

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
LAWRENCE RUSTON and JANET RUSTON,

Plaintiffs,

-against-

**STIPULATED
ORDER**

06 Civ. 927(FJS/GHL)

THE TOWN BOARD FOR THE TOWN
OF SKANEATELES, PAUL "BILL" PAVLUS,
THADDEUS ASTEMBORSKI, BARBARA SPAIN,
DAVID G. LAXTON, THEODORE MURDICK, THE
PLANNING BOARD FOR THE TOWN OF
SKANEATELES, MARK TUCKER, JOSEPH
SOUTHERN, KENNETH JONES, ALAN
BRIGGS, LEWIS WELLINGTON, DESSA
BERGEN, ROBERT LOTKOWICTZ, and THE
VILLAGE OF SKANEATELES,

Defendants.

-----X

WHEREAS, Defendants moved pursuant to Federal Rule of Civil Procedure 12(b)(6) to
dismiss the action; and

WHEREAS, by a Judgment and Memorandum-Decision and Order dated September 30,
2009, this Court granted the said motions and dismissed the action; and

WHEREAS, on October 8, 2009, the attorneys for the Defendant, Village of
Skaneateles, filed a timely Motion for an Order pursuant to 42 U.S.C. §1988 for an award of
attorneys' fees to the Defendant, Village of Skaneateles, and this Court thereafter scheduled
Plaintiffs' response to said motion to be due on November 10, 2009, Defendant Village of
Skaneateles' reply to be due on November 16, 2009, and the return date on said motion to be
November 27, 2009; and

WHEREAS, on October 27, 2009, the Plaintiffs timely filed a Notice of Appeal from the September 30, 2009 Memorandum-Decision and Order and Judgment and from the underlying Memorandum-Decision and Order dated December 22, 2008;

NOW, upon the joint request of the Plaintiffs and the Defendant, Village of Skaneateles, it is hereby

ORDERED, that the motion submitted by the Defendant, Village of Skaneateles, for an Order pursuant to 42 U.S.C. §1988 for an award of attorneys' fees be and the same hereby is deemed voluntarily withdrawn without prejudice to said Defendant resubmitting same, with supplementation if said Defendant chooses, upon resolution of Plaintiffs' appeal.

Dated: Syracuse, New York
November 12, 2009



Hon. Frederick K. Scullin, Jr., Senior U.S.D.J.