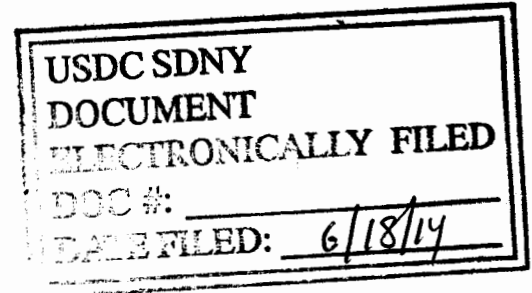


Cott, & mag.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



ANTHONY MEDINA, KELVIN CURRAN, JAMES COLANTUONO, WARREN DAVIS, 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  
COLANTUONO'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

USDC SDNY  
DATE SCANNED 6/18/14

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

WHEREAS, Plaintiff James Colantuono (“Colantuono”) was released from Defendant DOCCS’ custody on or about April 19, 2013 and is therefore no longer housed at Sullivan or Wende; and

WHEREAS, Plaintiffs Anthony Medina, Kelvin Curran, Warren Davis, Kevin Jones, Peter Lopez, and Michael Smith signed a Private Settlement Agreement with Defendants to settle the claims in this action on behalf of a class of LB/SVI prisoners housed at Sullivan and Wende and submitted that Private Settlement Agreement to this Court for approval on February 28, 2014;<sup>1</sup>

WHEREAS, this Court held a Fairness Hearing on the Private Settlement Agreement on April 21, 2014 and final approval of the Private Settlement Agreement is currently pending before this Court;

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

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<sup>1</sup> After signing the Private Settlement Agreement, Kevin Jones sought to withdraw from the action by letter to the Court dated April 1, 2014. (Dkt. # 189.) Paul, Weiss, Rifkind, Wharton & Garrison LLP and The Legal Aid Society sought the Court’s permission to withdraw as Jones’s counsel, which was so ordered by the Court on April 21, 2014. (Dkt. # 205.) A stipulation to dismiss Christopher Morrishaw’s claims pursuant to Fed. R. Civ. Pro. 41(a)(1)(A)(ii) is currently pending before Chief Judge Preska. The stipulation dismissing Mr. Morrishaw’s claims was submitted on February 28, 2014, and was referred to Chief Judge Preska (Dkt. # 174), *see* text entry, March 3, 2014. Chief Judge Preska signed an order referring the action to Judge Cott for all purposes by consent of the parties on March 20, 2014. (Dkt. # 187.)

1. Colantuono's claims in the above-captioned action are dismissed pursuant to Rule 41(a)(1)(A)(ii);

2. The dismissal of Colantuono'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) Colantuono is once again incarcerated at 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) Colantuono meets the requirements for membership in the class of prisoners entitled to relief, then Colantuono shall be entitled to participate in the afforded relief and/or benefits as a member of the class.

Dated: New York, New York  
June 18, 2014

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

By: 


Daniel J. Kramer  
Eric Alan Stone  
Katherine Dolores Kelly  
1285 Avenue of the Americas  
New York, New York 10019-6064  
(212) 373-3000  
estone@paulweiss.com

*Attorneys for Plaintiff James  
Colantuono*

*-and-*

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

Dated: New York, New York  
June 18, 2014


By:   
John Boston  
Milton Zelermyer  
Veronica Vela  
199 Water Street  
New York, NY 10038  
(212) 577-3530  
mzelermyer@legal-aid.org  
vvela@legal-aid.org

*Attorneys for Plaintiff James Colantuono*

-and-

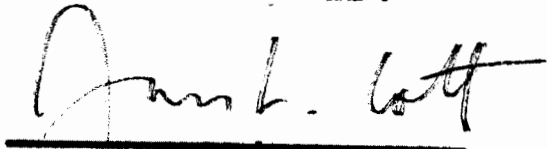
**ERIC T. SCHNEIDERMAN**  
Attorney General of the State of New York

Dated: New York, New York  
June 16, 2014

By:   
Frederick Wen  
Daniel Schulze  
120 Broadway  
New York, New York 10271  
(212) 416-6536  
Fred.Wen@ag.ny.gov

*Attorneys for Defendants*

**SO ORDERED:**

  
U.S.D.J.  
M.

xm  
6/18/14