

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**WILLIAM SMITH,**

**Plaintiff,**

**-v-**

**08-CV-0485Sr**

**MICHAEL BENSON, Superintendent, et al.,**

**Defendants.**

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**DECISION AND ORDER**

This matter was referred to the undersigned by the Hon. Richard J. Arcara, in accordance with 28 U.S.C. § 636(b), for all pretrial matters and to hear and report upon dispositive motions. Dkt. #111.

Plaintiff commenced this action pursuant to 42 U.S.C. § 1983; the Americans with Disabilities Act; and the Rehabilitation Act, alleging that during his pretrial detention at the Erie County Holding Center (“ECHC”), and Erie County Correctional Facility (“ECCF”), beginning in 2006 and continuing through February of 2008, he was denied appropriate medical care for his chronic mastoiditis; denied reasonable accommodations for his severe hearing loss; and disciplined for failing to obey an order he could not hear. Dkt. #7.

By Order entered May 31, 2011, the Court granted plaintiff’s motion to appoint counsel. Dkt. #87.

On October 6, 2017, the Court conducted a lengthy settlement conference. Plaintiff, represented by counsel, agreed to settle this matter for the sum of \$25,000.00, with the understanding that such proceeds could be subject to the provisions of New York Executive Law § 632-a. The Court also confirmed plaintiff's understanding that this settlement resolved all claims asserted in plaintiff's complaint. The parties were directed to submit a stipulation of settlement within 30 days. Dkt. #177.

In response to the Court's request for a status report, plaintiff's appointed counsel advises that her client has declined to sign the paperwork acknowledging the terms of the settlement. As the terms of the settlement are not in dispute, the Court hereby authorizes plaintiff's counsel to execute these documents on plaintiff's behalf and to take any additional steps necessary to finalize the settlement of this lawsuit.

**SO ORDERED.**

**DATED: Buffalo, New York  
February 14, 2018**

**s/ H. Kenneth Schroeder, Jr.  
H. KENNETH SCHROEDER, JR.  
United States Magistrate Judge**