


Pending motion is now moot.

SO ORDERED

  
FREDERICK J. SCULLIN, JR.  
SENIOR U.S. DISTRICT JUDGE

1/8/10

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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D.D., as parent and next friend of N.D., a child  
with a disability,

*Plaintiffs,*

-against-

AUBURN ENLARGED CITY SCHOOL DISTRICT,

*Defendant.*

STIPULATION OF  
DISCONTINUANCE

Case No. 5:08-cv-00555

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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record of plaintiff D.D. o/b/o N.D. and the attorney of record for defendant AUBURN ENLARGED CITY SCHOOL DISTRICT, that whereas no party hereto is an infant or incompetent person for whom a guardian has been appointed, and no person not a party has an interest in the subject matter of this action, the above-entitled action as between D.D. and AUBURN ENLARGED CITY SCHOOL DISTRICT is discontinued with prejudice, in consideration of \$ 7,700.00 paid in hand by defendant AUBURN ENLARGED CITY SCHOOL DISTRICT to LAW OFFICE OF ANDREW K. CUDDY, the attorneys for plaintiff D.D. This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: January 7, 2010  
Auburn, New York

s/ Frank W. Miller

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LAW FIRM OF FRANK W. MILLER  
*Attorney for Defendant*  
Frank W. Miller, Esq., of counsel  
6575 Kirkville Road  
East Syracuse, New York 13057

s/ Jason H. Sterne

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LAW OFFICE OF ANDREW K. CUDDY  
*Attorney for Plaintiff*  
Jason H. Sterne, Esq., of counsel  
145 E. Genesee Street  
Auburn, New York 13021