

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN POZO,

Plaintiff,

**STIPULATION OF
DISCONTINUANCE**

-against-

Civ. No. 9:13-CV-754

BASCUE, et al.,

(FJS) (CFH)

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, plaintiff *pro se* Kevin Pozo, 05-A-0986, and the attorney for defendants Christopher Bascue, Joseph Courtright and Jeremy Saunders 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, that the above-captioned action be and the same hereby is settled, on the particular circumstances of this case, and on the following terms and conditions, which it is agreed are of, and shall have, no legal precedential value in any other case between either the parties hereto or any other parties:

1. The above-captioned action be, and the same hereby is, discontinued with prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own costs and attorney's fees incurred as a result of this action.

2. Plaintiff discontinues this action with prejudice and without damages, costs, interest or attorneys fees, and discharges and releases defendants and the State of New York, including its agencies, subdivisions, employees, private contractors or assignees, of any and all claims, demands, or causes of actions, known or unknown, now existing or hereafter arising, whether presently asserted or not, which relate in any way to the subject matter of this action,

and further agrees to discontinue and/or not commence in any court, arbitration or administrative proceeding, any litigation or claims against defendants or against the State of New York, including its agencies, subdivisions, current or former employees, private contractors or assignees relating to or arising out of the facts, circumstances, conditions or incidents that gave rise to the aforementioned action, or any results of the aforementioned facts, circumstances, conditions or incidents.

3. The foregoing constitutes the entire agreement of the parties.

Dated: Elmira, New York

August 2nd, 2014

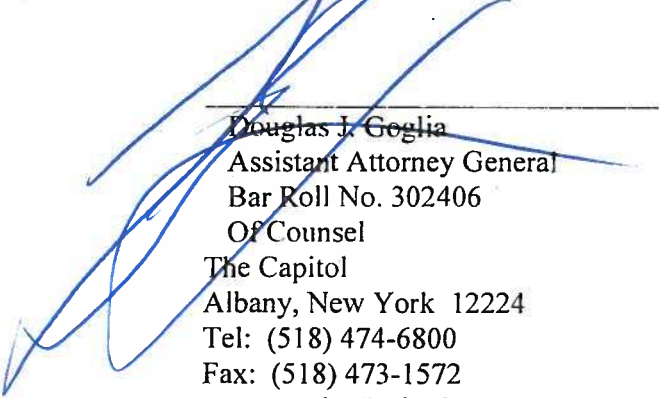


Kevin Pozo
05-A-0986
Elmira Correctional Facility
P.O. Box 500
Elmira, NY 14902
Plaintiff pro se

Dated: Albany, New York

August 7, 2014

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York

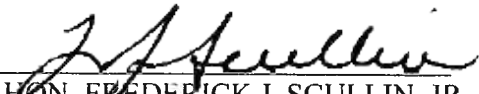


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Albany, New York 12224
Tel: (518) 474-6800
Fax: (518) 473-1572
Attorney for Defendants

IT IS SO ORDERED

Dated: Syracuse, New York
August 7, 2014

ENTER:


HON. FREDERICK J. SCULLIN, JR.
United States Senior District Court Judge