

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA,
:
Plaintiff,
:
v.
:
THE TOWNSEND HOUSE CORPORATION,
:
Defendant.
:
----- x

08.CV.9753(NRB)(JCF)

**STIPULATION AND ORDER OF
DISMISSAL**

WHEREAS the United States filed a civil action for declaratory relief, injunctive relief and monetary damages under the Fair Housing Act, as amended, 42 U.S.C. §§ 3601, et seq. (the "Fair Housing Act"), on behalf of Maria Mostajo and Mark Schein ("Complainants") on behalf of their eleven-year-old child (the "child"), to redress alleged discrimination on the basis of disability;

WHEREAS the United States filed this action in federal court pursuant to 42 U.S.C. § 3612(o)(1), following Townsend House's election to have the charge filed against it by the Department of Housing and Urban Development ("HUD") resolved in a federal civil action pursuant to 42 U.S.C. § 3612(a);

WHEREAS the United States alleged that Townsend House's conduct violated the Fair Housing Act;

WHEREAS Townsend House has denied these allegations;

WHEREAS the Complainants and the Townsend House have reached an agreement allowing Complainants to obtain a dog for what the United States alleges is a reasonable accommodation for the child's disability and Complainants have agreed to abide by certain conditions set forth in a "pet license agreement" signed by the Complainants and Townsend House on May 4, 2009;

USDS SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/6/08

BASED ON THE FOREGOING, IT IS HEREBY STIPULATED AND AGREED by and between the parties, as follows:

1. This case is hereby dismissed on the date this Stipulation and Order is entered as an Order of the Court, without prejudice to re-activation for a period of three years from the date of dismissal, if after a good faith effort to resolve any disputes, any of the following conditions occurs:

- a. The Complainants, the United States, or Townsend House concludes that there has been a violation of the pet license agreement.
- b. The Townsend House issues a notice to vacate or otherwise commences a proceeding to evict Complainants or the dog on account of Complainants' exercise of their rights to a reasonable accommodation under the Fair Housing Act.
- c. The Townsend House retaliates against or interferes with Complainants on account of their having exercised or enjoyed their right to seek a reasonable accommodation pursuant to the Fair Housing Act in violation of 42 U.S.C. § 3617.

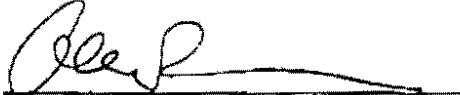
2. In the event this case is reactivated pursuant to paragraph 1, the parties agree to submit to the jurisdiction of Magistrate Judge James C. Francis. The parties agree that three years from the date that this Stipulation and Order is So-Ordered the case will be dismissed with prejudice.


3. The United States and The Townsend House understand and agree that this Stipulation, which references the pet license agreement, contains the entire agreement between them, and that no statements, representations, promises, agreements or negotiations, oral or otherwise, between the United States and The Townsend House or their respective counsel that are not included herein shall be of any force or effect between the United States and The Townsend House.

4. Each party shall bear its own costs and attorney's fees in connection with this action.


Dated: New York, New York
May 4, 2009

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

By: 
ALLISON D. PENN (AP-3787)
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-2725
Fax: (212) 637-2702

BY: 
JOAN M. GILBRIDE (JG 6238)
Kauffman Borgeest & Ryan LLP
120 Broadway, 14th Floor
New York, N.Y. 10271
Tel: (212) 980-9600
Attorney for Defendant Townsend House

SO ORDERED


HONORABLE JAMES C. FRANCIS IV
United States Magistrate Judge
5/6/09