

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LAWRENCE CHATFIELD,

Plaintiff,

vs -

91-CV-6310T

MARY JO BANE,

Defendant.

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Take notice of an Order, of which the within is a copy, duly granted in the within entitled action on the 5th day of August, 1992 and entered in the office of the Clerk of the United States District Court, Western District of New York, on the 5th day of August, 1992.

Dated: Rochester, New York

August 5, 1992

Clerk  
United States District Court  
Western District of New York  
282 U.S. Courthouse  
Rochester, New York 14614

TO: C. Steinman, esq.  
C. Genese, Esq.  
K. Shiotani, Esq.  
B. Hetherington, Esq.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LAWRENCE CHATFIELD,

Plaintiff,

vs.

MARY JO BAHE, et ano.,

Defendants.

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STIPULATION AND  
ORDER OF SETTLEMENT  
AND DISCONTINUANCE

Civ. 91-6310T

WHEREAS, the plaintiff, Lawrence Chatfield, by his attorney, Monroe County Legal Assistance Corporation (Kenneth Shlotani, Esq., of counsel), commenced this action pursuant to 42 U.S.C. §1983, alleging, inter alia, that he had been denied the right to confront and cross-examine adverse witnesses in an Administrative Fair Hearing conducted to determine whether or not the plaintiff had refused an offer of employment; and

WHEREAS, defendants have denied any and all liability arising out of the plaintiff's claims; and

WHEREAS, the parties desire to resolve the issues raised in this litigation, without further proceedings, and without admitting any infirmities in their claims or defenses;

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

1. The defendant Bahe agrees to withdraw that portion of the Decision After Fair Hearing, dated December 19, 1990 (FILE 1467549P), which affirmed the determination of the Monroe County Department of Social Services to discontinue the

plaintiff's public assistance for three months by deleting him from the grant under the Aid to Families with Dependent Children program.

2. The defendant Richardson agrees to restore all benefits withheld from the plaintiff pursuant to that portion of the Decision After Fair Hearing described in paragraph 1, above

3. Defendant Bane agrees to provide basic instructions to Administrative Law Judges concerning the provisions of 45 C.F.R. 205.10(a)(13)(vi), regarding the opportunity to confront and cross-examine adverse witnesses

4. Defendant Bane agrees to provide counsel for the plaintiff with a copy of the instructions referred to in paragraph 3 following the signing and filing of the order entered on this stipulation and prior to its issuance.

5. The State of New York hereby agrees to pay plaintiff's counsel, the Monroe County Legal Assistance Corporation, attorneys' fees in the sum of Three Thousand Dollars (\$3,000.00) with interest accruing after 120 days from entry of judgment.

6. Payment of the attorney's fees specified in paragraph 5 is subject to the approval of all appropriate state officials in accordance with the provisions for indemnification under New York Public Officers Law §17, subdivision (3)(a)

7. Nothing contained herein shall be deemed to be an admission by either of the defendants that they have in any manner or way violated the plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States

or the State of New York.

8. This stipulation shall not be admissible in nor is it related to any other litigation or settlement negotiations between the parties to this stipulation

Dated: July 15, 1992

ROBERT ABRAMS  
Attorney General of the  
State of New York  
Attorney for Defendant Bane  
N.Y.S. Dept. of Law  
144 Exchange Blvd.  
Rochester, New York 14614  
TEL: (716) 546-7410  
BY: *Charles D. Steinkman*  
CHARLES D. STEINKMAN  
Assistant Attorney General

CHARLES TURNER  
Monroe County Attorney  
Attorney for Defendant  
Richardson  
Monroe Co. Dept. of Law  
39 W. Main St.  
Rochester, New York 14614  
TEL: (716) 428-3477  
BY: *Charles J. Genese*  
CHARLES J. GENESE  
Deputy County Attorney

MONROE COUNTY LEGAL ASSISTANCE CORP.  
Attorney for Plaintiff Chatfield  
87 N. Clinton Ave., Suite 200  
Rochester, New York 14604-1479  
TEL: (716) 325-2520  
BY: *Kenneth Shiotani*  
KENNETH SHIOTANI, ESQ.

SO ORDERED:

*Michael A. Telesca*  
HON. MICHAEL A. TELESKA  
United States District Court Judge

*8/5/92*