

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JANGIR SULTAN,

Plaintiff,

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

-against-

09 CV 00698 (RJD)(RER)

RAYMOND KELLY, Commissioner of the New York
City Police Department, and THE CITY OF NEW YORK,

Defendants.
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WHEREAS, plaintiff Jangir Sultan commenced this action by filing a complaint on or about February 19, 2009, alleging that defendants violated his constitutional rights; and

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

WHEREAS, the parties now desire to resolve the remaining issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff has authorized counsel to settle this matter as against defendants on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. Conditioned on the terms contained herein, including the terms contained in paragraphs "2" and "5" below, the above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees except as provided for in paragraphs "2," "3" and "5" below.

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2. The City of New York hereby agrees to pay plaintiff Jangir Sultan the sum of **Ten Thousand One Dollars (\$10,001.00)**, plus reasonable attorneys' fees, expenses, and costs, in full satisfaction of all claims, inclusive of claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the City of New York and Commissioner Raymond Kelly, and to release all defendants and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorneys' fees.
3. Plaintiff has assigned his rights to attorneys' fees, expenses, and costs to his counsel, the New York Civil Liberties Union Foundation.
4. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraphs 2, 3, and 5 herein and An Affidavit Of No Liens.
5. The City of New York hereby agrees to pay counsel for plaintiff, the New York Civil Liberties Union Foundation, the total sum of **Fifteen Thousand Dollars (\$15,000.00)**, as reasonable attorneys' fees, expenses, and costs. In consideration for the payment of this sum, the New York Civil Liberties Union Foundation hereby agrees to release all defendants and any present or former employees or agents of the City of New York from any further claims

for attorneys' fees, costs, or expenses arising out of this action. Further, Counsel for plaintiff hereby agrees and represents that no further claims shall be made by or on behalf of plaintiff Jangir Sultan in any application for attorneys' fees, costs, or expenses at any time in the future.

6. 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 parties agree that they will neither proffer nor make reference to this Stipulation and Order of Settlement and Discontinuance in any other litigation or proceeding, and further agree that this Stipulation and Order of Settlement and Discontinuance is not related to any other litigation or settlement negotiations.
7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

8. This Stipulation and Order, comprising four type-written pages, 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 and conditions contained herein.

Dated: New York, New York
June 29, 2009

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By: Christopher Dunn
Christopher Dunn, Esq.

By: David M. Hazan
David M. Hazan
Senior Counsel

SO ORDERED:

s/ Judge Raymond J. Dearie

Raymond J. Dearie
United States District Judge, EDNY

6/30/09