

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRUSH DEVELOPMENT, LLC,

Plaintiff,

-against-

THE TOWN OF BROOKHAVEN, THE PLANNING
BOARD OF THE TOWN OF BROOKHAVEN, THE
DEPARTMENT OF PLANNING, ENVIRONMENT &
DEVELOPMENT OF THE TOWN OF BROOKHAVEN, and
the CENTRAL PINE BARRENS JOINT PLANNING AND
POLICY COMMISSION

Defendants.
-----X

**Stipulation of Dismissal
Without Prejudice**

2:11-cv-03297-MKB-GRB

Pursuant to Fed.R.Civ.P. 41(a)(1), plaintiff Brush Development, LLC, defendants The Town of Brookhaven, The Planning Board of the Town of Brookhaven, The Department of Planning Environment & Development of the Town of Brookhaven (collectively, the "Brookhaven Defendants"), and defendant Central Pine Barrens Joint Planning and Policy Commission ("PBC"), through their undersigned attorneys, hereby stipulate and agree that all claims asserted in the above-captioned case against the defendants in this case, shall be, and hereby are, (i) dismissed without prejudice as against the three Brookhaven Defendants; and (ii) dismissed without prejudice for plaintiffs to bring a new action against the PBC if the PBC issues a final

determination on an application from plaintiff. The case is dismissed without costs or attorney's fees to any party as against the other.

Dated: January 17, 2014

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