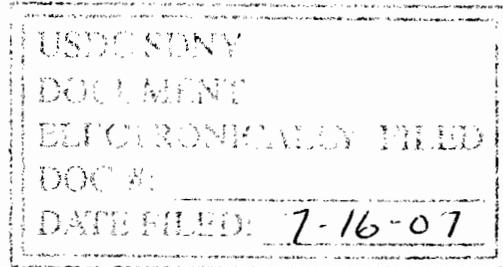


RAHOFF, S.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



M.K.B., O.P., L.W., M.A., Marieme Diongue, M.E., P.E., Anna Fedosenko, A.I., L.A.M., L.M., Denise Thomas, and J.Z., on their own behalf, and on behalf of their minor children and all others similarly situated,

Plaintiffs,

vs.

VERNA EGGLESTON, as Commissioner of the New York City Human Resources Administration; ROBERT DOAR, as Commissioner of the New York State Office of Temporary and Disability Assistance; and ANTONIA C. NOVELLO, as Commissioner of the New York State Department of Health,

Defendants.

**STIPULATION OF SETTLEMENT  
OF ATTORNEYS' FEES, COSTS  
AND DISBURSEMENTS**

**05 Civ. 10446 (JSR)**

**WHEREAS** plaintiffs commenced this lawsuit on behalf of themselves and all others similarly situated, by complaint filed December 13, 2005, against Verna Eggleston, as Commissioner of the New York City Human Resources Administration ("HRA") (the "City defendant"), Robert Doar, as Commissioner of the New York State Office of Temporary and Disability Assistance ("OTDA") and Antonia C. Novello, as Commissioner of the New York State Department of Health ("SDOH") (collectively "State defendants");

**WHEREAS** the Complaint seeks an award of reasonable attorney's fees, costs, and disbursements pursuant to 42 U.S.C. § 1988; and

**WHEREAS** defendants have denied any and all wrongdoing alleged in the complaint by Answers filed on behalf of City defendant, dated November 6, 2006 and on behalf of State defendants, dated June 14, 2006; and

**WHEREAS** by Opinion and Order dated August 29, 2006, the Court certified this action as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2), with the class defined as:

All Affected Immigrants who are, have been, or will be eligible for state or federally funded public assistance, Medicaid, or food stamps, and who either (a) have been or will be denied public benefits in whole or in part; (b) had or will have benefits discontinued or reduced, (c) have been or will be discouraged or prevented from applying; (d) have been or will be encouraged to withdraw an application by a New York City Job Center because of a misapplication of immigrant eligibility rules.

For purposes of the foregoing paragraph, the term "Affected Immigrants" means (1) battered spouses and battered children of U.S. citizens or lawful permanent residents, who are Qualified Aliens as defined in 8 U.S.C. § 1641(c); (2) their immigrant children, or in the case of battered children, their immigrant parents, provided that they too are Qualified Aliens as defined in 8 U.S.C. § 1641(c); (3) lawful permanent residents who have been in that status for less than five years; and (4) persons who are Permanently Residing Under Color of Law (PRUCOL).

(hereinafter the "class").

**WHEREAS** on January 12, 2007, counsel for plaintiffs and counsel for defendants signed a Stipulation and Order of Settlement (the "Stipulation of Settlement") on behalf of and with authorization of the parties for the purpose of settling the disputes between the plaintiffs and the class (collectively "plaintiff class") and the defendants and

**WHEREAS** by order filed on June 6, 2007, the Court approved the Stipulation of Settlement as fair, reasonable, and adequate pursuant to Federal Rule of Civil Procedure 23(e); and

**WHEREAS** the parties now seek to resolve the issues of attorneys' fees, costs, and disbursements without further litigation on terms just and fair to all parties and hereby enter into the within Stipulation of Settlement of Attorneys' Fees, Costs and Disbursements ("Fee Stipulation");

**IT IS HEREBY STIPULATED AND AGREED** as follows:

1. The City of New York shall pay the sum of one million, nine hundred thousand dollars (\$1,900,000.00) ("City Fee Payment"), to class counsel as set forth in paragraph "2" herein, and the plaintiff class hereby agrees to accept said payment in full satisfaction of all claims for attorneys' fees, costs, and disbursements, in, arising from, or in connection with this action for the time period and to the extent set forth in paragraph 11 below.

