

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-12306-CM**

Washington et al v. City of New York et al
Assigned to: Judge Colleen McMahon
Referred to: Magistrate Judge Stewart D. Aaron
(Settlement)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/28/2018
Date Terminated: 10/21/2019
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Davon Washington

represented by **Douglas Edward Lieb**
Emery Celli Brinckerhoff & Abady,
LLP
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Katherine R. Rosenfeld
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LLP
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New York, NY 10020
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Email: krosenfeld@ecbawm.com
ATTORNEY TO BE NOTICED

Plaintiff

Steven Espinal
TERMINATED: 01/30/2019

represented by **Douglas Edward Lieb**
(See above for address)
ATTORNEY TO BE NOTICED

Steven H. Goldman
(See above for address)
ATTORNEY TO BE NOTICED

Katherine R. Rosenfeld
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Pariis Tillery

represented by **Douglas Edward Lieb**
(See above for address)
ATTORNEY TO BE NOTICED

Steven H. Goldman
(See above for address)
ATTORNEY TO BE NOTICED

Katherine R. Rosenfeld
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

John Doe
TERMINATED: 06/07/2019

represented by **Douglas Edward Lieb**
(See above for address)
ATTORNEY TO BE NOTICED

Steven H. Goldman
(See above for address)
ATTORNEY TO BE NOTICED

Katherine R. Rosenfeld
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Steven Espinal
*on behalf of himself and all others
similarly situated*

represented by **Douglas Edward Lieb**
(See above for address)
ATTORNEY TO BE NOTICED

Katherine R. Rosenfeld
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

City Of New York

represented by **Mark David Zuckerman**
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New York, NY 10007
212-356-3519
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine Jane Weall
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100 Church Street, 4th Floor
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ATTORNEY TO BE NOTICED

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(212)-788-1575
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Email: sbreslow@law.nyc.gov
ATTORNEY TO BE NOTICED

Defendant

Cynthia Brann

*New York City Department of
Correction ("DOC") Commissioner*

represented by **Mark David Zuckerman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine Jane Weall
(See above for address)
ATTORNEY TO BE NOTICED

Stephanie Marie Breslow
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Brian Sullivan
DOC Bureau Chief Brian Sullivan

represented by **Mark David Zuckerman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Marie Breslow
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jane Walker
DOC Deputy Warden
TERMINATED: 01/30/2019

Defendant

John Williams
DOC Captain
TERMINATED: 01/30/2019

Defendant

Frank Foes #1-12
DOC Correction Officers
TERMINATED: 06/07/2019

Defendant

County of Albany

represented by **John William Liguori**
John W. Liguori, Jr., Esq., PLLC
90 State Street
Suite 700
Albany
Albany, NY 12207
518-407-0022
Fax: 518-694-0527
Email: john@jwlawalbany.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
Office of the Albany County Attorney
112 State Street
Ste 6th Floor
Albany, NY 12207
518-447-7110
Email:
michael.goldstein@albanycountyny.gov
ATTORNEY TO BE NOTICED

Defendant

Craig D Apple, Sr.
Albany County Sheriff

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Lyons
*Albany County Correctional
Facility Superintendent*

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anthony Torrisi
Lieutenant

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mark Valvo
Lieutenant

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Frank Foe #13
a.k.a. "Superman"
TERMINATED: 06/07/2019

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY

Defendant

Frank Foes #14-16

TERMINATED: 06/07/2019

Defendant

"John" Harris

Captain

TERMINATED: 06/07/2019

represented by **John William Liguori**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Goldstein

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Dan Poole

Sergeant

represented by **John William Liguori**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Goldstein

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Michael Grimes

Sergeant

represented by **John William Liguori**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Goldstein

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

"John" Colangione

Sergeant

TERMINATED: 06/07/2019

represented by **John William Liguori**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael Goldstein

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Frank Foes #17-18
TERMINATED: 06/07/2019

Defendant

Matthew Labombard
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Josiah Haley
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael Beliveau
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Vincent Adams
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Joseph Kelly
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

William Reddy
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Damien Anzalone
Correction Officer

represented by **John William Liguori**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Ryan Lawson
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jarred Jarosz
Correction Officer

represented by **John William Liguori**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Frank Harris
Correction Officer
TERMINATED: 06/07/2019

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Thuan Ton
Correction Officer

represented by **John William Liguori**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Timothy Kehn
Correction Officer

represented by **John William Liguori**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Trent Shaver
Correction Officer

represented by **John William Liguori**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Eugene Ratigan
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anthony Degonza
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Kelly Thompson
Correction Officer

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Goldstein
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Frank Foe Shield #99
Correction Officer
TERMINATED: 06/07/2019

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Frank Foe Shield #323
Correction Officer
TERMINATED: 06/07/2019

represented by **John William Liguori**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Frank Foes #19-21
Correction Officer
TERMINATED: 06/07/2019

Defendant

Melissa "Missy" Mylroie
Nurse

represented by **Robin Bartlett Phelan**
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ATTORNEY TO BE NOTICED

