

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF NEW YORK: PART 51

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4 IN THE MATTER OF THE APPLICATION OF
5 PHILIP SEELIG as President of the
6 Correction Officers Benevolent
7 Association, Inc. and THE CORRECTION
8 OFFICERS BENEVOLENT ASSOCIATION, INC.

Index: 03459/92

7 Petitioners,

8 For a Judgment Pursuant to Article
9 78 of the CPLR.

STIPULATION

10 -v-

11 CATHERINE ABATE, Commissioner of the
12 N.Y.C. Dept of Correction, DEPT. OF
13 CORRECTION OF THE CITY OF N.Y. & THE
14 CITY OF N.Y.,

13 Respondents.

14 -----x

15 60 Centre Street
16 New York, New York
17 January 6, 1993

18 BEFORE:

HONORABLE MARTIN B. STECHER, Justice

19 APPEARANCES:

20 TELLERMAN, PATICOFF & GREENBERG, ESQS.
21 For the Petitioner
22 195 Broadway
23 New York, New York 10007
24 BY: STEVEN GREENBERG, ESQ.

22 CORPORATION COUNSEL
23 For the Respondents
24 100 Church Street
25 New York, New York 10007
BY: CHLARENS ORSLAND, ESQ.
JUDITH C. MCCARTHY, ESQ.

MICHAEL KILLORIN
Court Reporter

(Whereupon an off the record discussion was held at the sidebar.)

MR. GREENBERG: With the aid of the Court and after a full and extensive walkthrough inspection of the hands-on facilities and the temporary repairs made by the Department to date, the following stipulations shall apply.

(1) It is stipulated and agreed by the respective parties hereto that the petition for a restraining order be modified so as to be expanded so as to include Modules 2 & 3.

(2) It is further stipulated and agreed that as regards Modules 4 & 5 the original subject of this litigation, that the Department will continue with the repair schedule it has given to the parties which is to include complete renovation of the roofing areas to prevent additional further leaking and that as soon as that roof work is repaired and completed, then to proceed with all due haste to totally renovate the flooring areas which would require removal of the temporary plywood floor and inspection of the foundation and underlying structures and then reflooring or resurface flooring the areas in

question, and making the necessary repairs to the substructure as safety and good practice require.

(3) It is further stipulated and agreed that as regards to Modules 2 & 3, the Department shall within approximately six weeks make temporary repairs to the flooring. In accordance with those temporary repairs it has made in Units 4 & 5.

THE COURT: Substantially as made in 4 & 5.

MR. GREENBERG: Substantially, yes Judge.

(4) It is further stipulated and agreed that permanent repairs to Modules 2 & 3 in substantially the same manner as the repairs being made to Modules 4 & 5, shall be made within approximately a one year period.

(Whereupon an off the record discussion was held.)

MR. GREENBERG: With regard to the time frame of the permanent repairs in Modules 2 & 3, it is stipulated that the Department shall make all good efforts to complete said repairs within a twelve month period, however in no event shall permanent repairs take more than 18 months.

(5) It is further stipulated and agreed that during the course of the repairs both temporary and permanent, that the Correction Officers Benevolent Association, its officers, delegates or its representatives shall have access to the facilities being repaired or renovated and shall be able to conduct inspections periodically upon notice to the Department of such inspections.

(Whereupon an off the record discussion was held.)

THE COURT: This proceeding as expanded by the stipulation of the parties is accordingly marked off the calendar with the expectation that the proceeding will ultimately be dismissed by virtue of the stipulation being carried out.

The obligation to restore within one year as provided by the Civil Practice Law and Rules is waived in this particular instance insofar as the work to be done is anticipated to exceed more than one year.

Nothing contained in these remarks however is to suggest an indefinite termination of the obligation to restore or the alternative

Proceedings

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of dismissal.

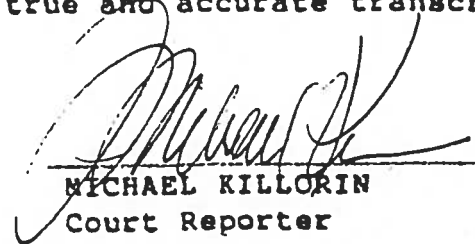
Is that agreeable to everybody?

MR. GREENBERG: So agreed.

MR. ORSLAND: So agreed.

* * *

Certified to be a true and accurate transcript.


MICHAEL KILLORIN
Court Reporter