

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

CAMDEN IRON & METAL, INC., and EASTERN METAL  
RECYCLING, INC.,

*Plaintiffs,*

*-against-*

ANTHONY DAWSON and MORRIS FREEDMAN

*Defendants.*

---

**STIPULATION  
AND ORDER**

Civil Action No.:  
1:13-cv-00490  
(DNH/RFT)

**STIPULATION**

**WHEREAS**, Plaintiffs Camden Iron and Metal, Inc. and Eastern Metal Recycling, Inc. commenced this action by filing the underlying Summons and Complaint on April 30, 2013; and

**WHEREAS**, on July 15, 2013, Defendants Anthony Dawson and Morris Freedman filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure (“Rule”) 12(b)(1) for lack of subject matter jurisdiction and Rule 12(b)(6) for failure to state a claim upon which relief can be granted; and

**WHEREAS**, on August 2, 2013, Plaintiffs filed a First Amended Complaint, wherein Plaintiffs addressed the alleged pleading defects contained in the cause of action set forth in Count II of the Complaint based upon breach of contract; and

**WHEREAS**, on August 6, 2013, Plaintiffs filed their opposition to Defendants’ Motion to Dismiss, as well as a Motion to Strike the affidavits submitted in support of Defendants’ Motion to Dismiss; and

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, the attorneys of record for the Plaintiffs and Defendants in the above captioned action, that: (1) the branch of Defendants’ Motion to Dismiss Count II of Plaintiffs’

Complaint pursuant to Rule 12(b)(6) is hereby withdrawn without prejudice; and (2) Defendants' Motion to Dismiss and Plaintiffs' opposition to Defendants' Motion to Dismiss and Plaintiffs' Motion to Strike shall be addressed with respect to the First Amended Complaint.

Dated: August 12, 2013

**HERZOG LAW FIRM P.C.**

By: *s/ James M. Reilly*  
James M. Reilly, Esq.  
(Bar Roll # 102425)  
Attorney for Defendants  
Anthony Dawson and Morris Freedman  
7 Southwoods Boulevard  
Albany, New York 12211  
Tel: (518) 465-7581 Ext. 103  
e-mail: jreilly@herzoglaw.com

Dated: August 12, 2013

**THE WEST FIRM, PLLC**

By: *s/ Thomas S. West*  
Thomas S. West, Esq.  
(Bar Roll # 102812)  
Attorney for Defendants  
Anthony Dawson and Morris Freedman  
677 Broadway, 8th Floor  
Albany, New York 12207  
Tel.: (518) 641-0503  
Fax: (518) 615-1500  
E-mail: twest@westfirmlaw.com

DATED: August 12, 2013

MANKO, GOLD, KATCHER & FOX, LLP

By: /s/ Kathleen B. Campbell

Kathleen B. Campbell, Esq.

(Bar Roll #: 107068)

Michael C. Gross, Esq.

(Bar Roll #: 107069)

Admitted *Pro Hac Vice*

401 City Avenue, Suite 500

Bala Cynwyd, PA 19004

Phone: (484) 430-5700

Fax: (484) 430-5711

[kcampbell@mankogold.com](mailto:kcampbell@mankogold.com)

Daniel Riesel, Esq. (Bar Roll #: DR9777)

SIVE PAGET & RIESEL, P.C.

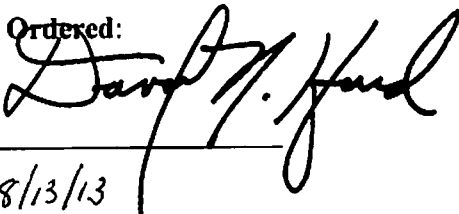
460 Park Avenue, 10th Floor

New York, NY 10022

Phone: (212) 421-2150

Fax: (212) 421-1891

So Ordered:



8/13/13