

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.

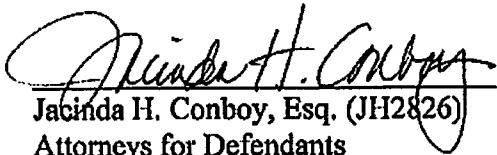
STIPULATION

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



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DATED: 7/9/10

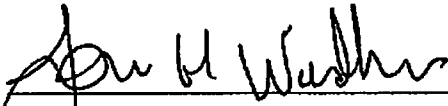
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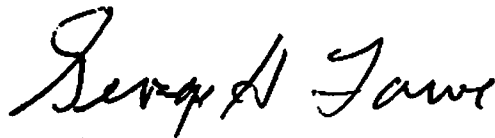
DATED: 7/12/10

THE BECKET FUND FOR RELIGIOUS LIBERTY



Attorneys for Plaintiffs
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Washington, D.C. 20036
Tel: 202-955-0095

SO ORDERED: 7/16, 2010



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

Standard Inspections	Description	Owner														
			Miller, Andy (2007), 320 Denot Rd	Zook, Sam J (2007), 65 Old Mill Rd	Glick, Menno (2007) 1297 Oak Pt Rd	Hersberger, Menno (2007), 17 Yankee St Rd	Hersberger, Urie (2007), 2387 CR 6	Hersberger, John L (2007), 200 Yankee St Rd	Zook, Jonas (2007), 1127 Oak Pt Rd	Yoder, Levi (2007), 2560 SH 37	Swartzenhuber, Dannie L (2007) 387 Center Rd	Swartzenhuber, Moile L (2007), 151 Stowe Rd	Zook, Joe A (2008) 380 Yankee St Rd	Swartzenhuber, Peter D (2008) 280 Ireland Rd	Hersberger, Joe (2008) 271 Walcott Rd	Swartzenhuber, Moile L (2009) 151 Stowe Rd
			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 Addition (see **)	Built house	Built addition
Framing	check lumber grade or rough cut lumber letter		failed- no letter submit'd	no inspection	not investigated	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
	still-plate anchoring		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
	studs and joists not over-bored or over notched		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
Walls	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		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
	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	Owner	Description	Inspections	320 Demot Rd	Miller, Andy (2007)	200k Sam I (2007), 65	Old Mini Rd	Glick, Menno (2007)	1297 Oak Pt Rd	Hershberger, Menno (2007), 17 Yanke St Rd	Hershberger, Wile (2007), 2387 CR 6	Hershberger, John L (2007), 200 Yanke St Rd	Zook, Jonas (2007), 1127 Oak Pt Rd	Yoder, Leah (2007), 2560 SH 37	Swartzenhuber, Ganna L (2007) 387 Center Rd	Swartzenhuber, Mosie L (2007), 151 Slove Rd	Zook, Joe A (2008) 380 Yanke St Rd	Swartzenhuber, Peter O (2008) 280 Ireland Rd	Hershberger, Joe (2008) 271 Walrath Rd	Swartzenhuber, Mosie L (2009) 151 Slove Rd
Roof Trusses	Standard	ice and water shield			Built House	Built house	Built house	GOOD HOUSE (see *)	Relocated House	Built house	Built house	Built house	School House (see *)	Built house	Built addition	Built house	Built addition	Built Addition (see **)	Built house	Built addition
		felt paper			N/A			unknown	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		shingles/metal/shake roofing installed correctly						unknown	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		if no rafters, check engineered truss details			passed			unknown	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
Roof Trusses		bracing for engineer trusses per details			N/A			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		engineered truss details sealed by NYS licensed professional			N/A			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		no notching or cutting of eng. trusses			N/A			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		trusses design for correct snow and exposure (wind) loads			N/A			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
Stairs		stair width / stairwell width			failed- per eng report 09/01/2006			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		stair riser height			passed			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		stair run length						unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		stair handrails			failed- per eng report 09/01/2006			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
Stairs		stairwell head clearance						unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
		tempered glass in windows next to doors and in stairwells			possible failed on stairwell			unknown	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection

Standard Inspections	Description	Owner	Built House	Built house	SIBD HOUSE (see *)	Relocated House	Built house	Built house	School-house (see *)	Built house	Built addition	Built house	Built addition	Built Addition (see **)	Built house	Built addition
Misc	minimum ceiling in maintained where required	09/01/2006	per eng report	no inspection	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	minimum light and ventilation in req'd rooms (must equal 8% of sq ft of room)	09/01/2006	failed- per eng report	no inspection	unknown	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	flashing around windows and doors	unknown	failed- per eng report	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	house-wrap	09/01/2006	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
Egress	insulation (if heated with renewable energy source (wood), does not need to meet insulation requirements)	N/A	no inspection	N/A	N/A	no inspection	N/A	N/A	N/A	no inspection	N/A	N/A	N/A	N/A	N/A	N/A
	egress windows in bedrooms meet minimums	one passed, one failed for location	failed- per eng report	no inspection	failed - 2nd story	no inspection	no inspection	no inspection	N/A	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
Egress	one exit door directly outside	09/01/2006	no inspection	no inspection	passed	no inspection	no inspection	no inspection	passed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection

Standard inspections	Description	Owner	Built House	Built house	SKID HOUSE (see *)	Relocated House	Built house	Built house	Built house	Schoolhouse (see *)	Built house	Built addition	Built house	Built addition (see *)	Built house	Built addition
Mechanical	Woodstone meets manufacturer's specs		unknown	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	failed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	Woodstone pipe meets manufacturer's specs		failed	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	failed	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	Woodstone pipe well or roof penetration meets manufacturer's specs		failed	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	failed	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	no inspection	unknown	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	no inspection	unknown	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	no inspection	unknown	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	no inspection	unknown	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	no inspection	unknown	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	no inspection	unknown	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	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection
	screened vents		unknown	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	unknown	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	no inspection	unknown	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	no inspection	unknown	no inspection	no inspection	no inspection	no inspection	no inspection	no inspection

