

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

COPY

-----X	:	
In the Matter of,	:	
	:	
NEW YORK CIVIL LIBERTIES UNION, and	:	Index No. 2013-0098
AMERICAN CIVIL LIBERTIES UNION,	:	
	:	
Petitioners,	:	
	:	
-against-	:	STIPULATION AND ORDER
	:	OF SETTLEMENT
VILLAGE OF KIRYAS JOEL,	:	
	:	
Respondent,	:	
	:	
For a Judgment Pursuant to Article 78	:	
Of the Civil Practice Law and Rules.	:	
-----X	:	

WHEREAS, petitioners the New York Civil Liberties Union ("NYCLU") and the American Civil Liberties Union ("ACLU") (collectively "Petitioners") sent a Freedom of Information Law ("FOIL") request to Respondent Village of Kiryas Joel ("the Village") in July 2013; and

WHEREAS, Petitioners commenced this action on December 10, 2013, seeking records responsive to Petitioners' July 2013 FOIL request; and

WHEREAS, the Village produced certain responsive records on January 17, 2014, and additional records on February 7, 2014; and

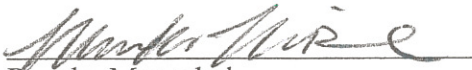
WHEREAS, the parties wish to settle the remainder of the case, including the Petitioners' claim to fees, expenses, and costs; and

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the NYCLU, the ACLU, and the Village, as follows:

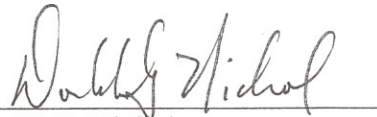
1. The Village shall pay reasonable attorneys' fees, expenses, and costs of THREE THOUSAND DOLLARS (\$3,000.00) to Petitioners' counsel, New York Civil Liberties Union Foundation, within 15 days in settlement of the above-captioned matter.

2. The parties understand and agree that upon the Court's ordering of this Stipulation, the parties' obligations, rights and responsibilities under this Stipulation shall commence, and all remaining aspects of this action, including any claims for attorneys' fees, costs and expenses, shall be dismissed with prejudice. No appeal shall be taken from the Order.

Dated: New York, New York
March 25, 2014

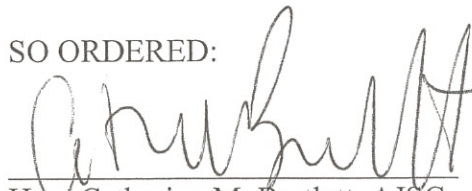


Brooke Menschel
Mariko Hirose
New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, New York 10004
Tel. (212) 607-3322
Attorneys for Petitioners
New York Civil Liberties Union
American Civil Liberties Union



Donald G. Nichol
Jacobowitz & Gubits, LLP
158 Orange Ave.
P.O. Box 367
Walden, NY 12586-0367
Tel. (845) 778-2121
Attorney for Respondent
Village of Kiryas Joel

SO ORDERED:



Hon. Catherine M. Bartlett, AJSC
JUDGE NY STATE COURT OF CLAIMS
ACTING SUPREME COURT JUSTICE

Dated: March 26, 2014

So Ordered

GERALD N. JACOBOWITZ
DAVID B. GUBITS
JOHN H. THOMAS JR.
GERALD A. LENNON
PETER R. ERIKSEN
HOWARD PROTTER
DONALD G. NICHOL
LARRY WOLINSKY
J. BENJAMIN GAILEY
MARK A. KROHN*
JOHN C. CAPPELLO
GEORGE W. LITHCO
MICHELE L. BABCOCK
MICHAEL L. FOX
* L.L.M. IN TAXATION

