina, Kelvin Curran, Warren Davis, Kevin Jones, Peter Lopez, and Michael Smith (the “Named Plaintiffs”) have reached an agreement in principle with Defendants to settle the claims in this action on behalf of a class of LB/SVI prisoners housed at Sullivan and Wende pursuant to a private settlement agreement (the “Private Settlement Agreement”) and class-action approval by the Court;


NOW THEREFORE it is hereby stipulated by and between Morrishaw, through his undersigned counsel, and all Defendants, through their undersigned counsel, as follows:

1. Morrishaw’s claims in the above-captioned action are dismissed pursuant to Rule 41(a)(1)(A)(ii);
2. The dismissal of Morrishaw’s claims provided for in paragraph 1 of this Stipulation is with prejudice provided, however, that if (a) the Private Settlement Agreement is effectuated so as to afford relief or benefits to a class of LB/SVI prisoners housed at Sullivan and/or Wende, (b) Morrishaw is transferred to Sullivan or Wende during a time that class-wide relief or benefits under the Private Settlement Agreement are available to LB/SVI prisoners housed there, and (c) Morrishaw meets the

requirements for membership in the class of prisoners entitled to relief, then Morrishaw shall be entitled to participate in the afforded relief and/or benefits as a member of the class.

**PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON LLP**

Dated: New York, New York  
February 28, 2014


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*-and-*

**THE LEGAL AID SOCIETY**  
Prisoners' Rights Project

Dated: New York, New York  
February 28, 2014

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Dated: New York, New York  
February 28, 2014

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