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THE EVENING SUN

Lawsuit against NBT dismissed

BINGHAMTON – An Order dismissing an \$8.1 million suit filed against The National Bank and Trust Company and NBT Bancorp. Inc. was executed Wednesday by Broome County State Supreme Court Justice Stephen Smyk. The suit was brought against NBT and NBT Bancorp Sept. 3 by former president and chief executive officer, Donald E. Stone.

The action sought damages for breaches of Stone's severance package and employment contract, fraud, misrepresentation, age discrimination and the intentional infliction of emotional distress. According to the order, Judge Smyk dismissed the complaint in its entirety and on the merits, specifically ruling

that five of Stone's seven claims were released by a severance agreement executed by NBT and Stone upon his departure. The court further ruled that the remaining two causes of action which relate to payments made under the severance agreement were also dismissed on the merits. Stone has publicly declared his intention to both appeal the decision and also commence a similar action in Federal Court.

Richard A. Roth, originally from Endwell, and currently with the firm of Gordon Hurwitz Butowsky, et al., in New York City, counsel for NBT, stated, "the decision is sound," and expects it will be

upheld on appeal. **Roth** was confident that any future action brought by Stone in any other forum will also fail. According to **Roth**, "The only remaining issue will be whether Stone's lawsuits are frivolous and will rise to the level of sanctionable conduct."