

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KENNETH CHAMBERLAIN, JR., AS THE  
ADMINISTRATOR OF THE ESTATE OF  
KENNETH CHAMBERLAIN, SR.,

Docket No.: 12-cv-05142-CS

Plaintiff,

**INDICATIVE ORDER**

-against-

CITY OF WHITE PLAINS; P.O. ANTHONY  
CARELLI; P.O. STEVEN HART; P.O. STEVEN  
DEMCHUK; SERGEANT STEPHEN FOTTRELL;  
and SERGEANT KEITH MARTIN,

Defendants.  
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This matter came before the Court upon the joint motion of the parties pursuant to Rule 62.1 of the Federal Rules of Civil Procedure, asking this Court to indicate its willingness to accept the limited remand from the Court of Appeals and proceed to approve the settlement herein in accordance with Local Civil Rule 83.2(b) and the Estates, Powers and Trust Law §5-4.6 and dismiss the amended complaint with prejudice, without costs, disbursements or attorney's fees to any party;

Having considered the parties' motion and the entire record, the Court is of the opinion, and so finds, that if the case is remanded to it by the Court of Appeals for the Second Circuit, it will grant the relief requested.

**IT IS, THEREFORE, ORDERED BY THE COURT** that if this case is remanded to the District Court by the Court of Appeals, this Court will grant the parties' joint motion pursuant to Rule 62.1 of the Federal Rules of Civil Procedure and proceed to approve the settlement herein in

accordance with Estates, Powers and Trust Law §5-4.6 and dismiss the amended complaint with prejudice and without costs, disbursements or attorney's fees to any party.

**ENTERED** this 26th day of October, 2023



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Cathy Seibel  
United States District Judge