

Jim Giskay

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X
ROLLING FOODS, INC.,

Plaintiff,

-against-

**Docket No.: CV 98-4111
(Ross, J. / Go, M.J.)**

**LOCAL 348-S, UNITED FOOD &
COMMERCIAL WORKERS INTERNATIONAL
UNION, AFL-CIO, CLC,**

STIPULATION

Defendant.

-----X
IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Rolling Foods, Inc. and Defendant Local 348-3, United Food & Commercial Workers International Union, AFL-CIO, CLC, by their attorneys, Roosevelt & Arfa, LLP and O'Connor and Mangan, P.C., respectively, that the instant action be and hereby is withdrawn and discontinued upon the following terms and conditions:

1. Defendant hereby withdraws its Notice of Intention to Arbitrate dated May 11, 1998 ("Original Notice"), discontinues the arbitration proceeding commenced thereby and shall notify the New York State Employment Relations Board thereof;

2. In the event Defendant serves a new Notice of Intention to Arbitrate or other demand with the same effect ("New Notice") with respect to any or all the matters covered by the Original Notice, in whole or in part, said New Notice shall be without prejudice to the rights of either Plaintiff or Defendant under the New York Civil Practice Law and Rules and the Federal Arbitration Act to take such steps as shall be consistent with their right under any collective bargaining agreement or applicable state and/or federal law as if, and to the same extent, that Original Notice had never been

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served.

3. Service of any a New Notice or any other or addition notices/demands to arbitrate naming Plaintiff as a party shall not be served by Defendant on counsel for Plaintiff herein; and

4. The instant action be and hereby is discontinued, dismissed and withdrawn and this Stipulation may be filed following it being "So Ordered" without further notice.

Dated: White Plains, New York
October 1, 1998

Dated: Long Island City, New York
October , 1998

ROOSEVELT & ARFA, LLP
Attorneys for Plaintiff

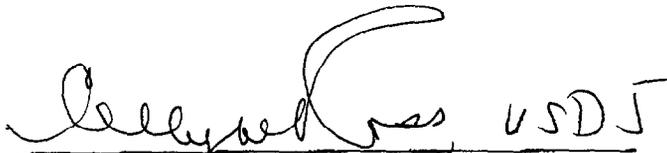
O'CONNOR & MANGAN, P.C.
Attorneys for Defendant

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White Plains, New York 10604
(914) 946-9200

By: 
J. Warren Mangan, Esq. [8779]
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Long Island City, New York 11101
(718) 361-7950

SO ORDERED:

Dated: October 13, 1998


Hon. Marilyn Dolan Go, U.S.M.J.