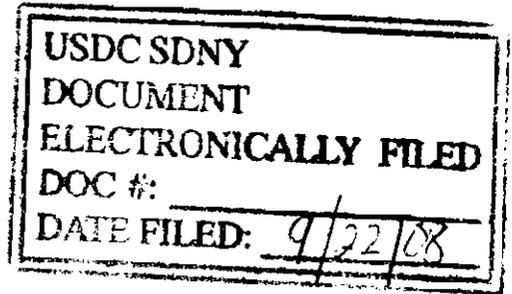


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
LUMUMBA BANDELE, DJIBRIL TOURE and  
DAVID FLOYD,

Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
POLICE OFFICER THOMAS STEVENS (SHIELD  
#11092), in his individual and official capacity; NEW  
YORK CITY POLICE OFFICER CARLOS VEGA, in  
his individual and official capacity; NEW YORK CITY  
POLICE OFFICER ERICK NOLAN, in his individual  
and official capacity; NEW YORK CITY POLICE  
SERGEANT SEAMUS LAVIN, in his individual and  
official capacity; NEW YORK CITY POLICE  
SERGEANT HOLT, in his individual and official  
capacity,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL**

07 CV 3339 (MGC)

-----X  
**WHEREAS**, plaintiffs originally commenced this action in the Southern District  
of New York on April 26, 2007, by filing a complaint alleging, *inter alia*, violations of Title 42  
USC § 1983 and state law rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiffs'  
allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability; and

**WHEREAS**, plaintiffs have authorized counsel to settle this matter on the terms  
set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amounts specified in paragraphs “2” through “4” below.

2. Defendant City of New York hereby agrees to pay plaintiff **LUMUMBA BANDELE** the sum of **FIFTEEN THOUSAND (\$15,000.00) DOLLARS**, in full satisfaction of all claims, including claims for costs, expenses and attorney’s fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants **CITY OF NEW YORK; NEW YORK CITY POLICE OFFICER THOMAS STEVENS (SHIELD #11092)**, in his individual and official capacity, **NEW YORK CITY POLICE OFFICER CARLOS VEGA**, in his individual and official capacity; **NEW YORK CITY POLICE OFFICER ERICK NOLAN**, in his individual and official capacity; **NEW YORK CITY POLICE SERGEANT SEAMUS LAVIN**, in his individual and official capacity; **NEW YORK CITY POLICE SERGEANT HOLT**, in his individual and official capacity, and to release all defendants and all present and former employees and agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney’s fees.

3. Defendant City of New York hereby agrees to pay plaintiff **DJIBRIL TOURE** the sum of **FIFTEEN THOUSAND (\$15,000.00) DOLLARS**, in full satisfaction of all claims, including claims for costs, expenses and attorney’s fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants

CITY OF NEW YORK; NEW YORK CITY POLICE OFFICER THOMAS STEVENS (SHIELD #11092), in his individual and official capacity, NEW YORK CITY POLICE OFFICER CARLOS VEGA, in his individual and official capacity; NEW YORK CITY POLICE OFFICER ERICK NOLAN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT SEAMUS LAVIN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT HOLT, in his individual and official capacity, and to release all defendants and all present and former employees and agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

4. Defendant City of New York hereby agrees to pay plaintiff **DAVID FLOYD** the sum of **FIFTEEN THOUSAND (\$15,000.00) DOLLARS**, in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all the claims against the defendants CITY OF NEW YORK; NEW YORK CITY POLICE OFFICER THOMAS STEVENS (SHIELD #11092), in his individual and official capacity, NEW YORK CITY POLICE OFFICER CARLOS VEGA, in his individual and official capacity; NEW YORK CITY POLICE OFFICER ERICK NOLAN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT SEAMUS LAVIN, in his individual and official capacity; NEW YORK CITY POLICE SERGEANT HOLT, in his individual and official capacity, and to release all defendants and all present and former employees and agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in

this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

5. Each plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of respective paragraphs 2 through 4 above and an Affidavit of No Liens.

6. Nothing contained herein shall be deemed to be an admission by the defendants 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, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

8. This Stipulation and Order 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 Stipulation and Order regarding the subject matter of

the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
September 10, 2008

Kamau Karl Franklin, Esq.  
Center for Constitutional Rights  
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(212) 788-0892

By:   
Kamau Karl Franklin

By:   
Linda Donahue  
Assistant Corporation Counsel

SO ORDERED:

5/ MIRIAM G. CEDARBAUM, U.S.D.J.  
September 19, 2008