

Page 1 of 3 P.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CRAIG MATTHEWS,

Plaintiff,

-against-

CITY OF NEW YORK; WILLIAM BRATTON, as
Commissioner of the New York City Police Department;
JON BLOCH, a deputy inspector in the New York City
Police Department; MARK SEDRAN, a lieutenant in the
New York City Police Department,

Defendants.
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**STIPULATION AND
ORDER OF SETTLEMENT
AND DISMISSAL**

12 CIV 1354(PAE)

WHEREAS, the plaintiff commenced a civil action in the United States District Court, Southern District of New York, on February 23, 2012 alleging violation of the Free Speech provisions of the First Amendment to the United States Constitution and the New York State Constitution; and

WHEREAS, defendants denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, no party herein is an infant or incompetent for whom a committee has been appointed; and

WHEREAS, there is no person not a party who has any interest in the subject matter of this proceeding; **NOW, THEREFORE**,

IT IS HEREBY STIPULATED, by and between the parties, as represented below, **and ORDERED** as follows:

1. Upon defendants' compliance with paragraph 2, the above-referenced action is dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees:

- i) to void plaintiff's 2011 evaluation's 2.5 rating and to confirm in writing that plaintiff is no longer subject to Level 1 Command Monitoring as a result of his 2011 negative rating now deemed void;
- ii) to pay plaintiff back wages in the total amount of \$32,582.78, less lawful deductions, including but not limited to taxes;
- iii) to pay plaintiff compensatory damages in the amount of \$125,000; and
- iv) to pay the New York Civil Liberties Union Foundation attorney fees in the amount of \$130,000.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above and an affidavit regarding Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. The plaintiff agrees not to seek to admit or use this stipulation in any other litigation or settlement negotiations.

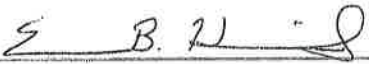
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.


6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms or conditions contained therein.

Dated: New York, New York
December 7, 2015

New York Civil Liberties Union Foundation
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By: 
Erin Beth Harrist
Christopher Dunn
New York Civil Liberties Union
Foundation

By: 
William S.J. Fraenkel
Assistant Corporation Counsel

12/7/15
Dated

SO ORDERED:

U.S.D.J.

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