

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

RONALD A. SCACCIA,

*Plaintiff,*

v.

COUNTY OF ONONDAGA, NEW YORK;  
TIMOTHY H. COWIN; KEVIN E. WALSH; and  
MARK JOHNSTON, M.D.,

*Defendants.*

U.S. DISTRICT COURT - N.D. OF N.Y.  
**FILED**  
SEP 16 2011  
AT \_\_\_\_\_ O'CLOCK  
Lawrence K. Baerman, Clerk - Syracuse

Civil Action No.  
5:07-CV-0207, GTS/ATB

**STIPULATION OF  
DISCONTINUANCE**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the only pending claim in the above-entitled action -- that is, Plaintiff's Eighth Amendment claim against Defendant Johnston in his individual capacity -- be, and the same hereby is discontinued, with prejudice, and without costs or attorney's fees to either party as against the other.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: August 26, 2011

Dated: August 24<sup>th</sup>, 2011

THE HON. GORDON J. CUFFY  
Onondaga County Attorney  
*Attorney for Defendant Johnston*

*Carol L. Rhinehart*  
.....  
Carol L. Rhinehart, Esq.  
Deputy County Attorney  
Bar Roll No. 509096

SCACCIA LAW FIRM  
*Attorneys for Plaintiff*

*Dante M. Scaccia*  
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109 South Warren Street, Suite 402  
Syracuse, New York 13202  
(315) 422-4000

**IT IS SO ORDERED:**

*Glenn T. Suddaby*  
.....  
Glenn T. Suddaby  
U.S. District Judge  
Dated: 9/16/11