

SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY

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LINDA DOMINGUEZ,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.
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Index No. 020841/2019E
City Part 33
(Danziger, J.)

**STIPULATION OF
SETTLEMENT**

WHEREAS, Plaintiff commenced this action by Summons and Complaint filed January 21, 2019 (NYSCEF Nos. 1 and 2), alleging various state law claims against Defendants arising from Plaintiff's arrest on April 18, 2018;

WHEREAS, Defendants City of New York and Megan Boyer (nee Megan Francis) filed an Answer (NYSCEF No. 10) denying any wrongdoing and asserting various affirmative defenses;

WHEREAS, Plaintiff filed a First Amended Complaint on December 12, 2019 (NYSCEF No. 16) adding Richard Castellano and Steven Ramunno as defendants;

WHEREAS, Defendants deny any and all liability or wrongdoing arising from the allegations set forth in the Complaint, and nothing in this Stipulation shall be deemed an admission of any fault or liability by Defendants; and

WHEREAS, following good-faith negotiations, the parties have reached an agreement concerning Plaintiff's claims and the parties desire to resolve this matter without any further proceedings except those necessary to discontinue the above-captioned;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the respective parties, as follows:

1. The above-captioned proceeding is hereby settled—and, pursuant to the Stipulation of Discontinuance filed alongside this Stipulation, discontinued pursuant to CPLR 3217(a)(2), with prejudice, and without costs, expenses or fees, except as provided below.

2. The City of New York agrees to pay Plaintiff the sum of Thirty Thousand dollars (\$30,000.00), by check made payable to “NYCLU Foundation as attorney for Linda Dominguez,” in full satisfaction of all claims that were or could have been raised in this proceeding including, but not limited to all claims for compensatory damages and claims for attorneys’ fees, costs and expenses.

3. On or before December 31, 2020, the New York City Police Department (“NYPD”) will:

- a. conduct roll-call training for all tours of duty at the 44th Precinct regarding interactions with transgender and gender nonconforming people, using existing guidelines, materials and NYPD trainers, including but not limited to the material found on pages 5 and 6 of the document “Gender Identity and Expression In Our Department and the City We Serve”;¹ and
- b. distribute a Department-wide message (by FINEST, Department-wide email or administrative bulletin, or otherwise) reiterating existing Patrol Guide/Department training language regarding interactions with members of the transgender and gender nonconforming communities, including but not limited to the material found on pages 5 and 6 of the document “Gender Identity and Expression In Our Department and the City We Serve.”²

4. In consideration for the payment described in paragraph 2 above and the actions described in paragraph 3 above, Plaintiff agrees to the dismissal of all of the claims in this proceeding with prejudice and all claims for attorneys’ fees, costs, and expenses in connection with this action. Plaintiff further agrees to release and discharge Defendants, the

¹ Bates numbers NYPD001-NYPD009 of the document “Gender Identity and Expression In Our Department and the City We Serve,” as identified in and attached to an email from Jeffrey Dantowitz to Robert Hodgson on September 24, 2020.

² *Id.*

NYPD, their successors and assigns, and all past and present officials, employees, representatives, and agents of Defendants and the NYPD, from any and all liability, claims, and/or rights of action that Plaintiff has, had, or may have arising from the allegations set forth in the Complaint in this proceeding, whether known or unknown, including all claims for attorneys' fees, costs and expenses incurred by Plaintiff or her counsel.

5. Plaintiff and her counsel, as requested, shall each execute and deliver to Defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 4 above, an Affidavit Concerning Status of Liens and a substitute W-9 form. The payment set forth above is subject to and conditioned on delivery of such documents to Defendants' undersigned attorney.

6. Plaintiff and her counsel, as applicable, shall be responsible for the payment of any federal, state and/or local taxes on the payments specified in paragraph "2" above.

7. Nothing contained herein shall be deemed to be an admission by the Defendants that they have in any manner or way violated Plaintiff's 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 State of New York, the City of New York or the NYPD.

8. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any department or subdivision of the City of New York or the NYPD.

9. This Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations except for enforcement of the provisions contained herein.

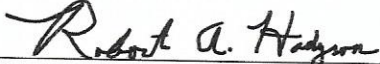
This Court will retain jurisdiction over this case only to enforce the terms of this Stipulation.

10. This Stipulation contains all of 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 regarding the subject matter of this proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

11. For the purposes of this Stipulation, electronic, facsimile or other electronically-reproduced signatures shall be considered originals.

Dated: November 9, 2020
New York, New York

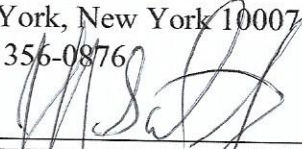
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