

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

AMERICAN CLERICAL SERVICE

JANIE UTSEY  
-against-  
CITY OF NEW YORK.  
Plaintiff(s).  
Defendant(s).

STIPULATION OF SETTLEMENT  
INDEX #: 028 38/03  
NYC Law Dep't #: 03TTO01376  
NYC Comptroller #:

MAIL

SCW  
SCW  
SCW

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys of record, based upon full authority given by the respective parties, that this action is settled for the total amount of \$ 1.5 million, inclusive of costs, interest, and disbursements, and subject to statutory liens or rights to reimbursement by third-parties, including Medicaid, Medicare, and prior attorneys.

IT IS FURTHER STIPULATED AND AGREED, that based upon this settlement, the plaintiff(s) agree to discontinue this action with prejudice and to release and discharge the City of New York [and its past and present officers, managers, administrators, employees, agents, and representatives, and all other individually named defendants and entities represented and/or indemnified by the City of New York] (hereafter, "releasees") Plaintiff has been advised and agrees that he/she is forever barred from seeking any other recovery relating to the subject incident against the releasees.

IT IS FURTHER STIPULATED AND AGREED that prior to tendering the requisite documentation for payment, as provided in CPLR 5003-a(b), that any Medicare-recipient shall have notified Medicare and obtained and submitted with the closing papers a final demand letter for conditional payments. A Medicare Set-Aside Trust may also be required if future anticipated medical costs are found to be necessary pursuant to 42 U.S.C. §1395y(b) and 42 C.F.R. §§411.22 through 411.26

IT IS FURTHER STIPULATED AND AGREED, that plaintiff agrees to hold harmless defendant(s) City of New York [and named defendants and their agents], regarding any liens or past and/or future Medicare payments, presently known or unknown in connection with this matter. If conditional and/or future anticipated Medicare payments have not been satisfied, defendant(s) reserve(s) the right to issue a multi-party settlement check, naming Medicare as a payee or to issue a check to Medicare directly based on Medicare's final letter. Upon tender of all required settlement papers, payment of the settlement shall be made in accordance with CPLR 5003-a(b). Plaintiff is required to obtain a release/discharge of any attorney's lien asserted against the proceeds. *Faxed signatures shall be deemed originals.*

Dated: 07/07/10 .NY  
20

1) DINKENS + SCHWITZER  
Marc Mauser  
Attorney(s) for Plaintiff(s)

112 Madison AVE  
New York, NY, 10016

Tel: ( )  
MARC MAUSER

By: \_\_\_\_\_

50 Ordered  
Lmy Rullings 7/7/10

2) [Signature] for

Michael A. Cardozo, Esq  
Corporation Counsel  
Attorney for Defendant(s)  
CITY OF NEW YORK and

BY ELLIOTT C WINOGRAD  
100 Church St, NY, 10007

Tel: ( )

By: [Signature] ELLIOTT C WINOGRAD

FILED  
JUL 12 2010  
CLERK  
COUNTY OF  
BRONX  
NEW YORK

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

INDIVIDUAL ASSIGNMENT PART 16

\_\_\_\_\_  
Janie Utsey

STIPULATION (50-ordered)

Index No. ~~28633/03~~ 28638/03

-against-

Met-Cal No.

\_\_\_\_\_  
City of New York

Date 6/11/2010

IT IS HEREBY STIPULATED AND AGREED by and between the below named attorney(s) as follows:

Plaintiff Janie Utsey hereby stipulates to Reduce the  
Jury Verdict as to Past Medical Expenses From \$500,000.00  
(Five Hundred Thousand Dollars) to \$385,000.00 (Three  
Hundred Eighty Five Thousand Dollars) per the Decision  
and Order of Judge Billings dated May 11, 2010.

Date: 6/11/2010

So Ordered.

ENTER:

J.S.C.

Andrew B. Schitzer  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for Defendant

LUCY BILLINGS  
J.S.C.