

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: JUSTICE DORIS LING-COHAN

Justice

PART 36

Gilma Pelegrin

-v-

NYC HRA

INDEX NO. 100503/2013

MOTION DATE _____

MOTION SEQ. NO. 001

The following papers, numbered 1 to _____, were read on this motion to/for _____

Notice of Motion/Order to Show Cause — Affidavits — Exhibits _____ **No(s).** _____

Answering Affidavits — Exhibits _____ **No(s).** _____

Replying Affidavits _____ **No(s).** _____

Upon the foregoing papers, it is ordered that this motion is *case are settled*

*in accordance with the attached
stipulation dated May 16, 2014.*

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE
FOR THE FOLLOWING REASON(S):

FILED

MAY 22 2014

COUNTY CLERK'S OFFICE
NEW YORK

Dated: 5/21/14

_____, J.S.C.

JUSTICE DORIS LING-COHAN

- | | | |
|---|---|--|
| 1. CHECK ONE: | <input checked="" type="checkbox"/> CASE DISPOSED | <input type="checkbox"/> NON-FINAL DISPOSITION |
| 2. CHECK AS APPROPRIATE: MOTION IS: | <input type="checkbox"/> GRANTED | <input type="checkbox"/> DENIED |
| | <input type="checkbox"/> GRANTED IN PART | <input type="checkbox"/> OTHER |
| 3. CHECK IF APPROPRIATE: | <input type="checkbox"/> SETTLE ORDER | <input type="checkbox"/> SUBMIT ORDER |
| | <input type="checkbox"/> DO NOT POST | <input type="checkbox"/> FIDUCIARY APPOINTMENT |
| | <input type="checkbox"/> REFERENCE | |

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

In the Matter of the Application of

GILMA PELEGRIN, on her own behalf and on behalf of all
others similarly situated,

Petitioner,

For Judgment Pursuant to CPLR Article 78

- against -

NEW YORK CITY HUMAN RESOURCES
ADMINISTRATION and ROBERT DOAR,
Commissioner for the New York City Human Resources
Administration,

Respondents.

**STIPULATION AND ORDER
OF SETTLEMENT**

Index No. 100503/2013

Hon. Doris Linn-Cohan

FILED
AND FEE PAID
MAY 19 2014
COUNTY CLERK'S OFFICE
NEW YORK

WHEREAS, the above-captioned matter has been fully submitted and is awaiting a decision of the Court;

WHEREAS, Respondents New York City Human Resources Administration ("HRA") and its commissioner, Steven Banks,¹ (together with HRA, "Respondents") have engaged in settlement discussions with the petitioner, Gilma Pelegrin, and Intervenor-Petitioner Council of the City of New York (collectively, "the Parties");

NOW, IT IS HEREBY STIPULATED AND AGREED, by and among the attorneys for the Parties, as follows:

1. Definitions

- (a) "Sponsor Liability Policy" means Product Liability Policy and any prior

¹ Steven Banks became the Commissioner of HRA on or about April 1, 2014, and therefore has replaced former Commissioner Robert Doar as a Respondent in this proceeding.

versions of the policy as implemented (in its various versions, the "Sponsor Liability Policy" or "Policy").

(b) "Putative Class Member" means all immigrant sponsors subject to demands for payment for state public assistance benefits received by sponsored immigrants pursuant to the Sponsor Liability Policy.

(c) "Effective Date" means the date this Stipulation and Order of Settlement ("this Stipulation") is so-ordered by the Court.

2. Respondents, and any of their agents, officers, and employees, have ceased, and will continue to cease as of the Effective Date, any and all actions to implement or enforce the Sponsor Liability Policy against Petitioner and Putative Class Members. Petitioner and any Putative Class Member who had received a demand for payment will receive notice that the Sponsor Liability Policy has been suspended within 10 days of the Effective Date, if such notice has not already been provided.

