

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: PART 26



New York City Board of Correction

Index No. 812184/2023E

-against-

Hon. Paul L. Alpert

New York City Department of Correction; Louis A. Molina, in his official capacity as Commissioner, New York City Department of Correction; and The City of New York

Justice Supreme Court

The following papers numbered 1 to _____ were read on this motion (Seq. No. 1) for _____ noticed on _____.

Table with 2 columns: Document Type and Count. Rows include: Notice of Motion - Order to Show Cause - Exhibits and Affidavits Annexed (No(s)), Answering Affidavit and Exhibits (No(s)), Replying Affidavit and Exhibits (No(s)).

The petition is discontinued with prejudice as per the stipulation of discontinuance dated October 18, 2023 and the motion and the cross-motion are denied as moot.

Motion is Respectfully Referred to Justice:
Dated:

Dated: 10/18/2023

Hon.

HON. PAUL ALPERT

J.S.C.

- 1. CHECK ONE..... [] CASE DISPOSED IN ITS ENTIRETY [] CASE STILL ACTIVE
2. MOTION IS..... [] GRANTED [] DENIED [] GRANTED IN PART [] OTHER
3. CHECK IF APPROPRIATE..... [] SETTLE ORDER [] SUBMIT ORDER [] SCHEDULE APPEARANCE [] FIDUCIARY APPOINTMENT [] REFEREE APPOINTMENT



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

NEW YORK CITY BOARD OF CORRECTION,

Petitioner,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTION; LOUIS A. MOLINA, in his official
capacity as Commissioner, New York City Department
of Correction; and THE CITY OF NEW YORK,

Respondents.

Index No. 812184/2023E

Hon. Paul Alpert

**STIPULATION OF
DISCONTINUANCE**

WHEREAS, on or about August 9, 2023, petitioner New York City Board of Correction (the “Board”) initiated the above-captioned special proceeding by filing a petition (“Petition”) pursuant to Article 78 of the CPLR against respondents New York City Department of Correction (“DOC”), Louis A. Molina (“Molina), and City of New York (“City”);

WHEREAS, on or about September 8, 2023, respondents DOC and Molina filed their combined answer (“Answer”), and respondent City moved to dismiss (“Motion”) the Petition as to the City;

WHEREAS, on or about September 15, 2023, petitioner Board filed its reply to respondents DOC’s and Molina’s Answer, and opposition to respondent City’s Motion;

WHEREAS, the parties to the Action are desirous of resolving their dispute amicably;

WHEREAS, on or about September 28, 2023, the Board and DOC entered into a memorandum of understanding (Exhibit 1) to resolve this matter; and

WHEREAS, on or about October 17, 2023, the Board ratified and approved the

memorandum of understanding.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, attorneys of record for the parties in the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action, including all claims and counterclaims, be, and the same hereby are, discontinued, with prejudice, against all parties. It is further stipulated and agreed that each party will bear its own costs, disbursements, and attorneys' fees.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: October 18, 2023

By: /s/ Steven Banks
Steven Banks
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*Attorneys for Petitioner, New York City Board of
Correction*

Dated: October 18, 2023

By: /s/ Paul Shechtman
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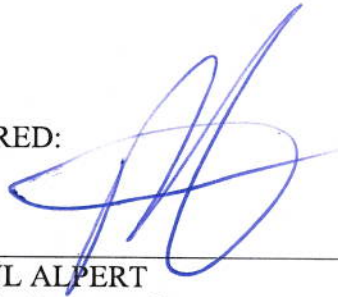
*Attorney for the Respondent New York City
Department of Correction and the New York City
Department of Correction Commissioner Louis A.
Molina*

Dated: October 18, 2023

By: /s/ Darian Alexander
Darian Alexander
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City of New York
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Attorney for the Respondent City of New York

SO ORDERED:



HON. PAUL ALPERT
Justice of the Supreme Court

Dated: 10/18/2023