

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

FOUNDATION AGAINST INTOLERANCE &  
RACISM, INC. and BENJAMIN STEWART,

Plaintiffs,

-against-

THE CITY OF NEW YORK; THE NEW YORK CITY  
DEPARTMENT OF HEALTH AND MENTAL  
HYGIENE; DAVE A. CHOKSHI, as Commissioner of  
the New York City Department of Health and Mental  
Hygiene; AND MARY T. BASSETT, individually and  
in her official capacity as Commissioner of the New  
York State Department of Health,

Defendants.

No. 22-CV-528 (KPF) (JW)

**STIPULATION OF  
DISMISSAL**

**MEMO ENDORSED**

**WHEREAS**, Plaintiffs FOUNDATION AGAINST INTOLERANCE & RACISM, INC. and BENJAMIN STEWART (“Plaintiffs”) initiated the above-captioned action against THE CITY OF NEW YORK, THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE, and DAVE A. CHOKSHI,<sup>1</sup> as Commissioner of the New York City Department of Health and Mental Hygiene (the “City Defendants”) by filing a Complaint on or around January 20, 2022, and against MARY T. BASSETT, individually and in her official capacity as Commissioner of the New York State Department of Health (“State Defendant”) by filing an Amended Complaint on or around February 14, 2022;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for the parties to this Action, as follows:

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<sup>1</sup> Dave. A. Chokshi is no longer the Commissioner of the New York City Department of Health and Mental Hygiene. The current Commissioner is Dr. Ashwin Vasani.

1. Plaintiffs hereby agree to dismiss the above-captioned action pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), without prejudice and without costs, disbursements, or attorneys' fees to any party as against the other parties.

2. This Stipulation may be executed in any number of counterparts, all of which taken together shall constitute one stipulation, and may be executed by facsimile or electronically-transmitted signature.

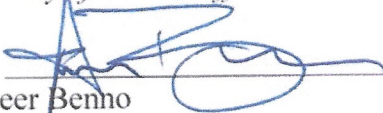
Dated: November 23, 2022  
New York, New York

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*Attorney for State Defendant*

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Dated: November 23, 2022  
New York, New York

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Dated: November 29, 2022  
New York, New York

HON. SYLVIA O. HINDS-RADIX  
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The Clerk of Court is directed to adjourn all remaining deadlines, terminate all pending motions, and close this case.

Dated: August 8, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE