

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 8/10/09

-----X  
UNITED STATES OF AMERICA *ex rel.* :  
ANTI-DISCRIMINATION CENTER OF :  
METRO NEW YORK, INC., :  
 :  
Plaintiff, :  
 :  
v. :  
 :  
WESTCHESTER COUNTY, NEW YORK, :  
 :  
Defendant. :  
-----X

**STIPULATION AND ORDER OF  
SETTLEMENT OF RELATOR'S  
SHARE AND RELEASE**

No. 06 Civ. 2860 (DLC)

WHEREAS, the Anti-Discrimination Center of Metro New York, Inc. (the "Relator" or "ADC") filed a civil action as a relator under the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729 et seq. (the "False Claims Act"), against the defendant Westchester County, New York (the "County"), to recover damages allegedly sustained by the United States of America (the "United States" or "Government") as a result of the County's alleged violations of the False Claims Act (the "Original Complaint");

WHEREAS, the United States, by its attorney Lev L. Dassin, Acting United States Attorney for the Southern District of New York, thereafter filed a notice of intervention pursuant to 31 U.S.C. § 3730(b)(4), and filed a complaint-in-intervention (the "Government's Complaint"); and

WHEREAS, in the interest of justice, the United States and the Relator desire to reach a final resolution of all claims the Relator may have against the United States;

NOW, THEREFORE, the parties hereto, in consideration of the mutual promises, covenants, and obligations hereinafter set forth, and for good and valuable consideration, receipt of which is hereby acknowledged, agree as follows:

1. In a separate Stipulation and Order of Settlement and Dismissal between the Government and the County (the "Settlement Stipulation and Order"), which is being submitted to the Court contemporaneously with this Stipulation and Order, the County has agreed to pay the United States, in full compromise and satisfaction of the False Claims Act allegations in this action, the sum of thirty million dollars (\$30,000,000.00) (the "Settlement Proceeds"). The Relator agrees that this settlement is fair, adequate, and reasonable under all the circumstances under 31 U.S.C. § 3730(c)(2)(B).

2. Contingent upon the United States receiving the Settlement Proceeds from the County and as soon as feasible after receipt, the United States agrees to pay the Relator, c/o its attorney Relman & Dane, PLLC, pursuant to 31 U.S.C. § 3730(d)(1), the sum of seven million, five hundred thousand dollars (\$7,500,000.00) (the "Relator's Share").

3. Prior to the payment of the Relator's share, the Relator must provide its tax identification number and full mailing address to the United States Attorney's Office for the Southern District of New York so that an IRS Form 1099 may be provided at the time of payment. No payment will be made until this information is provided.

4. Effective upon receipt of the Relator's share, the Relator, for itself and on behalf of its successors and assigns, hereby releases and discharges the United States and all departments, agencies (including, without limitation, the Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD")), subdivisions, agents, officers, employees, or representatives of the United States from all claims, causes or rights of action, demands, or liabilities of any kind or nature whatsoever that the Relator had, has, or may have, arising out of, or relating in any way to (a) the allegations contained in the Original Complaint, (b) the

allegations contained in the Government's Complaint, or (c) claims for a share of the Settlement Proceeds pursuant to 31 U.S.C. § 3730(d)(1):

5. This Stipulation and Order does not resolve or in any manner affect any claims that United States has or may have against the Relator arising under Title 26, U.S. Code (Internal Revenue Code), and the regulations promulgated thereunder, or any claims arising under this Stipulation and Order.

6. In the Settlement Stipulation and Order, the County has agreed to pay to the Relator's counsel the sum of two million, five hundred thousand dollars (\$2,500,000.00) as reasonable expenses, attorneys' fees, and costs in settlement of the Relator's claims against the County. Counsel for the Relator shall provide instructions for this payment to the County no later than five (5) business days prior to the due date for payment. The United States has no liability or responsibility for the payment of the Relator's expenses, attorneys' fees, or costs.

7. The Relator represents and warrants that, other than any fee arrangement it may have with its counsel, it has not assigned or transferred, or purported to assign or transfer, to any other person or entity, in whole or in part, voluntarily, involuntarily, or by operation of law, (a) any right, claim, or interest arising out of, in connection with, or relating in any way to, the subject matter of the Original Complaint or the Government's Complaint, or the settlement of this action, or (b) any other right, claim, or interest the Relator had, has, or may have against the United States and all departments, agencies (including without limitation DOJ and HUD), subdivisions, officers, employees, agents, or representatives of the United States.

8. The Relator and the United States acknowledge, understand, and agree that this Stipulation and Order sets forth the entire agreement and understanding between the Relator and

the United States and supersedes any and all prior agreements or understandings between the Relator and the United States pertaining to the subject matter hereof.

9. The Relator acknowledges and represents that it does not rely and has not relied upon any representations or statements other than those contained herein, by the United States and all departments, agencies (including without limitation DOJ and HUD), subdivisions, officers, employees, agents, or representatives of the United States, with regard to the subject matter, basis, or effect of this Stipulation and Order.

10. The United States acknowledges and represents that it does not rely and has not relied upon any representations or statements other than those contained herein, by the Relator and its agents, representatives, or any party acting for or on behalf of or claiming under the Relator, with regard to the subject matter, basis, or effect of this Stipulation and Order.

11. This Stipulation and Order may not be supplemented, modified, canceled, or waived or otherwise altered in any way, in whole or in part, except in writing, signed by the United States and the Relator.

12. This Stipulation and Order shall be binding upon and inure to the benefit of (a) the Relator and its agents, representatives, and any party acting for or on behalf of or claiming under the Relator; and (b) the United States and all departments, agencies (including without limitation DOJ and HUD), subdivisions, officers, employees, agents, or representatives of the United States.

13. This Stipulation and Order shall be governed by the laws of the United States. The Parties agree that the exclusive jurisdiction and venue for any dispute arising under this Stipulation shall be the United States District Court for the Southern District of New York.

14. This Stipulation and Order may be executed in counterparts, each of which shall constitute an original and all of which shall constitute one and the same agreement.

15. This Stipulation and Order is effective when entered by the Court.

Dated: Washington, D.C.  
August 7, 2009

RELMAN & DANE, PLLC  
Attorneys for Plaintiff/Relator

By: 

JOHN P. RELMAN, Esq.  
Relman & Dane, PLLC  
1225 19<sup>th</sup> Street, NW, Suite 600  
Washington, D.C. 20036-2456  
Telephone: 202-728-1888  
Fax: 202-728-0848  
E-mail: jrelman@relmanlaw.com

Dated: New York, New York  
August 6, 2009

By: 


ANTI-DISCRIMINATION CENTER OF  
METRO NEW YORK, INC.

*So ordered.*

*Yvonne Cole*  
*August 10, 2009*

Dated: New York, New York  
August 7, 2009

LEV L. DASSIN  
Acting United States Attorney for the  
Southern District of New York  
Attorney for the United States

By:   
\_\_\_\_\_  
JAMES L. COTT  
SEAN C. CENAWOOD  
BENJAMIN H. TORRANCE  
Assistant United States Attorneys  
Telephone: 212.637.2695/2705/2703  
Fax: 212.637.2730/2702  
E-mail: james.cott@usdoj.gov  
E-mail: sean.cenawood@usdoj.gov  
E-mail: benjamin.torrance@usdoj.gov

SO ORDERED:

\_\_\_\_\_  
DENISE L. COTE  
UNITED STATES DISTRICT JUDGE