

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JUSTIN L. LEVY,

v.

RAYMOND HARRINGTON and  
CITY OF BUFFALO,

Defendants.

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ORDER

09-CV-720-V

Whereas a mediation conference was held on October 31, 2016, at which all parties -- Justin L. Levy, Raymond Harrington, and the City of Buffalo -- agreed to settle this case for the total sum of \$290,000 paid by the City of Buffalo to the plaintiff, pursuant to a settlement agreement dated December 1, 2016; and

Whereas at that mediation conference and as part of the settlement, all parties also agreed that the jury's verdict at trial, rendered on July 13, 2016, should be set aside in its entirety, and that the judgment on that verdict, entered on July 19, 2016, should be vacated; and

Whereas defendant the City of Buffalo had deposited good funds with the registry of this Court totaling \$320,002.00, pursuant to the order of this Court on September 9, 2016 (Docket Item 123); it is hereby

ORDERED that the relief requested in Defendants' pending motions to set aside the verdict (Docket Item 111) and to vacate the judgment therein (Docket Item 124) is granted, solely to the extent that the verdict is set aside and the judgment thereon is vacated, and the motions otherwise are denied as moot; and it is further

ORDERED that the Clerk of this Court is directed and authorized to remove the entire sum deposited and held in the registry of this Court as follows:

- \$290,000 via an official check payable to Justin L. Levy and HoganWillig, as attorneys, and delivered to HoganWillig, c/o Steven M. Cohen, Esq., 2410 N. Forest Road, Suite 310, Amherst, New York 14068; and

- any remaining funds via an official check payable to The City of Buffalo and delivered to The City of Buffalo, c/o J. Christine Chiriboga, Esq., Corporation Counsel, 1100 City Hall, 65 Niagara Square, Buffalo, New York 14202.

IT IS SO ORDERED.

Dated: December 6, 2016

**s/ Lawrence J. Vilaro**  
LAWRENCE J. VILARDO  
United States District Judge