

At IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of Nassau, at the Courthouse thereof, located at 100 Supreme Court Drive, Mineola, New York on the ____ day of _____ 2015.

PRESENT: HONORABLE JUSTICE JEROME C. MURPHY

J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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ERIC HARRIS, individually and by his legal guardian,
ERICA HARRIS and ERICA HARRIS, individually,

Index No.: 603898/2014

COMPROMISE ORDER

Plaintiffs,

Hon. Jerome C. Murphy

- against -

TERRACE 100, LP, THE D & F DEVELOPMENT GROUP, LLC, TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY, BIG APPLE FIRE SPRINKLER COMPANY, INC. and CUSTOM SYSTEMS INSTALLATION, LLC,

Defendants.
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Upon reading and filing of the affidavit of ERICA HARRIS, the legal guardian of person and property of the ward, ERIC HARRIS, duly sworn to on the 9th day of October 2015, the affirmation of JOSEPH G. DELL, attorney for the plaintiffs, dated the 19th day of October 2015, and the affirmation of Dr. Clinton Wilburn dated the 2nd day of July 2015, and it appearing that the plaintiff ERIC HARRIS is 32 years old having been born in 1983, and the plaintiff, the legal guardian, and their attorney having appeared before the Court on the ____ day of _____ 2015 and it appearing that the best interest of said plaintiff ERIC HARRIS will be served by the acceptance of the pre-trial offer of future periodic payments and up-front cash at a cost to defendants TERRACE 100, LP, THE

D & F DEVELOPMENT GROUP, LLC, TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY, BIG APPLE FIRE SPRINKLER COMPANY, INC., and CUSTOM SYSTEMS INSTALLATION, LLC, in the sum of TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) which offer is fair and reasonable,

NOW on application, consent and agreement of the parties herein, and without the necessity of any further motion practice before this Court on behalf of any party herein, it is

ORDERED, that ERICA HARRIS, as the legal guardian of ERIC HARRIS, be and hereby is authorized to execute releases and all required closing documentation discontinuing the plaintiff ERIC HARRIS's cause of action upon compliance with the following terms of this Order:

THAT the defendants TERRACE 100, LP, THE D & F DEVELOPMENT GROUP, LLC, TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY, BIG APPLE FIRE SPRINKLER COMPANY, INC., and CUSTOM SYSTEMS INSTALLATION, LLC shall pay the sum of TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) in full settlement of the cause of action on behalf of the plaintiffs in the following manner:

THAT, pursuant to the Mediation Agreement dated May 18, 2015, the sum of TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) shall be paid as follows:

- a. THAT TERRACE 100, LP, THE D & F DEVELOPMENT GROUP, LLC, and TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY shall pay the sum of TWO MILLION, FOUR HUNDRED THOUSAND (\$2,400,000.00);
- b. THAT CUSTOM SYSTEMS INSTALLATION, LLC shall pay the sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00); and
- c. THAT BIG APPLE FIRE SPRINKLER COMPANY, INC. shall pay the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00);

THAT the total sum of EIGHT HUNDRED FORTY-ONE THOUSAND SIX HUNDRED SEVENTY-FIVE DOLLARS AND FORTY TWO CENTS (\$841,675.42) to DELL & DEAN, PLLC, attorneys for the claimant representing 1) their fee for their services rendered of EIGHT HUNDRED TWENTY-NINE THOUSAND ONE HUNDRED SIXTY-TWO DOLLARS AND TWENTY NINE CENTS (\$829,162.29) and 2) the firm's disbursements totaling TWELVE THOUSAND FIVE HUNDRED THIRTEEN DOLLARS AND THIRTEEN CENTS (\$12,513.13); the legal fees and disbursements to be paid as follows:

THAT the lump sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) shall be paid by defendant CUSTOM SYSTEMS INSTALLATION, LLC and/or their Insurer(s) to DELL & DEAN, PLLC, representing attorney's fees;

THAT the lump sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) shall be paid by defendant BIG APPLE FIRE SPRINKLER COMPANY, INC. and/or their Insurer(s) to DELL & DEAN, PLLC, representing attorney's fees;

THAT the lump sum of SEVEN HUNDRED FORTY-ONE THOUSAND SIX HUNDRED SEVENTY-FIVE DOLLARS AND FORTY TWO CENTS (\$741,675.42) shall be paid by defendants TERRACE 100, LP, THE D & F DEVELOPMENT GROUP, LLC, and TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY, and/or their Insurer(s) to DELL & DEAN, PLLC, representing the remaining balance of attorney's fees and disbursements;

THAT from the remaining sum of ONE MILLION SIX HUNDRED FIFTY-EIGHT THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS AND FIFTY-EIGHT CENTS (\$1,658,324.58), the lump sum amount of EIGHT HUNDRED FIFTY-EIGHT THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS AND FIFTY-EIGHT CENTS (\$858,324.58)

shall be paid by the defendants TERRACE 100, LP, THE D & F DEVELOPMENT GROUP, LLC, and TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY and/or their Insurer(s), upon their receiving a Certified Order Expanding Powers of the Guardian establishing the ERIC HARRIS FIRST PARTY SPECIAL NEEDS TRUST, (Sup. Ct. Queens Cty.) Index No.: 21338/2012, payable to the Trustees appointed thereunder;

The balance of the proceeds in the amount of EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) having been paid by the defendants TERRACE 100, LP, THE D & F DEVELOPMENT GROUP, LLC, and TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY and/or their Insurer(s) to **METLIFE TOWER RESOURCES GROUP, INC.** to fund the purchase of a structured settlement annuity through **METROPOLITAN LIFE INSURANCE COMPANY**, which is licensed in the State of New York, and are currently rated “A+” (Superior) or better by A.M. Best Company, which will pay the (sums) future periodic payments pursuant to the following terms:

Payable to the Trustees of the Eric Harris First Party Special Needs Trust (“Payee”)	<u>Guaranteed Amount</u>	<u>Expected Lifetime Benefit</u>
\$1,186.44 per month for the life of Eric Harris, guaranteed 30 years, beginning on October 20, 2015, increasing at 3% compounding annually. The last guaranteed payment will be made on September 20, 2045;	\$677,344.56	\$1,476,972.10
\$50,000.00 guaranteed lump sum payable at age 37 (on September 19, 2020);	\$50,000.00	\$50,000.00
\$75,000.00 guaranteed lump sum payable at age 40 (on September 19, 2023);	\$75,000.00	\$75,000.00
\$125,000.00 guaranteed lump sum payable at age 45 (on September 19, 2028);	\$125,000.00	\$125,000.00
\$168,000.00 guaranteed lump sum payable at age 50 (on September 19, 2033).	\$168,000.00	\$168,000.00

ORDERED, that the projected purchase date of the annuity policy is September 1, 2015. Any delay in funding the annuity policy may result in a delay of the payment dates by an equal number of days, or at the discretion of the life insurance company, the payment amounts will be adjusted to reflect the delay in funding. A comparably rated life insurance company may be substituted to obtain the best interest rates available at the time of funding. Any changes in the payment amounts and/or commencement dates shall be recorded in the settlement agreement and release, qualified assignment

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