

Exhibit D

At a Motion Term of the Supreme Court
Of the State of New York, held in and for
the County of Oneida, at the Oneida
County Courthouse, Rome, New York on
the _____ day of _____, 2009

PRESENT: HON. SAMUEL D. HESTER
Supreme Court Justice, Presiding

STATE OF NEW YORK
SUPREME COURT COUNTY OF ONEIDA

In the Matters of the

ONEIDA INDIAN NATION OF NEW YORK,

Petitioner/Plaintiff,

STIPULATION
& ORDER

-vs-

FRANK LAGUZZA, CARL PERKINS and KEITH PITMAN,
as Assessors of the TOWN OF VERNON, ET AL.,

Index No.
CA2005-1543

RJI No.
32-05-0740

FRANK LAGUZZA, CARL PERKINS and KEITH PITMAN,
as Assessors of the TOWN OF VERNON, ET AL.,

Index No.
CA2005-1544

RJI No.
32-05-0741

DEAN F. BURTH, as Assessor of the TOWN OF VIENNA,
ET AL.,

Index No.
CA2005-1545

RJI No.
32-05-0754

MAURICE WARNER, as Assessor of the TOWN OF
VERONA, ET AL.,

Index No.
CA2005-1546

RJI No.
32-05-0759

KEITH PITMAN, as Assessor of the CITY OF
SHERRILL, ET AL.,

Index No.
CA2005-1547

RJI No.
32-05-0761

AGNES M. WINN, as Assessor of the TOWN OF
AUGUSTA, ET AL.,

Index No.
CA2005-1548

RJI No.
32-0509760

MAURICE WARNER, as Assessor of the TOWN OF
VERONA, ET AL.,

Index No.
CA2005-1549

Respondents/Defendants.

For a Judgment pursuant to Article 7 of the Real Property
Tax Law and Article 78 and Section 2001 of the Civil
Practice Law and Rules.

RJI No.
32-05-0738

STIPULATION

Pursuant to CPLR section 3217(a)(2), Petitioner Oneida Indian Nation of New York (the “Nation”) by its undersigned counsel, and the County of Oneida (the “County”) by its undersigned counsel, hereby stipulate and agree as follows:

1. Subject to paragraph 3 below, the Nation withdraws its claims against the County and the County consents to those claims being withdrawn;
2. Each party shall bear its own costs and expenses; and
3. In the event that any of the conditions precedent contained in the Settlement Agreement between the Nation and the County dated _____, 2009, are not met or complied with, either party to this Stipulation may make application to this Court to reinstate the parties to their previous status.

Dated: _____, 2009

Respectfully submitted,

Peter D. Carmen, Esq.
Meghan Murphy Beakman, Esq.
Oneida Nation Legal Department
Oneida Nation of New York
5218 Patrick Road
Verona, NY 13478
(315) 361-8687

Attorneys for Oneida Indian Nation of New
York

and

David M. Schraver, Esq.
Nixon Peabody, LLP
Clinton Square
P.O. Box 31050
Rochester, NY 14603
(585) 263-1000

Attorneys for Oneida County

SO ORDERED:

Hon. Samuel D. Hester
Justice of the Supreme Court

Dated: June _____, 2009
Rome, New York