2. Payment of the City Fee Payment shall be made by checks, issued in the amounts specified herein, payable to the following entities, at the addresses shown below:

<b>Organization</b>	<b>Amount</b>	<b>Address</b>
The Legal Aid Society	\$734,232.73	199 Water Street, 3 <sup>rd</sup> Floor New York, N.Y. 10038 Attention: Scott Rosenberg
New York Legal Assistance Group	\$308,771.17	450 West 33 <sup>rd</sup> Street, 11 <sup>th</sup> Fl. New York, N.Y. 10001 Attention: Jane Greengold Stevens
Hughes Hubbard & Reed LLP	\$856,996.10	One Battery Park Plaza New York, N.Y. 10004 Attn: Managing Partner

3. The City defendant will issue the City Fee Payment within ninety days from the date the within Fee Stipulation "so ordered" by the Court with post-judgment interest accruing if payment is issued after that date.

4. In consideration of the payment of the City Fee Payment, the plaintiffs individually and on behalf of each member of the class, and on behalf of the respective heirs, executors, administrators, personal representatives, successors and assigns of each of themselves and each of the members of the class hereby jointly and severally release and forever discharge the City Defendant, the City of New York, including without limitation its past and present

officials, employees, departments, agencies, representatives, directors and agents, their successors and assigns and their respective heirs, executors, administrators, personal representative, and transferees and each of them from any and all claims for fees, costs, and disbursements arising from or in connection with the above-captioned action through the time period and to the extent set forth in paragraph 11 below, and this Fee Stipulation shall be deemed a release to that effect.

5. The State of New York shall pay the plaintiff class, and the plaintiff class agrees to accept, nine hundred fifty thousand dollars (\$950,000.00) ("State Fee Payment"), in full satisfaction of all claims for attorneys' fees, costs, and disbursements in, arising from, or in connection with this action for the time period and to the extent set forth in paragraph 11 below.

6. Payment of the State Fee Payment by the State defendants is subject to the approval of all appropriate New York State officials in accordance with the provisions for indemnification under New York Public Officers Law § 17, subdivision 3(a). In the event such approval is denied, counsel for the State defendants shall so notify the plaintiffs' counsel within five (5) days of the disapproval. In the event of such disapproval, plaintiffs shall have 90 days from such notice within which to make a motion seeking from the State defendants fees, costs, litigation expenses and disbursements.

7. Plaintiffs shall promptly execute and deliver to the City and State defendants' attorneys the documents and information reasonably necessary to effectuate the City Fee Payment and the State Fee Payment, which includes any requisite payment vouchers.

8. Payment of the State Fee Payment shall be made by checks, issued in the amounts that follow, made payable to the following entities, and at the addresses shown below:

Organization	Amount	Address
The Legal Aid Society	\$367,116.36	199 Water Street, 3 <sup>rd</sup> Floor New York, N.Y. 10038 Attn: Scott Rosenberg
New York Legal Assistance Group	\$154,385.59	450 West 33 <sup>rd</sup> Street, 11 <sup>th</sup> Fl. New York, N.Y. 10001 Attention: Jane Greengold Stevens
Hughes Hubbard & Reed LLP	\$428,498.05	One Battery Park Plaza New York, N.Y. 10004 Attn: Managing Partner

9. The State defendants will deliver the State Fee Payment within ninety days of the date this Stipulation is “so ordered” by the Court, with post-judgment interest accruing if payment is made after that date.

