

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

LEVI YODER, JONAS ZOOK, SAM ZOOK, JOHN L.
HERSHBERGER, MENNO S. HERSHBERGER, URIE
HERSHBERGER, MENNO L. GLICK, ANDY A. MILLER,
DANNIE L. SWARTZENTRUBER, MOSIE SWARTZENTRUBER,
PETER D. SWARTZENTRUBER, BISHOP HARVEY MILLER,
and BISHOP MOSE MILLER,

Plaintiffs,

Civil Case No.: 09-cv-0007
(NPM/GHL)

- against -

TOWN OF MORRISTOWN, LANETTA KAY DAVIS, in her
official capacity; FRANK L. PUTMAN, in his official capacity;
HOWARD WARREN, in his official capacity; DAVID STOUT, III,
in his official capacity; MARK BLANCHARD, in his official
capacity; CHRISTOPHER COFFIN, in his official capacity; and
GARY TURNER, in his official capacity,

Defendants.

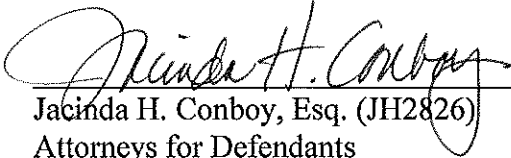
STIPULATION

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 disclosure of the attached document does not constitute a waiver of any kind, including but not limited to the, attorney/client privilege or attorney work product privilege; shall be used for settlement purposes only; and cannot be adversely used against Defendants.

Notwithstanding the foregoing, nothing herein shall prohibit the independent discovery of the information in the attached document and use of such information provided it is obtained through independent discovery.

DATED:

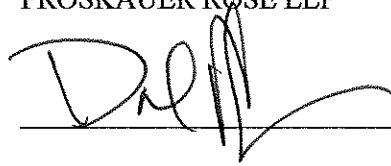
LEMIRE JOHNSON, LLC



Jacinda H. Conboy, Esq. (JH2826)
Attorneys for Defendants
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Tel: 518-899-5700

DATED: 7/9/10

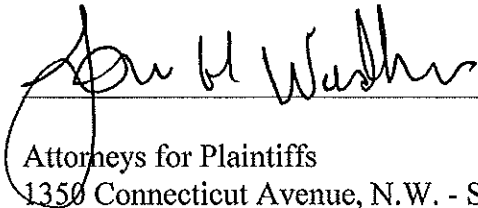
PROSKAUER ROSE LLP



Attorneys for Plaintiffs
1585 Broadway
New York, New York 10036
Tel: 212-969-3000

DATED: 7/12/10

THE BECKET FUND FOR RELIGIOUS LIBERTY



Attorneys for Plaintiffs
1350 Connecticut Avenue, N.W. - Ste 605
Washington, D.C. 20036
Tel: 202-955-0095

SO ORDERED: _____, 2010

Hon. George H. Lowe, U.S.M.J.

Standard Inspections		Owner														
Description	Built House	Built house	SKID HOUSE (see *)	Relocated House	Built house	Built house	School-house (see *)	Built house	Built addition	Built house	Built addition (**)	Built house	Built addition			
depth	failed- per eng report 09/01/2006	no inspection	failed	no inspection	no inspection	no inspection	failed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
rebar	unknown	no inspection	unknown	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
Footing inspection																
Before pouring concrete or masonry block infill	failed- per eng report 09/01/2006	no inspection		no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
rebar	unknown	no inspection	N/A	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
width	unknown	no inspection	N/A	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
depth	failed- per eng report 09/01/2006	no inspection	N/A	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
Foundation wall inspection																
After pouring concrete		no inspection	N/A	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
waterproofing	unknown	no inspection	N/A	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
perimeter drain	unknown	no inspection	N/A	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
anchor bolts	failed- per eng report 09/01/2006	no inspection	unknown	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
Concrete Slab																
mesh	unknown	no inspection	N/A	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	
expansion joints	unknown	no inspection	N/A	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	

Standard Inspections	Description	Built House	Built house	SKID HOUSE (see *)	Relocated House	Built house	Built house	School-house (see *)	Built house	Built addition	Built house	Built addition (see **)	Built house	Built addition	
			Owner												
		Miller, Andy (2007), 320 Demot Rd	Zook, Sam J (2007), 65 Old Mill Rd	Glick, Menno (2007) 1297 Oak Pt Rd	Hershberger, Menno (2007), 17 Yankee St Rd	Hershberger, Urie (2007), 2387 CR 6	Hershberger, John L (2007), 200 Yankee St Rd	Zook, Jonas (2007), 1127 Oak Pt Rd	Yoder, Levi (2007), 2560 SH 37	Swartzen-truber, Dannie L (2007) 387 Center Rd	Swartzen-truber, Mosie L (2007), 151 Stowe Rd	Zook, Joe A (2008) 380 Yankee St Rd	Swartzen-truber, Peter D (2008) 280 Ireland Rd	Hershberger, Joe (2008) 271 Walrath Rd	Swartzen-truber, Mosie L (2009) 151 Stowe Rd
	check lumber grade or rough cut lumber letter	failed - no letter submit'd	no inspection	not investi-gated	no inspection	no inspection	no inspection	failed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	nailing according to code schedule	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	framing done according to plan	no plans	no inspection	unknown	no inspection	no inspection	no inspection	no plans	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	point loads (weight-bearing elements) continue to foundation	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	hardware installed correctly	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	sil-plate anchoring studs and joists not over-bored or over notched	failed - per eng report 09/01/2006	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	stud walls	passed	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	corners opening headers (windows/doors, etc)	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	double top-plate end joints occur over framing	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	wall sheathing/bracing	passed	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	fire-blocking	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection

