

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

CONSTITUTION PIPELINE :
COMPANY, LLC :

Plaintiff, :

v. :

A PERMANENT EASEMENT FOR 0.34 :
ACRES AND TEMPORARY EASEMENT :
FOR 0.30 ACRES IN MIDDLEBURGH, :
SCHOHARIE COUNTY, NEW YORK, TAX :
PARCEL NUMBER 70.-5-5.2, :
GAETANO CATAPANO, et al. :

Defendants. :

CIVIL ACTION
Case No. 1:14-cv-02120-NAM-RFT

Electronically Filed

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Constitution Pipeline Company (“Constitution”), and Defendant Gaetano Catapano (hereafter, “Catapano”) as follows:

1. Constitution initiated the above-captioned condemnation action by filing a Verified Complaint on December 24, 2014.
2. Constitution sought to acquire certain Rights of Way on the Property (as those terms are defined in the Verified Complaint) owned by Catapano.
3. Constitution filed a Motion for Partial Summary Judgment regarding its substantive right to condemn the Rights of Way and Omnibus Motion for Preliminary Injunction for Possession of Rights of Way by February 16, 2015 Pursuant to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65. Dkt. Nos. 4, 5.
4. On February 21, 2015, the Court entered Orders granting partial summary judgment to Constitution on its right to condemn the Rights of Way and granting Constitution

access to and possession of the Rights of Way upon posting a bond in the amount of \$20,800.

Dkt. Nos. 13, 14.

5. On March 3, 2015, Constitution posted a bond in the amount of \$20,800 (the "Bond") as security for the payment of just compensation. Dkt. No. 15.

6. The parties have settled all issues relating to access, possession, compensation and damages, such that there is no longer a need for the Court to enter an Order as to title or just compensation for the Rights of Way.

7. The condemnation action can now be dismissed, the case marked closed and the Bond released.

DATED: June __, 2015

By: s/ Elizabeth U. Witmer
Elizabeth U. Witmer
Bar Roll No. 519082

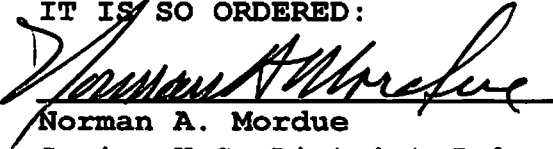
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Attorneys for Plaintiff
Constitution Pipeline Company

DATED: June 2, 2015

By: 
Gaetano Catapano

Telephone:
Email:
Defendant

IT IS SO ORDERED:


Norman A. Mordue
Senior U.S. District Judge

Dated: 10/8/2015
Syracuse, NY