10. In consideration of the payment of the State Fee Payment, the plaintiffs individually and on behalf of each member of the class, and on behalf of the respective heirs, executors, administrators, personal representatives, successors and assigns of each of themselves and each of the members of the class hereby jointly and severally release and forever discharge the State defendants, any present or former employees or agents of the State of New York, and the State of New York, including without limitation its past and present officials, employees, departments, agencies, representatives, directors and agents, their successors and assigns and their respective heirs, executors, administrators, personal representative, and transferees and each of them from any and all claims for fees, costs, and disbursements arising from or in connection with the above-captioned action through the time period and to the extent set forth in paragraph 11 below, and this Fee Stipulation shall be deemed a release to that effect.

11. This Fee Stipulation resolves all claims for attorney’s fees, costs, and disbursements accruing from the beginning of time through the duration of the Court’s retention

of jurisdiction in accordance with the provisions of the Stipulation of Settlement as set forth in paragraphs 66 through 70 of the Stipulation of Settlement, provided however, that the plaintiff class reserves claim(s), if any by them, for attorneys fees, costs and disbursements which may be accrued or incurred in connection with a motion as against the City defendant and/or the State defendants seeking an order extending the term of the Stipulation in accordance with the court's reservation of jurisdiction pursuant to paragraphs 66 through 70 of the Stipulation of Settlement based upon defendants' alleged non-compliance with its provisions or a motion as against defendants seeking an order for enforcement of and/or any and all remedies for failure to comply with the provisions of the Stipulation.

12. This Fee Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations outside of the above-captioned actions and shall not be construed to be, an admission of any liability or wrongdoing whatsoever. Nothing contained herein shall be deemed to be an admission by City defendant, the City of New York, HRA, or State of New York, DOH and OTDA, of liability or of the truth of any of the allegations set forth in the complaint, or that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York or of the State of New York.

13. This Fee Stipulation contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Fee Stipulation regarding the subject matter of this agreement

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shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein, except as set forth herein.

14. Each of the undersigned represents that he or she has been duly authorized to enter into this Fee Stipulation.

15. Facsimile signatures are acceptable for execution and filing of this Fee Stipulation.

Dated: New York, New York  
July 5, 2007

ANDREW M. CUOMO  
Attorney General of the State of New York  
120 Broadway, 24<sup>th</sup> Floor  
New York, New York 10271  
Attorney for State Defendants  
212-416-6046

By: Ivan B. Rubin  
Ivan B. Rubin (IR-5138)  
Assistant Attorney General

MICHAEL A. CARDOZO  
Corporation Counsel of the City of New York  
Attorney for City Defendant  
100 Church Street, Room 2-192  
New York, New York 10007  
212-788-1281

By: \_\_\_\_\_  
Jane Tobey Momo  
Assistant Corporation Counsel (JM-1013)

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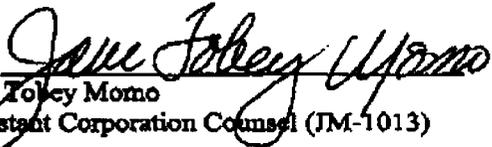
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Assistant Corporation Counsel (JM-1013)

**THE LEGAL AID SOCIETY**

**Steven Banks, Attorney-in-Chief (SB-0987)**

**Adriene L. Holder (ALH-1872)**

**Attorney-in-Charge, Civil Practice**

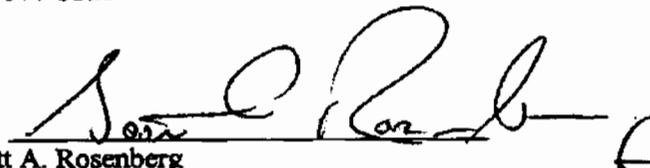
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**HUGHES HUBBARD & REED LLP**

**Ronald Abramson (RA-0979)**

**One Battery Park Plaza**

**New York, N.Y. 10004**

**212-837-6000**

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

**Ronald Abramson**

So ordered:

\_\_\_\_\_  
Hon. Jed S. Rakoff

Dated: New York, New York

July \_\_, 2007

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