



MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL CHESTNOV
Assistant Corporation Counsel
(212) 788-0991
(212) 788-9776 (fax)
mchestno@law.nyc.gov

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BY HAND

Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

A suggestion of settlement having been made, this case is dismissed, subject to restoration by either party within 30 days on notice. All pending court dates are cancelled. The Clerk is directed to close the case.

Alvin K. Hellerstein, U.S.D.J.

Date: 10/3/07

Re: Katrell Smith v. City of New York, et al.
07 Civ. 5771 (AKH)

Your Honor:

I am the attorney in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above matter. In that capacity, I write to inform the Court that the parties have reached an agreement in principle to settle this matter. Accordingly, I will forward the requisite documents to plaintiff's counsel for execution. As soon as the papers are fully executed, I will duly submit the Stipulation and Order of Settlement and Discontinuance for the Court's endorsement. As the parties have reached an agreement in principle to settle this matter, defendants respectfully request that the initial conference, scheduled for October 26, 2007 at 9:30 a.m., be cancelled as moot.

I thank the Court for its time and consideration in this matter.

Respectfully submitted,

Michael Chestnov
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Richard J. Cardinale, Esq., attorney for plaintiff (by fax)