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July 21, 2015

Via Service

The Honorable Gloria M. Dabiri
Supreme Court, Kings County
360 Adams Street
IAS Part 2, Room 956
Brooklyn, New York 11201

Re: Owens (Thurman Admin for Roselle) v. PP NY
Index No.: 18364/2011
Our File No: 6764.0054300

Dear Justice Dabiri:

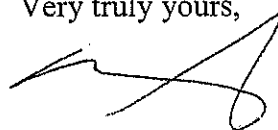
I represent defendants, Planned Parenthood of New York City, Inc. and Gerald Zupnick, M.D. in this action currently pending before Your Honor. I am writing to inform you that the plaintiff has agreed to a conditional settlement with one of my clients, Planned Parenthood of New York City, Inc., as well as a discontinuance of my other client who is not partaking in the settlement, Gerald Zupnick, M.D. Due to Article 16 concerns, the co-defendants have understandably not agreed to sign off on the Stipulation of Discontinuance.

In order for the settlement with Planned Parenthood to occur, I require Dr. Zupnick's discontinuance prior to any Decree or Compromise Order being submitted to either Supreme or Surrogate's Court. Therefore, I would respectfully request that the Court So Order the enclosed Stipulation of Discontinuance for Dr. Zupnick and return it to my attention in the enclosed, self-addressed, stamped envelope. I will then file the Stipulation with the Kings County Clerk with payment of the appropriate fees.

Obviously, if the Court has any questions or comments, please do not hesitate to contact me.

Thank you very much.

Very truly yours,



KENNETH FOX

KF:sj
Enclosure

McALOON & FRIEDMAN, P.C.

cc: Law Offices Of Steven L. Wittels, P.C.
18 Half Mile Road
Armonk, NY 10504
Attn.: Steven L. Wittels, Esq.

Aaronson, Rappaport, Feinstein & Deutsch, LLP
600 Third Avenue - 5th Floor
New York, New York 10016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

THURMAN T. OWENS as Administrator of the Estate of
ROSELLE OWENS, Deceased, and as Personal
Representative of the Distributees of Said Decedent,

Plaintiff,

-against-

PLANNED PARENTHOOD OF NEW YORK CITY, INC.
GERALD ZUPNICK, M.D., SOMNIA, INC.,
ERIC.SARPONG, C.R.N.A., JOHN LORY, M.D.,
VALCY ETIENNE, M.D., and JOHN DOES ##1-10,
Names being fictitious, real names unknown,

Defendants.

Index No.: 18364/2011

**STIPULATION OF
DISCONTINUANCE
AS TO GERALD
ZUPNICK, M.D. ONLY**

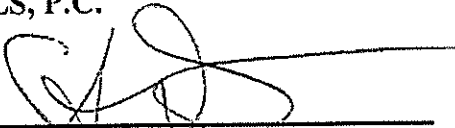
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, attorneys for the respective parties, to the above entitled action, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action, the above entitled action is hereby discontinued with prejudice and without costs, interests, or disbursements, as to defendant, GERALD ZUPNICK, M.D.

IT IS FURTHER STIPULATED AND AGREED, that the action is severed and continues as to the remaining defendants, PLANNED PARENTHOOD OF NEW YORK CITY, INC., SOMNIA, INC., ERIC.SARPONG, C.R.N.A., JOHN LORY, M.D., and VALCY ETIENNE, M.D.

This stipulation may be filed with the Clerk of the Court without further notice to either party. Facsimile and/or electronic signatures shall be accepted in lieu of originals.

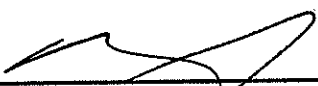
Dated: New York, New York
June 23, 2015

**LAW OFFICES OF STEVEN L.
WITTELS, P.C.**

By: 

STEVEN L. WITTELS, ESQ.
Attorneys for Plaintiffs
40 Worth Street
New York, New York 10013

McALOON & FRIEDMAN, P.C.

By: 

KENNETH FOX, ESQ.
Attorneys for Defendants
**PLANNED PARENTHOOD OF NEW
YORK CITY, INC. and GERALD
ZUPNICK, M.D.**
123 William Street, 25th Floor
New York, New York 10038-3804
Tel. No. (212) 732-8700

SO ORDERED:

J.S.C.

Upon information and belief, defendant, JOHN DOES ##1-10, names being fictitious, real names unknown, have not been served nor appeared in this action.