

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JAENEAN LIGON, et. al.,

Plaintiffs,

-against-

THE CITY OF NEW YORK, et. al.,

Defendants.

-----X

12 CV 2274 (AT)

**STIPULATION OF
SETTLEMENT AND ORDER OF
COUNSEL FEES, COSTS, AND
EXPENSES TO CLASS
COUNSEL FOR TIME AND
EXPENSES INCURRED IN THIS
MATTER FROM JANUARY 1,
2018 THROUGH DECEMBER
31, 2018**

WHEREAS, on March 28, 2012, Plaintiffs in the above-captioned action filed a Complaint pursuant to 42 U.S.C. § 1983; the Fourth and Fourteenth Amendments to the United States Constitution; the Constitution and laws of the State of New York; and

WHEREAS, beginning on October 15, 2012, the Court held a hearing on Plaintiffs' motion for a preliminary injunction; and

WHEREAS, in a January 8, 2013 Opinion and Order, subsequently amended on February 14, 2013, the Court granted the Plaintiffs' motion for a preliminary injunction, proposed entering several forms of preliminary relief, and postponed ordering that relief until after a consolidated remedies hearing could be held in the instant matter and the related case of *Floyd, et al. v. City of New York*, 08 Civ. 1034 (AT); and

WHEREAS, in an August 12, 2013 Opinion and Order in the instant matter and the related case of *Floyd, et al. v. City of New York*, 08 Civ. 1034 (AT), the Court imposed a final order of preliminary injunction and ordered several forms of preliminary relief in the instant matter; and

WHEREAS, the Parties extensively and vigorously negotiated in good faith, and those negotiations resulted in a Stipulation of Settlement and Order ("Main Stipulation"), which

was approved by the Honorable Analisa Torres on July 19, 2017, and the Main Stipulation settled the instant matter in the manner and upon the terms set forth therein; and

WHEREAS, the Defendants and the Plaintiffs agree that, having obtained the above-described relief in the Main Stipulation, pursuant to Section L therein, Plaintiffs are entitled to an award of reasonable attorneys' fees, costs and expenses to Class Counsel for time and expenses incurred in this matter, from January 1, 2018 through December 31, 2018; and

WHEREAS, the negotiations have resulted in this fee stipulation ("Second Interim Fee Stipulation"), which is subject to Court Approval, settles the counsel fees, costs and expenses in this action, in the manner and upon the terms set forth below, for time and expenses incurred in this matter, from January 1, 2018 through December 31, 2018;

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

A. DEFINITIONS

1. "Main Stipulation" shall mean the Stipulation of Settlement and Order, executed by the Parties in the above-captioned action, which was so ordered by the Court on July 19, 2017.

2. "Second Interim Fee Stipulation" shall mean this Stipulation of Settlement and Order of Counsel Fees, Costs and Expenses to Class Counsel for Time and Expenses Incurred in This Matter from January 1, 2018 through December 31, 2018, executed by the Parties in the above-captioned action in accordance with Section L of the Main Stipulation.

3. "Effective Date" shall mean (30) thirty days following the "Final Approval Date" defined below, and shall also be the date upon which this Second Interim Fee Stipulation enters into effect.

4. “Final Approval Date” shall mean the date on which this Court endorses this Second Interim Fee Stipulation and following any court proceedings and/or rulings, if applicable, in connection with the approval of this Second Interim Fee Stipulation.

5. “Parties” shall mean Plaintiffs and Defendants.

6. “Plaintiffs” shall mean the Named Plaintiffs and Settlement Class.

7. “Named Plaintiffs” shall mean Plaintiffs Jaenean Ligon, Jerron Grant, Fawn Bracy, William Bracy, Jacqueline Yates, Letitia Ledan, Roshea Johnson, Jovan Jefferson, Kieron Johnson, Angel Ortiz, Fernando Moronta, Abdullah Turner, and Charles Bradley.

8. “Settlement Class” shall mean the class of Plaintiffs agreed upon by the Parties, described in Paragraph C(2) of the Main Stipulation.

9. “Defendants” shall mean the City of New York, William Bratton, Johnny Blasini, Gregory Lomangino, Joseph Koch, Kieron Ramdeen, Joseph Bermudez, Miguel Santiago, and John Does 1-12.

10. “Class Counsel” shall mean Plaintiffs’ attorneys of record in the above-captioned action, including the New York Civil Liberties Union, The Bronx Defenders, LatinoJustice PRLDEF, New York Lawyers for the Public Interest, and Shearman & Sterling LLP.

11. “City” shall mean the City of New York.

B. INTRODUCTION

1. The Parties enter into this Second Interim Fee Stipulation after arm’s length good faith negotiations for the purpose of avoiding the burdens of further litigation over the payment of counsel fees, costs and expenses to Class Counsel for time and expenses incurred in this action, from January 1, 2018 through December 31, 2018.

