



sixty-nine cents (\$317,691.69) in attorneys' fees and costs pursuant to [42 U.S.C. § 1988](#), for which the New York State Office of the State Comptroller shall issue all appropriate Internal Revenue tax forms, in full and complete satisfaction of any and all claims, allegations, or causes of action for attorneys' fees, costs, disbursements, and expenses incurred by plaintiffs for any and all legal services rendered by NYCLU in the above-captioned case from January 1, 2023 through December 31, 2023.

3. In settlement of plaintiffs' request for attorneys' fees and costs for services rendered by NYLPI for the period between January 1, 2023 and December 31, 2023, the State of New York shall pay the total principal sum of twenty-one thousand two hundred forty dollars (\$21,240.00) in attorneys' fees and costs pursuant to [42 U.S.C. § 1988](#), the New York State Office of the State Comptroller shall issue all appropriate Internal Revenue tax forms, in full and complete satisfaction of any and all claims, allegations, or causes of action for attorneys' fees, costs, disbursements, and expenses incurred by plaintiffs for any and all legal services rendered by NYLPI in the above-captioned case from January 1, 2023 through December 31, 2023.

4. The payments set forth in paragraphs 2 and 3 shall be made by two separate checks:

- (i) one in the amount of three hundred seventeen thousand, six hundred ninety-one dollars and sixty-nine cents (\$317,691.69), together with interest, if any, on said amount, as set forth in paragraph 8, made payable to The New York Civil Liberties Union Foundation, 125 Broad Street, 19th floor, New York, New York 10004; and
- (ii) the second in the amount of twenty-one thousand two hundred forty dollars (\$21,240.00), together with interest, if any, on said amount, as set forth in paragraph 8, made payable to New York Lawyers for the Public Interest, Inc., 151 West 30<sup>th</sup> Street, 11<sup>th</sup> floor, New York, New York 10001-4017.

5. Any taxes, and/or any interest or penalties on the taxes, on the payment described in paragraphs 2 and 3 of this Stipulation and Order shall be the sole and complete responsibility of NYCLU and/or NYLPI. Neither plaintiffs, NYCLU nor NYLPI shall have a claim, right or cause of action against the State of New York, the Office of People with Developmental Disabilities

(“OPWDD”), or any of their current or former officials, employees or agents on account of any such taxes, interest or penalties.

6. Payment by the State of New York of the amounts specified in paragraphs 2 and 3 is contingent upon the Court issuing a “So Ordered” copy of this Stipulation and Order, which NYCLU and NYLPI will submit to the Court by motion pursuant to **Federal Rule of Civil Procedure 23(h)**.

7. Payment by the State of New York of the amounts specified in paragraphs 2 and 3 is subject to and conditional upon the approval of all appropriate state officials in accordance with the provisions for payment and indemnification under New York Public Officers Law § 17. NYCLU and NYLPI agree to execute and deliver all necessary and appropriate vouchers and other documentation requested with respect to obtaining such approval and effectuating payment. In the event such approval is not obtained, then this Stipulation and Order shall be null, void, and of no further force and effect.

8. In the event that payment of the total amounts specified in paragraphs 2 and 3 are not made within one hundred and twenty (120) days after receipt by the New York State Office of the Attorney General of a “So Ordered” copy of this Stipulation and Order, interest on the total amounts in paragraphs 2 and 3 will accrue at the statutory rate per annum provided in **28 U.S.C. § 1961** commencing on the one hundred twenty first (121) day after such receipt.

9. Payment of the amounts specified in paragraphs 2 and 3, and any amounts that may become due under paragraph 8, fully satisfies and finally resolves all claims by plaintiffs for attorneys’ fees and costs with regard to services rendered in this action by NYCLU and NYLPI, whether or not heretofore demanded, from January 1, 2023 through December 31, 2023.

10. In consideration for the payments described in paragraphs 2, 3, and 8 of this Stipulation and Order, plaintiffs, NYCLU, and NYLPI release and discharge the State of New York, OPWDD, and any present or former official, employee, or agents of the State of New York or OPWDD, from any and all liability, claims or rights of action for attorneys’ fees, costs expenses, and disbursements, in or

arising from any and all legal services rendered by NYCLU and NYLPI, as co-counsel for plaintiffs, in the above-captioned case from January 1, 2023 through December 31, 2023.

11. Nothing in this Stipulation and Order shall be deemed to constitute a custom, policy, or practice of the State of New York, OPWDD, or any of their officials, employees or agents.

12. This Stipulation and Order is without prejudice to plaintiffs' right to seek, and defendants' right to oppose, recovery of attorneys' fees, costs and expenses for services rendered in this case after December 31, 2023. This Stipulation and Order is also without prejudice to plaintiffs' right to seek recovery of attorneys' fees, costs and expenses from any party other than the State defendants for any services rendered in this case.

13. This Stipulation and Order shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purpose, except in an action or proceeding to enforce this Stipulation and Order.

14. This Stipulation and Order embodies the entire agreement of the parties in this matter 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 proceedings, other than the Settlement, shall be deemed to exist, or to the bind the parties herein, or to vary the terms and conditions contained herein.

15. This Stipulation and Order is final and binding upon the parties, their successors, and assignees.

<p>Dated: New York, New York September 4, 2024</p> <p>LETITIA JAMES Attorney General of the State of New York <u>Attorney for Defendants</u></p> <p>By: <u>Elizabeth Filatov</u> Elizabeth Filatova [elizabeth.filatova@ag.ny.gov]</p> <p>28 Liberty Street New York, New York 10005 Telephone: (212) 416-8523</p>	<p>Dated: New York, New York September 4, 2024</p> <p>NEW YORK CIVIL LIBERTIES UNION FOUNDATION <u>Attorney for Plaintiffs</u></p> <p>By: <u>Beth Haroules</u> Beth Haroules [bharoules@nyclu.org]</p> <p>125 Broad Street, 19<sup>th</sup> Floor New York, New York 10004 Telephone: (212) 607-3300</p> <p>Dated: New York, New York September 4, 2024</p> <p>NEW YORK LAWYERS FOR THE PUBLIC INTEREST, INC. <u>Attorney for Plaintiffs</u></p> <p>By: <u>Roberta Mueller</u> Roberta Mueller [rmueller@nylpi.org]</p> <p>151 West 30<sup>th</sup> Street, 11<sup>th</sup> Floor New York, New York 10001-4017 Telephone: (212) 244-4664</p>

SO ORDERED: 10/17/24

*Brian M. Cogan*

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Brian M. Cogan U.S.D.J.