

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF WESTCHESTER

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 DENNIS C. DURING, MICHAEL S. FRISCIA and :  
 MARCI MALONE :  
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 :  
 Plaintiffs, :  
 :  
 - against - :  
 :  
 :  
 THE CITY OF NEW ROCHELLE, NEW YORK, :  
 :  
 :  
 Defendant. :  
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Index No. 6561/07

STIPULATION OF SETTLEMENT AND DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to the above-captioned action, and their respective attorneys, as follows:

1. Within forty-five (45) days of the execution of this Stipulation, the City of New Rochelle shall adopt the following amendments to Chapter 133, Fees, and Chapter 224, Parks, of the City Code of the City of New Rochelle:

133-1 Code Section	Type of Fee	Amount
224-9.B(2)	Ward Acres Dog Permit (January 1 to December 31)	
	Up to 4 Dogs owned by City Resident Family	\$50.00/year
	Up to 4 Dogs owned by Non-City Resident Family	\$100.00/year

224-9.B(2) No person being the owner or having the custody and control of a leashed or unleashed dog shall allow or permit such dog to go and/or to remain in the designated fenced-in dog run area in Ward Acres Park without such person being in possession of a current Ward Acres Dog Permit for such dog, issued to the owner of such dog by the City ("Ward Acres Dog Permit"), the annual fee for such Ward Acres Dog Permit being set forth in Chapter 133, Fees, of the City Code.

2. This settlement shall not be deemed to amend or require the amendment of Chapter 133, Fees, and Chapter 224, Parks, of the City Code of the City of New Rochelle except as expressly set forth in paragraph 1 above.

3. Pursuant to CPLR § 3217(a)(2), the parties hereby agree to dismiss this action, with prejudice and without costs.

4. This signed Stipulation shall be held in escrow by Zarin & Steinmetz, counsel for Defendant, until such time as the City of New Rochelle adopts the amendments set forth in Paragraph 1. Within ten (10) days of the adoption of said amendments, Zarin & Steinmetz shall arrange for this Stipulation to be So Ordered, at which time, the Court shall mark this matter off of its calendar as having been settled.

5. No party to this action is an infant, incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of this action.

Dated: White Plains, New York  
November 24, 2008

LAW OFFICES OF PATRICIA B. WILD

By: Patricia B. Wild  
Patricia B. Wild, Esq.  
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ZARIN & STEINMETZ  
By: [Signature]  
David S. Steinmetz  
Attorneys for Defendant  
The City of New Rochelle  
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(914) 682-7800

By: [Signature]  
Bernis Shapiro, Esq.  
Corporation Counsel for the  
City of New Rochelle  
515 North Avenue  
New Rochelle, New York 10801

So Ordered: 12/12/08  
[Signature]

**W. DENIS DONOVAN**  
JUSTICE OF THE SUPREME COURT 2