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343. Venue is proper in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1391.

C. COUNSEL FEES, COSTS AND EXPENSES
FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2018

1. The City agrees to pay attorneys' fees, totaling eighty-five thousand, three-hundred fifty-two dollars even (\$85,352.00), to Class Counsel for time and expenses incurred in this matter, from January 1, 2018 through December 31, 2018. Class Counsel represent that they are authorized to receive payment on behalf of the Plaintiffs in full satisfaction of all claims for attorneys' fees, costs, and expenses in, arising from, or in connection with this action, from January 1, 2018 through December 31, 2018. Class Counsel hereby agree that payment for all time and expenses incurred by Class Counsel in this matter from January 1, 2018 through December 31, 2018, shall be made by a single check made payable to New York Civil Liberties Union Foundation, and Class Counsel accept said payment in full satisfaction of all claims for attorneys' fees, costs and expenses, in, arising from, or in connection with this action, during that time period.

2. Class Counsel represent that LatinoJustice PRLDEF, New York Lawyers for the Public Interest, and Shearman & Sterling LLP have not sought any attorneys' fees, costs or expenses in, arising from, or in connection with this action, from January 1, 2018 through December 31, 2018.

3. This payment shall be made within (60) sixty days from the Effective Date of this Stipulation and Order. No interest shall accrue if payment is issued within 60 days from the Effective Date of this Stipulation and Order. Any payment received beyond the 60 day period shall accrue interest as provided by the Federal Rules of Civil Procedure.

4. This Second Interim Fee Stipulation may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

D. RELEASE

1. This Second Interim Fee Stipulation resolves all claims for attorneys' fees, costs, and expenses to Class Counsel incurred for time and expenses in this matter from January 1, 2018 through December 31, 2018, in accordance with the provisions of the Main Stipulation, as set forth in Section L therein.

2. Plaintiffs hereby agree and represent that no other claims for attorneys' fees, expenses, or costs arising out of this action, for time and expenses incurred by Class Counsel in this matter, from January 1, 2018 through December 31, 2018, shall be made by or on behalf of Class Counsel in any application for attorneys' fees, expenses, or costs at any time.

3. This Second Interim Fee Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations outside of the above-captioned action, except to enforce the terms of this agreement.

4. This Second Interim Fee Stipulation contains all the terms and conditions agreed upon by counsel for the Defendants and the Plaintiffs hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Second Interim Fee Stipulation regarding the subject matter of attorneys' fees, expenses, or costs to Class Counsel for time and expenses incurred in this matter, from January 1, 2018 through December 31, 2018, shall be deemed to exist, or to bind the Parties hereto, or to vary the terms and conditions contained herein, except that this Second Interim Fee Stipulation shall be interpreted in a manner consistent with the previously-executed Main Stipulation.

E. NULLIFICATION

1. In the event the Court does not approve this Second Interim Fee Stipulation, the Parties shall meet and confer in good faith to determine whether to agree upon a modified Second Interim Fee Stipulation. If they are unable to do so, this Second Interim Fee Stipulation shall become null and void.



NEW YORK CIVIL LIBERTIES UNION
FOUNDATION

By: Christopher Dunn
125 Broad Street, 19th Floor
New York, NY 10004
Tel. (212) 607-3300
Attorney for Plaintiffs

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By: David Cooper
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Attorney for Defendants

THE BRONX DEFENDERS
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360 East 161st Street
Bronx, NY 10451
Attorney for Plaintiffs

LATINOJUSTICE/PRLDEF
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SHEARMAN & STERLING LLP
By: Jeffrey Resetarits
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NEW YORK LAWYERS FOR THE PUBLIC
INTEREST
By: J. McGregor Smyth, Jr.
151 West 30th Street, 11th Floor
New York, NY 10001
Tel. (212) 224-4664
Attorney for Plaintiffs

Dated: New York, New York
April ____, 2019

SO ORDERED:

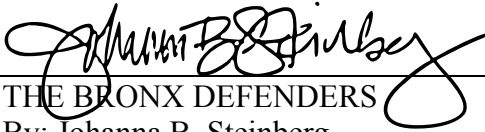
HONORABLE ANALISA TORRES
United States District Judge

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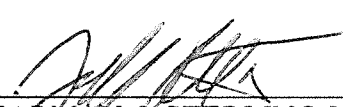
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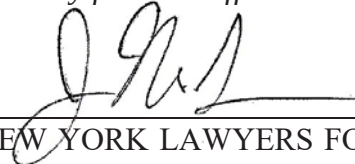
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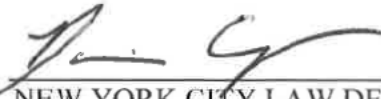
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Dated: May 9, 2019

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United States District Judge