

SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY

HON. MARGARET A. CHAN

Index Number : 100696/2013

MR. T CARTING CORPORATION

vs

HYMAN, SHARI C.

Sequence Number : 001

ARTICLE 78

PART 52

INDEX NO. \_\_\_\_\_

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. \_\_\_\_\_

The following papers, numbered 1 to 1, were read on this motion to/for Article 78

Notice of Motion/Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_  No(s). \_\_\_\_\_

Answering Affidavits — Exhibits \_\_\_\_\_  No(s). \_\_\_\_\_

Replying Affidavits \_\_\_\_\_  No(s). \_\_\_\_\_

Upon the foregoing papers, it is ordered that this motion is <sup>stip</sup> proceeding is resolved  
by stipulation dated February 26, 2014.

The action is resolved and discontinued with prejudice.

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE  
FOR THE FOLLOWING REASON(S):

**FILED**  
FEB 27 2014  
NEW YORK  
COUNTY CLERK'S OFFICE

Dated: 2.26.14

  
\_\_\_\_\_, J.S.C.

1. CHECK ONE: .....  CASE DISPOSED  NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: ..... MOTION IS:  GRANTED  DENIED  GRANTED IN PART  OTHER
3. CHECK IF APPROPRIATE: .....  SETTLE ORDER  SUBMIT ORDER
- DO NOT POST  FIDUCIARY APPOINTMENT  REFERENCE

HON. MARGARET A. CHAN

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

In the Matter of the Application of

MR. T CARTING CORPORATION AND FRANK  
COPPOLA,

Petitioners,

-against-

SHARI C. HYMAN, COMMISSIONER AND CHAIR OF  
THE NEW YORK CITY BUSINESS INTEGRITY  
COMMISSION, and THE NEW YORK CITY BUSINESS  
INTEGRITY COMMISSION,

STIPULATION OF  
DISCONTINUANCE AND  
WITHDRAWAL

Index No.: 100690/13

Respondents,

**FILED**

For a Judgment Pursuant to CPLR 78.

FEB 27 2014

WHEREAS, petitioners commenced this proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules ("CPLR") by Notice of Petition and Verified Petition dated April 24, 2013, compelling respondents to issue a determination on the Employee/Agent Disclosure Form for a Trade Waste Business for Frank Coppola, sworn to on December 7, 2012 and received by the New York City Business Integrity Commission ("BIC") ("the Application"); and

WHEREAS, no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action;

WHEREAS, the parties in the above-captioned proceeding have agreed to resolve this matter without future judicial intervention;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned in the above-captioned proceeding, that this proceeding be settled as follows:

1. This case is discontinued, with prejudice, and without costs, expenses, or fees, with each side bearing its own legal fees.

2. Nothing in the stipulation constitutes an admission or concession by any party of the merit of any position, argument, claim or defense or the lack thereof with respect to the Application.

3. Nothing contained in this stipulation shall be construed as, or have the effect of, precluding or otherwise limiting either petitioner from filing any future applications or proceedings that they deem appropriate with the Commission or any court of competent jurisdiction.

4. Nothing contained herein shall be deemed to be an admission by respondents that they have acted unlawfully or in any way violated any of petitioner's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York.

5. Nothing contained herein shall be deemed to constitute a policy or practice of BIC or the City of New York.

6. This stipulation contains all of the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time, nor any written agreement entered into prior to the execution of this stipulation regarding the subject matter of the instant

action shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

7. Counsel for the parties have reviewed and revised this stipulation, and any rule of construction, but which any ambiguities are to be resolved against the drafting party, shall not be applied in the interpretation of this stipulation.

8. This stipulation may be executed in counterparts, each of which shall constitute an original, but all of which taken together, shall constitute one and the same document.

9. The parties agree that facsimile and/or scanned signatures are deemed to be originals for the purposes of this stipulation and that the stipulation may be signed in counterpart.

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*Attorney for Petitioner Mr. T. County Corp.*

**FILED**

FEB 27 2014

NEW YORK COUNTY CLERK'S OFFICE

So Ordered:

*J.S.C.*  
**HON. MARGARET A. CHAN**

Dated: 2/26/14