

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROCCO J. LAFARO, M.D., ARLEN G. FLEISHER,
M.D., and CARDIAC SURGERY GROUP, P.C.,

Plaintiffs,

-against-

NEW YORK CARDIOTHORACIC GROUP, PLLC,
STEVEN L. LANSMAN, M.D., DAVID
SPIELVOGEL, M.D., WESTCHESTER COUNTY
HEALTH CARE CORPORATION and
WESTCHESTER MEDICAL CENTER,

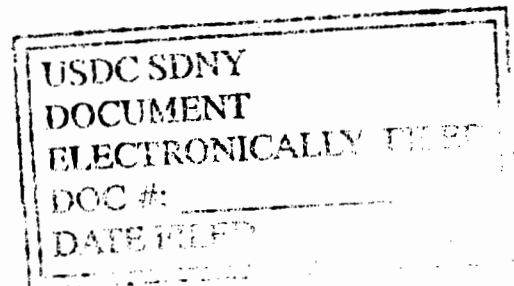
Defendants.

STIPULATION

O7 Civ. 7984 (SCR)

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties in the above-entitled action, that defendants hereby withdraw certain affirmative defenses contained in their First Amended Answer with Jury Demand as follows:

- a. Defendants withdraw their First Affirmative Defense, that Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations, only as to Plaintiffs' federal and state antitrust claims;
- b. Defendants withdraw their Ninth Affirmative Defense, *i.e.*, the *Copperweld* defense, without prejudice to reinstate that defense in the event that information provided in discovery or amended pleadings makes reinstatement appropriate;
- c. Defendants withdraw their Twenty-Eighth Affirmative Defense, alleging that Plaintiffs' claims are barred to the extent that Plaintiffs failed to satisfy the statutory and/or jurisdictional prerequisites for the commencement of this action.



Dated: New York, New York
January 18, 2008

Dated: Valhalla, New York
January 18, 2008

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SO ORDERED :
Stanku C. Robinson
U.S.D.J.
3/10/08