

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGELLA and DANROY HENRY, SR.,  
on their own behalf and on behalf of the  
Estate of DANROY HENRY, JR.,

Plaintiffs,

~~11 CV 22707~~ 11 CV ~~22707~~ (KMK)(LMS)

-against-

**PLAINTIFFS' NOTICE  
ACCEPTING DEFENDANTS'  
RULE 68 OFFER**

AARON HESS and VILLAGE OF  
PLEASANTVILLE,

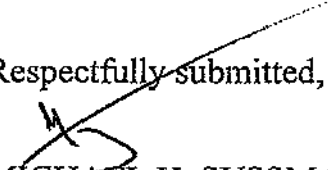
Defendants.

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PLEASE TAKE NOTICE THAT, pursuant to F.R.Civ.P. 68(a), plaintiffs hereby accept the Offer of Judgment, dated February 26, 2016 and attached hereto, and request that the Clerk of Court enter it as a judgment. Proof of service of this acceptance is attached hereto.

Dated: March 11, 2016

Respectfully submitted,

  
MICHAEL H. SUSSMAN [3497]  
SUSSMAN & WATKINS  
1 Railroad Avenue, Suite 3  
Goshen, New York 10924  
(845)-294-3991  
Counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

Michael H. Sussman, Esq., hereby certifies that on March 11, 2016, he mailed, postage prepaid, and posted on ECF, Plaintiffs' Notice of Acceptance of Defendants' Rule 68(a) Order upon counsel for defendants: Brian S. Sokoloff, Esq., Sokoloff & Stern, 179 Westbury Avenue, Carle Place, New York 11514 and James A. Randazzo, Esq., Gaines, Novick, Ponzini, Cossu & Venditti, 11 Martine Avenue, 8<sup>th</sup> Floor, White Plains, New York 10606.

  
\_\_\_\_\_  
MICHAEL H. SUSSMAN, ESQ.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANGELLA AND DANROY HENRY, SR., on their own  
behalf and on behalf of the Estate of DANROY HENRY,  
JR.,

**RULE 68 OFFER**

Plaintiffs,

Docket No.  
11-cv-2707 (KMK)

-against-

AARON HESS and VILLAGE OF PLEASANTVILLE,

Defendants.  
-----X

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendants, AARON HESS and VILLAGE OF PLEASANTVILLE, hereby offer to allow Plaintiffs to take a judgment against them in this action for the combined sum of six million dollars (\$6,000,000.00), inclusive of reasonable attorneys' fees, expenses, and costs to the date of this offer for plaintiffs' federal claims.

This judgment shall be in full satisfaction of all federal and state law claims or rights plaintiffs may have to damages, or any other form of relief, arising out of the alleged acts or omissions of defendants AARON HESS and/or VILLAGE OF PLEASANTVILLE, and/ or any official, employee, or agent, either past or present, of the VILLAGE OF PLEASANTVILLE, or any agency thereof, in connection with the facts and circumstances that are the subject of this action and in full satisfaction of all claims against Kevin Gilmartin in Henry v. Town of Mount Pleasant, et al, 12 Civ. 7556 (KMK).

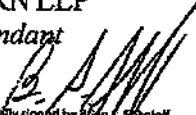
This offer of judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and is not to be construed as an admission of liability by any defendant, or

any official, employee, or agent of the VILLAGE OF PLEASANTVILLE, or any agency thereof, nor is it an admission that plaintiffs suffered any damages.

Acceptance of this offer of judgment will act to release and discharge defendants AARON HESS, the VILLAGE OF PLEASANTVILLE, their successors or assigns, and all past and present officials, employees, representatives, and agents of the VILLAGE OF PLEASANTVILLE, including but not limited to Police Officer Kevin Gilmartin, or any agency thereof, from (1) any and all claims that were, or could have been, alleged by plaintiffs in the above-captioned action, (2) any and all claims that were, or could have been alleged by plaintiffs in Henry v. Town of Mount Pleasant, et al, 12 Civ. 7556 (KMK). See Stanczk v. City of New York, 752 F.3d 273, 280-84 (2d Cir. 2014).

Dated: Carle Place, New York  
February 26, 2016

SOKOLOFF STERN LLP  
*Attorneys for Defendant*  
AARON HESS



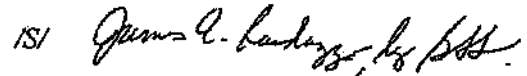
Brian S.  
Sokoloff

Digitally signed by Brian S. Sokoloff,  
DN: cn=Brian S. Sokoloff,  
o=Sokoloff Stern LLP, ou,  
email=bsokoloff@sokoloffstern.co  
m, c=US  
Date: 2016.02.26 16:00:24 -0500

By: \_\_\_\_\_

BRIAN S. SOKOLOFF  
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(516) 334-4500  
File No. 140056

GAINES, NOVICK, PONZINI,  
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VILLAGE OF PLEASANTVILLE



By: \_\_\_\_\_

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