3. Any and all money received from Petitioner and Putative Class Members, including their agents, representatives, etc. pursuant to the Sponsor Liability Policy up to and including the Effective Date will be refunded within 60 days of the Effective Date, together with a written acknowledgment, except that, if Respondents no longer have the current mailing address of a Putative Class Member, they shall make best efforts to locate that individual. If Respondents cannot locate any individual, they shall provide that individual's name and last known address to counsel for Petitioner, as well as other identifying information to the extent known by Respondents and not otherwise confidential under state or federal law. If counsel for Petitioner can locate the individual within three months of receiving the individual's name from Respondents, or an extended period agreed to by the parties in the case of a good cause reason

for needing more time in an amount of time up to two years, they shall inform Respondents of the individual's address and Respondents shall refund any money received from that individual pursuant to the Sponsor Liability Policy. If counsel for Petitioner cannot locate the individual within that three-month period, or an extended period up to two years as agreed to, then Respondents shall not be required to refund money received from that individual.

4. Any and all repayment agreements executed between Respondents and the Petitioner and/or Putative Class Members pursuant to the Sponsor Liability Policy will be deemed null and void immediately upon the Effective Date, and notice of such actions will be mailed to Petitioner and Putative Class Members within 10 days of the Effective Date, if such notice has not already been provided.

5. Any legal action filed to collect funds allegedly owed to Respondents by Petitioner and/or Putative Class Members will be withdrawn by Respondents within 30 days of the Effective Date, together with notice to Petitioner (if the action is against Petitioner) or to the affected Putative Class Member(s).

6. Any money tendered or paid by Petitioner and/or Putative Class Members after the Effective Date, including any person acting as their agents, representatives, etc., in response to any action taken by Respondents pursuant to the Sponsor Liability Policy, will be returned to the party who tendered or paid it, together with a written acknowledgment.

7. Respondents have ceased, and will continue to cease as of the Effective Date, issuing notices FIA-1068(E) and FIA-1068(S) to applicants for and recipients of cash assistance, and have withdrawn Policy Bulletin #12-66-ELI pursuant to which such notices are required to be issued. Respondents have also updated the M-90c to reflect the fact that the FIA-1068(E) and FIA-1068(S) are no longer in use.

8. In consideration of the obligations to which Respondents have agreed herein, Petitioner and Intervenor-Petitioner hereby withdraw this proceeding, with prejudice. The Court shall retain jurisdiction of this proceeding solely for the purposes of the enforcement of this Stipulation and Order.

9. Petitioner's counsel shall protect the confidentiality of any individual recipient's case information, including but not limited to an individual's identity, provided by Respondents under the terms of this Stipulation, and shall not disclose such information to any individual not involved in the administration of those public assistance programs within the City of New York, in accordance with applicable statutes and implementing regulations, if any, except (1) to the individual whose case is involved or (2) as is necessary to the enforcement of this Stipulation.

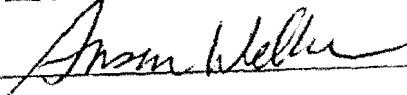
10. Nothing contained in this Stipulation shall be deemed to be a finding or an admission that Respondents have in any manner violated the rights of Petitioner or Putative Class Members as contained in the constitution, statutes, ordinances, rules, and/or regulations of the United States, the State of New York, or the City of New York.

11. This Stipulation shall not be admissible in any other action or proceeding, as evidence or for any other purpose, except in any action or proceeding to enforce this Stipulation.

12. For purposes of this Stipulation, a facsimile and/or scanned signature shall have the same force and effect as an original.

Dated: New York, New York
May 16, 2014

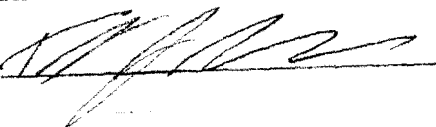
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FILED

MAY 22 2014

COUNTY CLERK'S OFFICE
NEW YORK

So Ordered:


Hon. Doris-Ling Cohan

Date: 

JUSTICE DORIS LING-COHAN