

At an IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York at the courthouse located at 60 Centre Street on the ____ day of _____, 2008.

PRESENT: HON. JACQUELINE W. SILBERMANN

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KATHERINE COSENTINO, et al.,

Plaintiffs,

FINAL JUDGMENT

Index No. 43236/85

-against-

GLADYS CARRIÓN, etc., et al.,

Defendants.

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IT IS HEREBY STIPULATED as follows:

1. Based on the holding in this litigation reported at Cosentino v. Perales, 153 A.D.2d 812 (1st Dep’t 1989), this litigation is resolved.

2. All pending motions and all claims for relief in the complaint in the Cosentino litigation are hereby dismissed with prejudice, and all orders in the Cosentino litigation are hereby vacated.

3. By stipulating to the entry of this judgment, Gladys Carrión, as Commissioner of the New York State Office of Children and Family Services (“OCFS”), and the City of New York, its agencies, officials and employees (the “City defendants”) do not admit to wrongdoing or liability in this litigation.

4. All aspects of the Cosentino litigation are hereby closed. This judgment brings to an end all aspects of the Cosentino litigation and there are no further claims or motions pending in this litigation involving OCFS and the City defendants. No further motions or proceedings will be brought in the Cosentino litigation and no further applications for relief may be made in this litigation under any circumstances.

5. This judgment is subject to the approval of this Court pursuant to Rule 908 of the Civil Practice Law and Rules (“CPLR”). Before this Court can approve this judgment, it will direct that notice be provided, pursuant to Rule 908, to all class members and proposed class members and others similarly situated who would be bound by it. Before this judgment may be approved, there shall be notice of its terms to all class members and proposed class members and others similarly situated; a comment period during which any person who wishes to present comments or objections may do so; and a hearing to consider its fairness and adequacy, at which any class member, proposed class member and similarly situated person who wishes to make an oral statement regarding its fairness and adequacy may do so. The terms and manner of the notice, receipt of comments and objections, and the fairness hearing shall be set forth in a separate order by this Court. This judgment, and all of its provisions other than this paragraph 5, will not become effective until this judgment, and each of the judgments in Boston v. City of New York, et al., Index No. 402295/08, McCain v. Bloomberg, et al., Index No. 41023/83, Lamboy v. Doar, et al., Index No. 41108/85, and Slade v. Bloomberg, et al., Index No. 45177/86 (collectively, the “other cases”) have been approved and entered by the Court. In the event this judgment, or any of the judgments in the other cases, is not approved by the Court, this judgment will be of no further force or effect.

6. The Hon. Jacqueline W. Silbermann retains no jurisdiction to enforce this judgment.

7. The parties hereto shall bear their own attorney's fees and costs in this action.

Dated: September 17, 2008
New York, New York

MICHAEL A. CARDOZO
Corporation Counsel of the City
of New York
Attorney for City Defendants

STEVEN BANKS
Attorney-in-Chief
The Legal Aid Society
Attorney for Plaintiffs

ANDREW CUOMO
Attorney General of the State
of New York
Attorney for OCFS
By:

WILLIAM H. BRISTOW III
Assistant Attorney General

ENTER.

Hon. Jacqueline W. Silbermann, J.S.C.

Judgment entered this ____ day of _____, 2008

