

AKV5189 - JBW - ST.A.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RECEIVED
in Chambers of:
J.S. Magistrate Judge
ROANNE L. MANN

DEC 30 1998

JUANITA JOHNSON,

Plaintiff,

- against -

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

STANLEY YANOSIK, PERCEL CONWAY individually,
and in their Capacity as Police Officers of the City of New
York, Two Unidentified Police Officers of the City of New
York and THE CITY OF NEW YORK,

Defendants.

97 Civ. 5189 (JBW)
FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT E.D. N.Y.
★ JAN 11 1999 ★
P.M. _____
TIME A.M. _____

WHEREAS, plaintiff Juanita Johnson commenced this action by filing a complaint on or about September 9, 1997, alleging that defendants New York City Police Officers Stanley Yanosik and Percel Conway, and the City of New York ("defendants") violated her 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 issues raised in this litigation, without further proceedings and without admitting any fault or liability;

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

1. The above-referenced action is hereby 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 to pay plaintiff the sum of \$10,000.00 in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims

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against the individually named defendants Stanley Yanosik and Percel Conway and to release all defendants, any present or former employees or agents of the New York City Police Department, and the City of New York, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

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 of No 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, the City of New York, or the New York City Police Department, or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

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

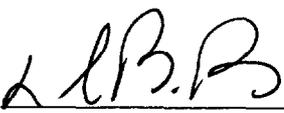
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

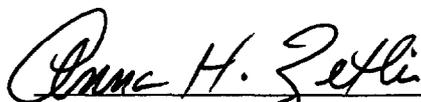
matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
October 16, 1998

DAVID B. BOWMAN, ESQ.
Attorney for Plaintiff
15 Park Row, 7th Floor
New York, New York 10038-2301

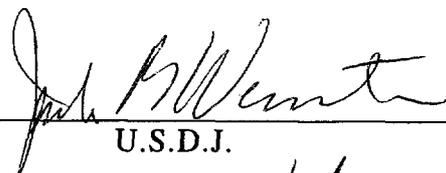
MICHAEL D. HESS
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 2-102
New York, N.Y. 10007
(212) 788-0877

By:  _____
DAVID B. BOWMAN

By:  _____
ANNA H. ZETLIN
Assistant Corporation Counsel
(AZ-3778)

close the case

SO ORDERED:

 _____
U.S.D.J.

1/3/99

