

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/28/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
SANDRA BUTLER; RICKY GIBSON; O’BRIEN
MORRIS; RICHARD EMMETT; ROSELLE DIAZ;
KEVIN FAISON; SHANIQUA JACKSON; CENTER
FOR INDEPENDENCE OF THE DISABLED, NEW
YORK AND COALITION FOR THE HOMELESS,

Plaintiffs, for
themselves and on behalf of all others similarly situated,

~~PROPOSED~~ ADDENDUM
TO THE ORDER OF
APPOINTMENT

15-CV-3783 (VEC)(JLC)

-against-

CITY OF NEW YORK, THE NEW YORK CITY
DEPARTMENT OF HOMELESS SERVICES and
STEVEN BANKS, as Commissioner of the New York City
Department of Homeless Services,

Defendants.

----- x
WHEREAS the parties in the above action have entered into a settlement agreement so-
ordered on July 7, 2017 (Dkt. No. 55) on the issue of liability;

WHEREAS pursuant to paragraph 51 of the settlement agreement, the New York City
Department of Homeless Services (“DHS”) is to “identify and take steps to retain an independent
consultant (or consultants) to conduct a phased survey of selected shelters, facilities, or portions
therein of the DHS Shelter System to identify barriers to physical and program access” and “to
identify for each shelter, facility, or portion therein surveyed, specific remediation with cost
estimates,”

WHEREAS the consultant is also to perform other duties under the settlement agreement;

WHEREAS DHS has identified Steven Winter Associates, Inc. (“SWA”) as its consultant
pursuant to paragraph 51 of the settlement agreement;

WHEREAS Plaintiffs' counsel has interviewed SWA, and consents to DHS' identification of SWA as DHS' consultant pursuant to paragraph 51 of the settlement agreement; and

WHEREAS, the parties jointly submitted an order of appointment of SWA as DHS' consultant pursuant to paragraph 51 of the settlement agreement, which was ordered by the Court (Dkt. No. 68); and

WHEREAS, the parties jointly submitted an addendum to the order of appointment of SWA as DHS' consultant, after DHS received notice of compensation and payment increase from SWA, with SWA's then-current fee schedule with increased rates, pursuant to paragraph 51 of the settlement agreement, which was ordered by the Court (Dkt. No. 68); and

WHEREAS, DHS again received notice of compensation and payment increase from SWA, and now seeks Court approval for the proposed increases as required by the Order of Appointment (Dkt. No. 68) ¶ 2.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The rates for SWA Team members in the Addendum to the Order of Appointment (Dkt. No. 173) is replaced with the rates indicated below:

Effective January 11, 2024, rates for SWA Team members are as follows:

Peter A. Stratton	\$450
Jeff Heitert	\$350
Theresa D'Andrea	\$250
Noelle Piontek	\$150

Dated: New York, New York
November, 28, 2023



HON. VALERIE E. CAPRONI
UNITED STATES DISTRICT JUDGE