

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 02/03/2014**

MAUROSOL FELIX, ET AL.,

Plaintiffs,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEYS' FEES**

13 Civ. 2941 (JMF) (KNF)

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WHEREAS, plaintiffs Maurosol Felix, Francisco Zapata, Danilo Melendez, Angel Sanchez, and Abraham Collins commenced this action by filing a complaint on or about May 2, 2013, and thereafter, on May 30, 2013, filed an amended complaint along with additional plaintiff Anthony Fearon, alleging that defendants violated their federal civil and state common law rights; and

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

WHEREAS, defendants City of New York, Raymond Kelly, Russell Green, John Hart, and Marc Busell served plaintiffs with Offers of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure on November 8, 2013, and served plaintiffs Melendez, Collins, Sanchez, and Fearon with revised Rule 68 Offers of Judgment on November 15, 2013; and

WHEREAS, on November 21, 2013, plaintiffs Felix and Zapata accepted the Offers of Judgment and plaintiffs Melendez, Collins, Sanchez, and Fearon accepted the revised Offers of Judgment; and

WHEREAS, on January 7, 2014, judgment was entered against the City of New York in accordance with the above offers and acceptances made pursuant to Fed. R. Civ. P. 68; and

WHEREAS, plaintiffs have assigned their rights to attorneys' fees, costs and expenses to their attorneys, Emery Celli Brinckerhoff & Abady LLP and The Bronx Defenders; and

WHEREAS, counsel for defendants, and counsel for plaintiffs now desire to resolve the issue of attorneys' fees, costs and expenses, without further proceedings; and

WHEREAS, this Stipulation and Order of Settlement of Attorneys' Fees ("Stipulation") shall not be construed to be an admission of liability by any defendants, nor an admission that any of the allegations made by plaintiffs are true or that defendants in any way violated any rights guaranteed to plaintiffs by any constitutions, statutes, ordinances, rules or regulations of the United States, the States of New York, or any subdivision thereof; and

WHEREAS, this Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by
and between the undersigned, the attorneys of record for the respective parties to the above-
captioned action, as follows:

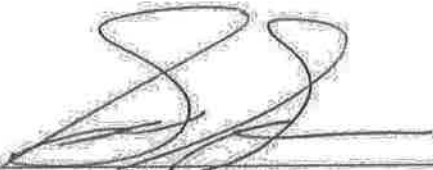
1. Defendant City of New York shall pay to plaintiffs' counsel, Emery Celli Brinckerhoff & Abady LLP and The Bronx Defenders, the sum total of ONE-HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000.00) in full satisfaction of plaintiffs' attorneys' fees, expenses and costs. Such sum shall be paid by check made payable to Emery Celli Brinckerhoff & Abady LLP within ninety (90) days of the date of this Stipulation.

2. In consideration for the payment of this sum, plaintiffs, Emery Celli Brinckerhoff & Abady LLP, and The Bronx Defenders do hereby release and discharge the defendants, their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses and costs relating to this matter.

3. The parties agree that facsimile or electronic copies of signatures are equivalent to originals.

Dated: New York, New York

January 30, 2014

By: 
Katherine Rosenfeld, Esq.
Samuel Shapiro, Esq.

EMERY CELLI BRINKERHOFF &
ABADY LLP
75 Rockefeller Plaza, 20th Floor
New York, New York 10019
(212) 763-5000

~~-and-~~

THE BRONX DEFENDERS
Scott D. Levy
360 East 161st Street
Bronx, NY 10451
(718) 838-7878

Attorneys for Plaintiffs

By: 
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Assistant Corporation Counsel

JEFFREY D. FRIEDLANDER
Acting Corporation Counsel of the
City of New York
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(212) 356-2656

Attorneys for Defendants

Dated: New York, New York
February 3, 2014

SO ORDERED:



HON. JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE

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