Standard Inspections	Description	Built House	Built house	SKID HOUSE (see *)	Relocated House	Built house	Built house	School-house (see *)	Built house	Built addition	Built house	Built addition (see **)	Built house	Built addition		
		Owner	Miller, Andy (2007), 320 Demot Rd	Zook, Sam J (2007), 65 Old Mill Rd	Glick, Menno (2007) 1297 Oak Pt Rd	Hershberger, Menno (2007), 17 Yankee St Rd	Hershberger, Urie (2007), 2387 CR 6	Hershberger, John L (2007), 200 Yankee St Rd	Zook, Jonas (2007), 1127 Oak Pt Rd	Yoder, Levi (2007), 2560 SH 37	Swartzen-truber, Dannie L (2007) 387 Center Rd	Swartzentruber, Mosie L (2007), 151 Stowe Rd	Zook, Joe A (2008) 380 Yankee St Rd	Swartzentruber, Peter D (2008) 280 Ireland Rd	Hershberger, Joe (2008) 271 Walrath Rd	Swartzentruber, Mosie L (2009) 151 Stowe Rd
	Mechanical															
	woodstove meets manufacturer's specs	unknown	no inspection	unknown	no inspection	no inspection	no inspection	failed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	woodstove pipe meets manufacturer req'd	failed	no inspection	unknown	no inspection	no inspection	no inspection	failed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	woodstove pipe wall or roof penetration meets manufacturer clearance specs	failed	no inspection	unknown	no inspection	no inspection	no inspection	failed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	Privy (outhouse)															
	50' from well (if watertight vault), 100' (if pit)	passed	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	50' from stream	passed	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	20' from dwelling	passed	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	10' from property line	passed	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	10' from drainage ditch (if watertight vault), 20' (if pit)	passed	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	fly/vermin tight	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	self-closing door	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	screened vents	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	grading so not surface water penetration	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	waste removal to composting pile for treatment	unknown	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection

Final inspection / Cert of Occupancy	Grey-water		Standard inspections		Owner
	all non-excrement wastewater into approved seepage pit	address posted	Description	Built House	
	passed	no inspection	SKID HOUSE (see *)	no inspection	Miller, Andy (2007), 320 Demot Rd
	unknown	no inspection	Relocated House	no inspection	Zook, Sam J (2007), 65 Old Mill Rd
	unknown	no inspection	House	no inspection	Glick, Menno (2007) 1297 Oak Pt Rd
	unknown	no inspection	Built house	no inspection	Hershberger, Menno (2007), 17 Yankee St Rd
	unknown	no inspection	Built house	no inspection	Hershberger, Urie (2007), 2387 CR 6
	unknown	no inspection	Built house	no inspection	Hershberger, John L (2007), 200 Yankee St Rd
	failed	no inspection	School-house (see *)	no inspection	Zook, Jonas (2007), 1127 Oak Pt Rd
	no inspection	no inspection	Built house	no inspection	Yoder, Levi (2007), 2560 SH 37
	no inspection	no inspection	Built addition	no inspection	Swartzen-truber, Dannie L (2007) 387 Center Rd
	no inspection	no inspection	Built house	no inspection	Swartzen-truber, Mosie L (2007), 151 Stowe Rd
	no inspection	no inspection	Built addition	no inspection	Zook, Joe A (2008) 380 Yankee St Rd
	no inspection	no inspection	Built Addition (see *)	no inspection	Swartzen-truber, Peter D (2008) 280 Ireland Rd
	no inspection	no inspection	Built house	no inspection	Hershberger, Joe (2008) 271 Walrath Rd
	no inspection	no inspection	Built addition	no inspection	Swartzen-truber, Mosie L (2009) 151 Stowe Rd
	Carbon Monoxide alarm	no inspection		no inspection	
	Smoke detectors	no inspection		no inspection	
	Final grading (soil sloped from foundation)	no inspection		no inspection	
	Siding correctly installed	Failed (no siding) per eng report 09/01/2006		no inspection	

* Investigation by Dave Hall and myself by Amish invitation on 09/19/2007 - see report from that date
 ** Did apply for and received variance from ZBA regarding setback