



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RYAN DIPEDA and VIRGINIA JAMIESON,  
individually and on behalf of their infant child A.D.,

Plaintiffs,

-against-

JOSEPHINE McFARLANE, individually and as  
manager, GLADYS CARRIÓN, individually and as  
Commissioner, KAREN McNEELY, individually and  
as manager, NADIA El-SAIEH, NAKIA  
WILLIAMS, DERRICK HINDS, individually and as  
Deputy Commissioner, KEITH HILL, EDEN  
HAUSLAIB, individually and as director,  
GREGORY VINCENT, M.D., and CITY OF NEW  
YORK,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

No. 17-CV-1546  
(PAC)(SN)

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WHEREAS Plaintiffs Ryan DiPede, Virginia Jamieson, and A.D. (together, the "Plaintiffs") commenced this action by filing a summons and complaint in the United States District Court for the Southern District of New York on March 1, 2017, as amended and filed on June 29, 2017, seeking compensatory relief and punitive damages for alleged violations of both federal and state law in connection with the New York City Administration of Children's Services' investigation of the death of Plaintiffs' minor child, H.D., the temporary removal of A.D. from Plaintiffs' custody, the related Family Court proceedings which were alleged to be a malicious prosecution as set forth the in the complaint and amended complaint, negligence on the part of the defendants, and H.D.'s autopsy.

WHEREAS Defendants deny any and all liability or wrongdoing arising from Plaintiffs' allegations, and nothing in this stipulation shall be deemed an admission of any fault or liability by any Defendant;

WHEREAS Defendants and Plaintiffs now desire to resolve the issues raised in this action without further proceedings and without admitting any fault or liability; and

WHEREAS Plaintiffs have authorized their counsel to settle this matter on the terms set forth below;

WHEREAS the Court so-ordered an Infant Compromise Order on October 25, 2017, that approved the settlement of this matter with respect to A.D. on the terms set forth below;

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

1. The above-referenced action is hereby dismissed against Defendants Josephine McFarlane, individually and as manager; Gladys Carrion, individually and as Commissioner; Karen McNeely, individually and as manager; Nadia el-Saieh; Nakia Williams, Derrick Hinds, individually and as Deputy Commissioner; Keith Hill, Eden Hauslaib, individually and as director; Gregory Vincent, M.D.; and the City New York, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay Plaintiffs Ryan DiPede, Virginia Jamieson and A.D. (together, the "Plaintiffs") the sum total of FOUR HUNDRED TWENTY FIVE THOUSAND DOLLARS AND ZERO CENTS (\$425,000.00) in full satisfaction of all claims that were or could have been raised in this action, including all claims for damages, injuries, costs, expenses, and fees. In consideration for the payment of this sum, Plaintiffs agree to dismiss and discontinue, with prejudice, all claims asserted in this action, and to release Defendants

Josephine McFarlane, individually and as manager; Gladys Carrion, individually and as Commissioner; Karen McNeely, individually and as manager; Nadia el-Saieh; Nakia Williams, Derrick Hinds, individually and as Deputy Commissioner; Keith Hill, Eden Hauslaib, individually and as director; Gregory Vincent, M.D.; and the City New York, and all past and present officials, employees, representatives, and agents of the City of New York, the New York City Administration of Children's Services ("ACS"), and New York City Office of Chief Medical Examiner ("OCME"), from any and all liability, claims, or rights of action, from the beginning of the world to the date on the General Releases in this action, whether known or unknown, that Plaintiffs raised or could have raised in the Complaint or Amended Complaint in this action, including all claims for costs, expenses and fees incurred in connection with this action.

3. Subject to the approval of the Court that settlement of this action with respect to A.D. is in compliance with Rule 83.2(a) of the Local Civil Rules of this Court ("Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions") and Rule 1207 et seq. of the Civil Practice Laws and Rules for the State of New York, payment shall be distributed as follows in accordance with the Infant Compromise Order so ordered on October 25, 2017: (1) FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$425,000.00) payable by check to "Virginia Jamieson, Ryan DiPede and Reibman & Weiner, as attorneys" which shall be deposited to the Reibman & Weiner IOLA account; and (2) Reibman & Weiner shall issue a check from its IOLA account in the amount of TWENTY THREE THOUSAND THREE HUNDRED THIRTY FOUR DOLLARS AND ZERO CENTS (\$23,334.00) payable to "Virginia Jamieson and Ryan DiPede, in trust for infant, A.D.," which shall be deposited into an interest bearing account at a bank selected by Virginia Jamieson and Ryan DiPede and held for

the benefit of A.D. until the event of A.D.'s 18<sup>th</sup> birthday; and (3) the adult parents shall pay all attorneys' fees in the amount of \$141,666.00; and (4) that the plaintiffs and attorneys shall otherwise comply with the terms of the Infant Compromise Order dated October 25, 2017. The settlement check in the amount of \$425,000.00 shall be mailed to plaintiffs' counsel, Steven Weiner, Reibman & Weiner, 26 Court Street, Suite 1808, Brooklyn, New York, 10021.

4. Plaintiffs shall be responsible for the payment of any federal, state and/or local taxes, if any, on the payments specified in paragraphs "2" and "3" above.

5. Plaintiffs will execute and deliver to the City of New York's attorney all documents necessary to effectuate this settlement, including, without limitation, general releases for each Plaintiff based upon the terms of the paragraph "2" above; an affidavit of status of liens for each Plaintiff; and substitute w-9s for each Plaintiff. The payments set forth in paragraphs "2" and "3" are subject to and conditioned on delivery of all such documents to the City of New York's undersigned attorney.

6. Nothing contained herein shall be deemed to be an admission by the Defendants Josephine McFarlane, Gladys Carrion, Karen McNeely, Nadia el-Saieh, Nakia Williams, Derrick Hinds, Keith Hill, Eden Hauslaib, Gregory Vincent, and/or the City New York of any of Plaintiffs' allegations, nor an admission by Defendants that they have in any manner or way violated the rights of Plaintiffs Ryan DiPede, Virginia Jamieson, and/or A.D., or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, charters, by-laws, rules or regulations of the United States, the State of New York, or the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York, ACS and OCME.

7. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation or settlement negotiations except for enforcement of the provisions contained herein.

8. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof, including ACS and OCME.

9. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation of Settlement regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: Brooklyn, New York

*November 21, 2017*

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By:

*CAK / [Signature]*  
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*11/22/17*

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*As ordered 11/27/2017*  
*[Signature]*  
USDJ