

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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FRANCISCO SANTAELLA,

Index No: 114864/07

Plaintiff,

-against-

UNITED PARCEL SERVICE, INC., UNITED  
PARCEL SERVICE GENERAL SERVICES CO.,  
UNITED PARCEL SERVICE OASIS SUPPLY  
CORPORATION, and S&S CONTRATING, INC.,

Defendants.  
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**STIPULATION**

1. It is hereby stipulated and agreed between the attorneys for the respective parties that the amount of plaintiff's past special damages, (lost earnings and medical expenses) total \$69,267.56 and that this amount shall be added to the jury verdict at the conclusion of this trial.
2. It is further stipulated and agreed between the attorneys for the respective parties that the parties have entered into a hi-low settlement agreement with the parameters of \$350,000.00 and \$950,000.00.
3. That the parties do hereby agree to try both the liability and damages in the above-captioned action.
4. That at the conclusion of the trial if the jury verdict is in excess of \$950,000.00 the case will be settled on a release for the total sum of \$950,000.00.
5. That if the defendants succeed at trial, or if the plaintiff succeeds and the jury award is less than \$350,000.00 the case will be settled on a release for the total sum of \$350,000.00.
6. That if the jury award is between \$350,000.00 and \$950,000.00 the case will settle on a release for the amount of the jury verdict.
7. The parties reserve their rights to seek relief to the trial court or any higher court to redress any errors related to any issues of law and/or evidentiary issues that may arise during any phase of the trial. However, the parties hereby agree to waive the right to seek or to accept relief from the trial court or any higher court to reduce or increase the

jury verdict or to set it aside in the circumstances of either inadequate or excessive verdict.

Dated: New York, New York,  
April 26, 2010

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