

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LYNDA HEER et. al.,

Plaintiff(s),

**JOINT  
STIPULATED  
ORDER  
(Partial Dismissal)**

-against-

COUNTY OF OSWEGO,

Index No. 5:24-cv-289

Defendant.

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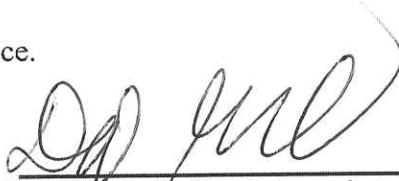
**WHEREAS**, it is mutually agreed between the parties that the claims asserted by Plaintiffs, LYNDA HEER and LINDIE NOVAK only, (collectively the “Plaintiffs”) shall be voluntarily dismissed with prejudice as set forth herein from the above captioned matter pursuant to Federal Rules of Civil Procedure [FRCP] 41(a) (1) (A)(ii);

**WHEREAS**, based on the recent passage of Chapter 55 of the Laws of 2024 (Assembly Bill A8805C and Senate Bill S8305C) signed by Governor Hochul on April 20, 2024, representing the legislative intent to amend Article 11 of the New York Real Property Tax Law (“RPTL”) in response to the *Tyler v. Hennepin County* decision, the parties, as described above, have agreed and hereby stipulate that all constitutional claims asserted by Plaintiffs, LYNDA HEER and LINDIE NOVAK only are hereby dismissed as against the Defendant County of Oswego (“Oswego”) with the intended effect as set forth under FRCP 41(a)(1)(B);

**WHEREAS**, the Plaintiffs, LYNDA HEER and LINDIE NOVAK, only, have elected to and chosen to pursue the available remedies under New York state law to claim any surplus as specifically set forth in the recently amended provisions of Article 11 of the RPTL and, as a

result, the Plaintiffs, LYNDA HEER and LINDIE NOVAK, as indicated by their undersigned counsel, shall discontinue their respective federal court action against Defendant Oswego, and agree to the dismissal of Plaintiffs', LYNDA HEER and LINDIE NOVAK, claims only with prejudice.

By:



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By:



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**SO ORDERED**



**Frederick J. Scullin, Jr.**  
**Senior United States District Judge**

Date: September 25, 2024