JACOBOWITZ AND GUBITS, LLP

COUNSELORS AT LAW

158 ORANGE AVENUE
POST OFFICE BOX 367
WALDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX

Writer's Email: dgn@jacobowitz.com

SANFORD R. ALTMAN
GARY M. SCHUSTER
WILLIAM E. DUQUETTE
ALYSE D. TERHUNE
KARA J. CAVALLLO
MARCIA A. JACOBOWITZ
F. BRYAN PAZ
ANDREA L. DUMAIS
ANTOINETTE M. CARUSO
JASON C. SCOTT
ALANNA C. IACONO
CARMEE G. MURPHY**
**OF COUNSEL

March 21, 2014

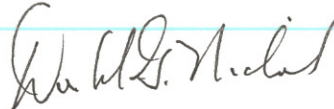
Brooke Menschel
Mariko Hirose
Christopher Dunn
Beth Haroules
New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, NY 10004

Daniel Mach
American Civil Liberties Union
Program on Freedom of Religion and Belief
915 15th Street NW
Washington, DC 20005

Ladies and Gentlemen:

I am the attorney for the Village of Kiryas Joel, a municipal government of New York State. I am writing to inform the New York Civil Liberties Union and the American Civil Liberties Union that the municipal government of the Village of Kiryas Joel does not have any policy of directing, endorsing, or enforcing illegal segregation on the basis of sex in public places or programs. In particular, the Village does not have any policy of directing, endorsing, or enforcing illegal segregation on the basis of sex in the Village's playground located off Larkin Drive in the Town of Monroe, also known as the "Kinder Park." Further, as a government entity, the Village does not have any plan or intention to adopt a policy that would direct, endorse, or enforce illegal segregation on the basis of sex in public places or programs. The Village respects the rights of individuals, including Village residents, to practice their religion and to exercise their religious freedoms and beliefs.

Very truly yours,



Donald G. Nichol



VILLAGE OF KIRYAS JOEL

Post Office Box 566, Monroe, NY 10949

Phone: 845.783.8300 • Fax: 845.783.9491 • TDD: 800.662.1220

Mayor

Abraham Wieder

Administrator-Clerk

Gedalye Szegedin

Trustees

Moses Goldstein

Jacob Freund

Samuel Landau

Jacob Reisman

March 20, 2014

Brooke Menschel
Mariko Hirose
Christopher Dunn
Beth Haroules
New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, NY 10004

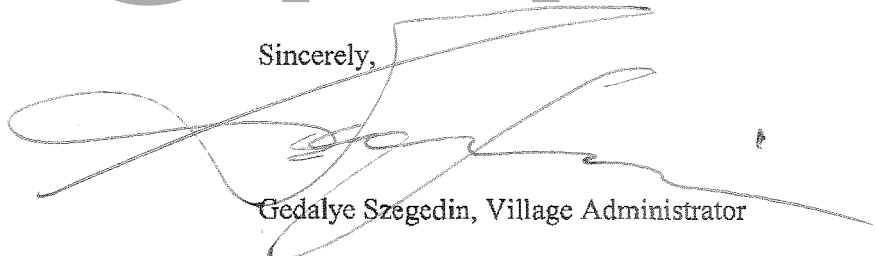
Daniel Mach
American Civil Liberties Union
Program on Freedom of Religion and Belief
915 15th Street NW
Washington, DC 20005

Ladies and Gentlemen:

I am the Village Administrator of the Village of Kiryas Joel and write on behalf of the Village. In my official capacity, I am pleased to invite our friends representing the New York Civil Liberties Union and the American Civil Liberties Union to visit the Village's playground off Larkin Drive in the Town of Monroe, also known as the "Kinder Park," during the summers of 2014, 2015, and 2016. This invitation is irrevocable but is limited to, at most, two visits each summer by not more than two people and shall take place during normal park-hours, defined as:
Mon – Thursday: 3pm to sundown
Friday: 10am to two hours before sundown
Sunday: 12 noon to sundown

Thank you for your hard work in defending our civil liberties, including support of the religious freedoms and beliefs of our residents.

Sincerely,



Gedalye Szegedin, Village Administrator