

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-

**STIPULATION OF  
SETTLEMENT AND  
DISCONTINUANCE**

Index No. 150250/18

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

Respondents.

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**WHEREAS**, on September 22, 2017, Petitioner Brooke Schreier Ganz submitted a request pursuant to the Freedom of Information Law (FOIL), New York Public Officers Law §§ 84 *et seq.*, seeking an extract of data from Respondent Office of the City Clerk’s marriage records database (hereinafter, the “September 2017 FOIL Request”);

**WHEREAS**, on January 8, 2018, Petitioners Reclaim the Records and Brooke Schreier Ganz (together, the “Petitioners”) commenced this proceeding seeking to obtain the data requested in the September 2017 FOIL Request;

**WHEREAS** Petitioners and Respondents the City of New York and the Office of the City Clerk of New York (the “Respondents”) (collectively, the “Parties”) desire to resolve the issues raised in this petition, 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 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 agree that within 30 days of the Court so-ordering this Stipulation of Settlement and Discontinuance (the "Stipulation"), Respondents will hand deliver to Petitioners' undersigned counsel a CD or flash drive with an extract of data from the Office of the City Clerk's marriage database for the time period January 1, 1996 through December 31, 2017. The extract of data will include the following 12 fields of data: (1) BRIDE\_FIRST\_NAME, (2) BRIDE\_MIDDLE\_NAME, (3) BRIDE\_SURNAME, (4) GROOM\_FIRST\_NAME, (5) GROOM\_MIDDLE\_NAME, (6) GROOM\_SURNAME, (7) LICENSE\_BOROUGH\_ID, (8) LICENSE\_CITY, (9) LICENSE\_SEQ, (10) LICENSE\_TYPE\_ID, (11) LICENSE\_YEAR, and (12) date of marriage ceremony.

3. The City of New York agrees to pay Petitioners FOUR THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$4,500.00) in full satisfaction of all claims for attorneys' fees, costs, and expenses related to this proceeding, Petitioners' September 22, 2017 FOIL Request, and any requests for data by Petitioners from the Office of the City Clerk's marriage records database for the time period January 1, 1996 through December 31, 2017. Payment will be made by check payable to "Beldock Levine & Hoffman LLP."

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 Petitioners in this proceeding, Petitioners' September 22, 2017 FOIL Request, and any requests for data by Petitioners from the Office of the City Clerk's marriage database for the time period January 1, 1996 through December 31, 2017, including claims for costs, expenses, and attorneys' fees.

5. Petitioners shall execute and deliver to Respondents' counsel all documents necessary to effect this Stipulation, including, but not limited to, a release from both Petitioners based on the terms of paragraphs "2", "3", and "4" above, and a completed Substitute W-9 form for Beldock Levine & Hoffman LLP. 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, 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, 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 Office of the City Clerk.

9. Facsimile, electronic, and photocopied signatures on this Stipulation shall have the same effect as original signatures.

Dated: New York, New York  
April \_\_\_\_, 2018

**BELDOCK LEVINE & HOFFMAN  
LLP**  
Attorneys for Petitioners  
99 Park Avenue, PH/26<sup>th</sup> Floor  
New York, New York 10007  
(212) 490-0400  
drankin@blhny.com

**ZACHARY W. CARTER**  
Corporation Counsel of the City of New  
York  
Attorney for Respondents  
100 Church Street, Room 2-192  
New York, New York 10007  
(212) 356-0893  
ckruk@law.nyc.gov

By: \_\_\_\_\_  
David Rankin

By: \_\_\_\_\_  
Carolyn Kruk  
Assistant Corporation Counsel