

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JANIRA OBREGON, et al.,

Plaintiffs,

-against-

THE METROPOLITAN TRANSPORTATION
AUTHORITY and NEW YORK CITY
TRANSIT,

Defendants.
-----X

No. CV 01-6743 (ERK)

STIPULATION OF
SETTLEMENT, and
DISMISSAL WITH
PREJUDICE

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
APR 25 2002

PM _____
TIME A.M. _____

THE PARTIES TO THIS ACTION STIPULATE AND AGREE THAT THE
WITHIN ACTION IS HEREBY DISMISSED WITH PREJUDICE, SUBJECT TO THE
FOLLOWING TERMS AND CONDITIONS:

1. With regard to the paratransit service operated by Defendant, New York City Transit Authority (hereinafter "NYCTA"), under the name, "Access-a-Ride" (hereinafter "AAR"), Defendants agree that NYCTA's policy which precludes AAR eligibility of children based on age will be rescinded upon execution of this Stipulation by the parties hereto.

2. The minor plaintiffs may reapply for AAR eligibility at any time, and NYCTA will make its determinations as to their eligibility without regard to age but otherwise fully in accordance with all of its other eligibility application policies and procedures. NYCTA will make its eligibility determination within 30 days of execution of this Stipulation or receipt of each minor plaintiff's complete application, whichever is later.

3. Within 60 days of execution of this Stipulation by the parties, NYCTA will send AAR eligibility application forms to every applicant who applied for AAR but was denied eligibility solely due to the "age" policy described in paragraph 1. These individuals will be advised in a cover letter that the age policy has been rescinded and

that they may reapply for AAR. NYCTA will submit the proposed cover letter in advance to plaintiffs' attorneys for review and concurrence.

4. Within 60 days of submission by plaintiffs' attorneys of a list of not more than 12 organizations that provide services and/or advocacy for persons with disabilities, NYCTA will mail a letter to all of the organizations on the list advising them of the policy rescission set forth in paragraph 1. NYCT will submit the proposed letter in advance to plaintiffs' attorneys for review and concurrence. Plaintiffs must submit the list by May 1, 2002, or NYCTA will be relieved of its obligations under this paragraph.

5. Subject to the conditions set forth in paragraph 6, NYCTA will reimburse the following minor plaintiffs for the cost of taxi trips taken during the periods set forth below, for which the plaintiffs would have been eligible for AAR but for the policy set forth in paragraph 1:

- a. Janira Obregon, between July 16, 2001, and January 5, 2002
- b. Chaya Ofman, between June 5, 2001, and January 5, 2002
- c. Christopher Imperiale, between October 16, 2001, and November 5, 2001
- d. Lenda Saad, between October 16, 2001, and January 5, 2002
- e. Joseph Lopez, between May 14, 2001 and January 5, 2002.

6. The following are the conditions under which taxi trip costs will be reimbursed to the plaintiffs for the periods set forth in paragraph 5:

- a. Each plaintiff's currently pending application (with the exception of Christopher Imperiale for whom no application is required to be submitted) will have his/her eligibility determined within the time and according to the procedures as set forth in paragraph 2. The plaintiff has the same rights as any applicant for AAR to appeal (in accordance with NYCTA's procedures for appeals of eligibility determinations) if the initial determination is a denial of eligibility, or the grant of eligibility is for conditional eligibility. "Full" eligibility means the individual is eligible for all trip requests within the AAR service area. "Conditional" eligibility means the individual is eligible for certain trips within the AAR service area based on the type(s) of condition(s) that NYCT determines to be applicable. The determination by NYCT after appeal shall be final. There will be no reimbursement for any applicant whose final determination is of non-eligibility.

b. The trips for which reimbursement will be made are limited to trips that are consistent with the final eligibility determination of "full" or "conditional" eligibility of the plaintiff.

c. The plaintiff will submit an affidavit documenting each trip for which reimbursement is sought, including the location, date and approximate time of pick-up; location, date and approximate time of drop-off; number and identity of individuals traveling together on the trip and receipt from the taxi company for the cost of the trip, if available.

d. The cost of the trip will be reimbursed after deduction of the appropriate AAR fare(s) that would have been charged to the plaintiff and others traveling with the plaintiff for that trip. No more than a 10% tip will be reimbursed.

e. Each plaintiff will submit a general release with his or her request for trip reimbursement, in the form attached hereto as an Exhibit.

f. In no event will the total amount that NYCTA will reimburse to the plaintiffs exceed \$3,200.00. NYCTA will remit reimbursement to each plaintiff within 60 days of receipt of that plaintiff's taxi transportation documentation or 60 days of the date of NYCTA's final eligibility determination concerning that plaintiff, whichever is later.

7. NYCTA agrees to pay to the New York Legal Assistance Group the sum of \$2,700.00 in full settlement of the attorney's fees claim in the Complaint.

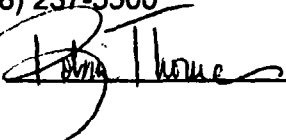
8. The parties agree that this Stipulation represents the entirety of the agreement between them. The parties agree that except as specifically provided in this Stipulation, they and their attorneys will make no claims for costs, for attorney's fees or for any other relief with regard to the allegations and causes of actions set forth in the Complaint in this action.

9. Defendants have decided to settle this action for policy and administrative convenience reasons. Defendants do not, by settling this action, admit that the NYCTA policy challenged in this lawsuit is in violation of the Americans with Disabilities Act, nor do they admit that any liability has been incurred by the defendants due to the policy challenged in this lawsuit. Nothing contained herein shall be deemed an admission of liability by or to any party to this action.

Dated: Brooklyn, New York
April 19, 2002

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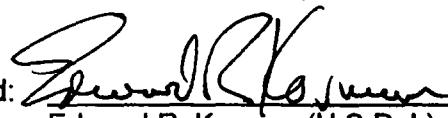
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So Ordered: 
Edward R. Korman (U.S.D.J.)

Date: 4/22/02