

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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RECLAIM THE RECORDS and
BROOKE SCHREIER GANZ,

Petitioners,

— against —

THE CITY OF NEW YORK and OFFICE OF THE CITY
CLERK,

Respondents.
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**STIPULATION OF
SETTLEMENT AND
DISCONTINUANCE**

Index No. 100397/2016
IAS Part 17

Justice Shlomo S. Hagler

RECEIVED

SEP 14 2016

NEW YORK
COUNTY CLERK'S OFFICE

WHEREAS, Petitioners Reclaim the Records and Brooke Schreier Ganz commenced this proceeding on or about March 16, 2016, seeking to obtain marriage record indexes from Respondents the City of New York and the Office of the City Clerk of New York (“City Clerk”) pursuant to the Freedom of Information Law (“FOIL”), New York Public Officers Law §§ 84, *et seq.*; and

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

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

1. The above-referenced proceeding is hereby dismissed with prejudice, and without costs, expenses, or attorneys’ fees to any party in excess of the amount specified in paragraph “3” below.

2. Respondents hereby agree that upon Petitioners’ payment of the invoice attached hereto as Exhibit A, Respondents will produce the following records to Petitioners: (i) 110 Microfilm rolls containing copies of marriage record indexes for the years 1930-1972; and (ii) a flash drive with data from the City Clerk’s electronically-stored indexes for the years 1950-1995, excluding data showing dates of birth. Respondents agree to mail the foregoing records by UPS or FedEx to Petitioners, directed to the address provided by Petitioners’ counsel, by September 16, 2016, subject to any reasonable and unforeseen delays.

3. The City of New York hereby agrees to pay Petitioners FOUR THOUSAND FIVE HUNDRED EIGHTY DOLLARS AND ZERO CENTS (\$4,580.00) in full satisfaction of all claims for attorneys' fees, costs, and expenses related to the above-referenced proceeding and Petitioners' December 30, 2015 FOIL request to which this proceeding relates. Payment will be made by check, payable to "Rankin & Taylor PLLC."

4. In consideration for the production of records set forth in in paragraph "2" above and the payment of the amount specified in paragraph "3" above, Petitioners agree to the dismissal with prejudice of all claims that were or could have been asserted against Respondents in this proceeding, and to release Respondents, their successors or assigns, and all present or former officials, employees, representatives or agents of Respondents from any and all liability, claims, and/or rights of action arising from the allegations asserted by Petitioner in this proceeding, including claims for costs, expenses, and attorneys' fees.

5. Petitioners shall execute and deliver to Respondents' counsel all documents necessary to effect this Stipulation of Settlement and Discontinuance (the "Stipulation"), including, but not limited to, a release from Petitioners based on the terms of paragraphs "2", "3", and "4" above, and a completed Substitute W-9 form for Petitioners' counsel. Payment of the amount specified in paragraph "3" above is conditioned upon delivery of these documents to Respondents' counsel.

6. This 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 Stipulation 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.

7. Nothing contained herein shall be deemed to be an admission by Respondents that they have in any manner or way violated the provisions of New York Public Officers Law §§ 84, *et seq.*, Petitioners' 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.

8. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the City Clerk.

9. This Stipulation shall not be admissible in, nor is it related to, any other litigation, proceeding, or settlement negotiation, except as necessary to enforce its terms.

10. Facsimile and photocopied signatures on this Stipulation shall have the same effect as original signatures.

11. This 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 Stipulation 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 14, 2016

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By: 

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By: 

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EXHIBIT A



**OFFICE OF THE CITY CLERK OF THE
CITY OF NEW YORK**

INVOICE

INVOICE NO: 2016-001

INVOICE DATE: September 7, 2016

SOLD TO:

Brooke Schreier Ganz

Reclaimtherecords.org

Description of Service:	QTY	Unit Price	Amount
1 ea. 16mm Diazo duplicate of Marriage License Index microfilms, 1930-1972, all Boroughs:			
Manhattan rolls	43	\$35.00	\$1,505.00
Brooklyn rolls	32	\$35.00	\$1,120.00
Bronx rolls	18	\$35.00	\$630.00
Queens rolls	13	\$35.00	\$455.00
Richmond rolls	4	\$35.00	\$140.00
Shipping			\$ 50.00
Total Due :			\$3,900.00

MAKE CHECK PAYABLE TO: "THE OFFICE OF THE CITY CLERK"

PLEASE SEND THE CHECK TO:

**The Office of the City Clerk
141 Worth Street
New York, NY 10013
Attn: Patrick Synmoie, Esq.**