

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

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In the matter of the Application of :
COUNCIL OF THE CITY OF ROCHESTER : Index No. E2020009990
Petitioner, :
For an Order, Pursuant to Article 23 of the CPLR, :
to Compel Compliance with Legislative :
Subpoena, :
-against- : **STIPULATION AND
PROPOSED ORDER OF
DISMISSAL**
LA'RON SINGLETARY, :
Respondent. :
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The parties, by their attorneys, stipulate as follows:

WHEREAS, on December 16, 2020, Petitioner Council of the City of Rochester (the "City Council") commenced an action in Monroe County Supreme Court for an order, pursuant to CPLR § 2308(b), compelling Respondent La'Ron Singletary, former Chief of the Rochester Police Department, to comply with a legislative subpoena issued to him by the City Council on September 24, 2020, requiring his testimony under oath and his production of certain documents (the "Subpoena");

WHEREAS, the parties have negotiated in good faith to reach this Stipulation providing for dismissal of this action, among other reasons, to promote the efficient use of the Court's and Parties' resources;

THEREFORE, the parties, through their respective undersigned counsel, hereby stipulate and agree, subject to Court approval, as follows:

1. The following terms shall apply to and satisfy Respondent Singletary's *ad testificandum* and *duces tecum* obligations under the Subpoena:
 - a. Respondent's testimony will be taken at an open public meeting of the Rochester City Council Prude Independent Investigation Committee presided over by Councilmembers Malik Evans and Michael Patterson (the "Committee Meeting") on a date to be mutually agreed upon by the parties, but in all events no later than February 15, 2020;
 - b. The Committee Meeting will be convened on terms to be mutually agreed upon by the parties and in a manner that will promote the safety of all parties and the public, in light of the ongoing COVID-19 pandemic. Accordingly, the parties expressly agree, and Respondent and his counsel expressly consent, that the Committee Meeting will be conducted by video teleconference, with real-time livestream access available to the public over the Internet, and with the participants in the Committee Meeting, including but not limited to the Councilmembers Evans and Patterson and Independent Special Investigator Emery Celli Brinckerhoff Abady Ward & Maazel LLP, being remote from one another but visible and able to communicate in real-time via video teleconference. Respondent and Respondent's counsel, Messrs. Michael Tallon and Jon Getz, shall all participate in the Committee Meeting from Council Chambers in Rochester City Hall;
 - c. Respondent's testimony will be taken by an attorney from the law firm Emery Celli Brinckerhoff Abady Ward & Maazel LLP, in its capacity as

Independent Special Investigator for the Rochester City Council, as authorized by City of Rochester Ordinance No. 2020-283;

- d. Petitioner City Council, through the Independent Special Investigator, will provide Respondent Singletary with pre-marked exhibits seven (7) days in advance of the Committee Meeting; it is agreed and understood that additional exhibits not anticipated to be used during the testimony of the Respondent may be marked and used during the testimony of the Respondent, provided that the Independent Special Investigator provides such additional exhibits to Respondent's counsel as and when it determines that such additional exhibits will be the subject of testimony of the Respondent;
 - e. Respondent Singletary will produce personal cell phone records in his possession, custody, or control that are responsive to the Subpoena (the "Records") by a date to be mutually agreed upon by the Parties;
 - f. Upon agreement by the Parties of all outstanding terms described above, Petitioner City Council will issue a new subpoena incorporating all terms agreed upon by the parties in this Stipulation; and
 - g. Counsel for Respondent Singletary will accept service of the new subpoena on behalf of Respondent Singletary and will waive any witness fee;
- 2. This action is hereby dismissed with prejudice; and
 - 3. Notwithstanding the dismissal of this action in accordance with this agreement, the Court shall continue to retain jurisdiction over this action to enforce the terms


of this Stipulation, any agreement reached between the parties and set forth in section (1), above, and any subpoena issued to Respondent pursuant hereto.

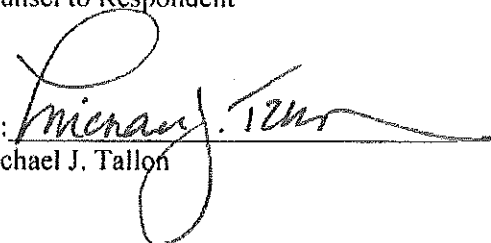
DATED: New York, New York
January 19, 2021

DATED: Rochester, New York
January 19, 2021

EMERY CELLI BRINCKERHOFF
ABADY WARD & MAAZEL LLP
Counsel to Petitioner

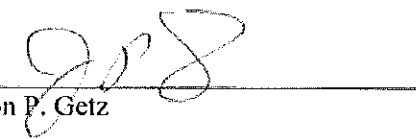
MICHAEL J. TALLON, ESQ.
Counsel to Respondent

By: 
Andrew G. Celli, Jr.

By: 
Michael J. Tallon

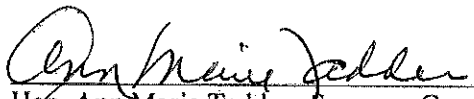
DATED: Rochester, New York
January 19, 2021

JON P. GETZ, ESQ.
Counsel to Respondent

By: 
Jon P. Getz

DATED: Rochester, New York
January 20, 2021

SO ORDERED:


Hon. Ann Marie Taddeo, Supreme Court Justice