

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LEROY PEOPLES, et al.,

Plaintiffs,

-versus-

BRIAN FISCHER, et al.,

Defendants.
_____X

11 Civ. 2694 (SAS)

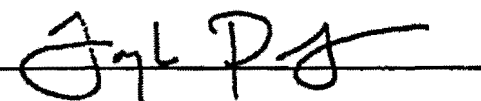
**STIPULATION
AND ORDER**

WHEREAS, the Plaintiffs and Defendants have agreed to a 90-day adjournment to conduct settlement negotiations pursuant to the attached April 29, 2013, letter agreement between the parties;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND ORDERED:


Defendants' Motion to Dismiss Plaintiffs' Corrected Third Amended Complaint on the Basis of Qualified Immunity (ECF No. 101) is hereby withdrawn without prejudice, and the Pre-Trial Scheduling Order (ECF No. 104) is hereby suspended.

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*Kyle Valenti
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FOR DEFENDANTS:



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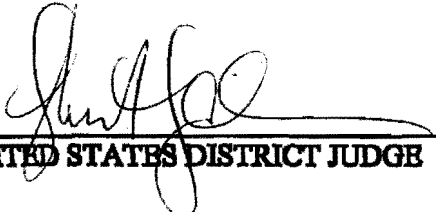
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Act.

SO ORDERED:


UNITED STATES DISTRICT JUDGE

Date: May 1, 2013



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SENT VIA FACSIMILE

April 29, 2013

Honorable Shira A. Scheindlin
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Peoples et al. v. Fischer et al.*, 11-cv-2694 (SAS)

Dear Judge Scheindlin:

On behalf of both the plaintiffs and defendants in this litigation, we write to update the Court regarding the outcome of the initial settlement discussions that occurred during the one-week adjournment, previously granted by the Court, of the motion to dismiss briefing schedule.

During the initial one-week adjournment, the parties reached an agreement regarding the timing and structure of settlement discussions. The parties identified major areas to be addressed, and also agreed that a negotiated resolution of the claims for relief raised in this litigation will require a substantial commitment of time and attention from both sides.

The parties have agreed to settlement discussions to occur over the next 90 days. These discussions will occur in a confidential setting and will include regularly-scheduled weekly meetings between the parties and their counsel, and an agreement to internal deadlines to ensure the negotiations advance in a timely fashion. The parties have agreed to an exchange of information for the purpose of facilitating these settlement discussions. This will include information plaintiffs identify as being necessary in order to conduct settlement negotiations, including some information currently sought in plaintiffs' discovery requests.

Therefore, the parties respectfully request that the Court grant an approximately 90-day adjournment of all briefing and discovery deadlines through July 30, 2013. In the event the parties reach an impasse at any point, including with regard to the exchange of information, the parties will advise the Court of the development so that the Court may, as appropriate, end the adjournment and resume briefing and/or discovery.

Sincerely,

Taylor Pendergrass
On behalf of Plaintiffs

Jeb Harben
On behalf of Defendants