Defendant

**DOC Deputy Warden Sharlisa
Walker**

represented by **Mark David Zuckerman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Marie Breslow
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DOC Captain Edward Williams

represented by **Mark David Zuckerman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie Marie Breslow
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Correction Officer Gregory
Lopez**

Defendant

Captain Patrick Paskett

Defendant

Captain Bonar Moise

Defendant

**Correction Officer Kirklon
Morgan**

Defendant

**Correction Officer Belteshazzar
Reid**

Defendant

**Correction Officer Te-Art
Jackson**

Defendant

Correction Officer Edwin Lopera

Defendant

**Correction Officer Courtney
Corley**

Defendant

Correction Officer Aaron Crump

Defendant

**Correction Officer Robert
Mcdonald Jr.**

Defendant

Correction Officer Yupeng Cai

Defendant

Lieutenant William Carhart

represented by **Michael Goldstein**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Sergeant Anthony Colangione

represented by **Michael Goldstein**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Sergeant Sonny Armstrong

represented by **Michael Goldstein**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Correction Officer Joseph Moore

Defendant

**Correction Officer Anthony
Coppolo**

represented by **Michael Goldstein**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Captain Frank Harris

represented by **Michael Goldstein**
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor

**Correction Officers Benevolent
Association**

represented by **Howard Gary Wien**
Koehler & Isaacs, LLP
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/28/2018	<u>1</u>	COMPLAINT against Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, Cynthia Brann, "John" Colangione, County of Albany, Anthony Degonza, Frank Foe #13, Frank Foe Shield #323, Frank Foe Shield #99, Frank Foes #1-12, Frank Foes #14-16, Frank Foes

		#17-18, Frank Foes #19-21, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Melissa "Missy" Mylroie, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Brian Sullivan, The City of New York, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo, Jane Walker, John Williams. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16116766) Document filed by Steven Espinal, Davon Washington, Pariis Tillery, John Doe. (Rosenfeld, Katherine) (Entered: 12/28/2018)
12/28/2018	<u>2</u>	CIVIL COVER SHEET filed. (Rosenfeld, Katherine) (Entered: 12/28/2018)
12/28/2018	<u>3</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to The City of New York, et al., re: <u>1</u> Complaint,,,. Document filed by John Doe, Steven Espinal, Pariis Tillery, Davon Washington. (Rosenfeld, Katherine) Modified on 1/2/2019 (pc). (Entered: 12/28/2018)
12/28/2018	<u>4</u>	NOTICE OF APPEARANCE by Douglas Edward Lieb on behalf of John Doe, Steven Espinal, Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 12/28/2018)
01/02/2019		***NOTICE TO ATTORNEY REGARDING CIVIL. CASE OPENING STATISTICAL ERROR CORRECTION: Notice to attorney Katherine R. Rosenfeld. The following case opening statistical information was erroneously selected/entered: County code New York;. The following correction(s) have been made to your case entry: the County code has been modified to Bronx;. (pc) (Entered: 01/02/2019)
01/02/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Katherine R. Rosenfeld to RE-FILE Document No. <u>3</u> Request for Issuance of Summons,. The filing is deficient for the following reason(s): Write the name of each party listed on the summons on the docket entry. Not 'City of New York, et al.';. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (pc) (Entered: 01/02/2019)
01/02/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Colleen McMahon. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF

		Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pc) (Entered: 01/02/2019)
01/02/2019		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pc) (Entered: 01/02/2019)
01/02/2019		Case Designated ECF. (pc) (Entered: 01/02/2019)
01/02/2019	<u>5</u>	FILING ERROR - DEFICIENT PLEADING - SUMMONS REQUEST As To - REQUEST FOR ISSUANCE OF SUMMONS as to THE CITY OF NEW YORK; NEW YORK, re: <u>1</u> Complaint. Document filed by John Doe, Steven Espinal, Pariis Tillery, Davon Washington. (Lieb, Douglas) Modified on 1/2/2019 (pne). (Entered: 01/02/2019)
01/02/2019	<u>6</u>	REQUEST FOR ISSUANCE OF SUMMONS as to The City of New York; New York City Department of Correction ("DOC") Commissioner Cynthia Brann; DOC Bureau Chief Brian Sullivan; DOC Deputy Warden "Jane" Walker; DOC Captain "John" Williams; DOC Correction Officers Frank Foes #1-12; County of Albany; Albany County Sheriff Craig D. Apple, Sr.; Albany County Correctional Facility Superintendent Michael Lyons; Lieutenants Anthony Torrisi, Mark Valvo, Frank Foe #13 a.k.a. "Superman," and Frank Foes #14-16; Captain "John" Harris; Sergeants Dan Poole, Michael Grimes, "John" Colangione, and Frank Foes #17-18, Correction Officers Matthew Labombard, Josiah Haley, Michael Beliveau, Vincent Adams, Joseph Kelly, William Reddy, Damien Anzalone, Ryan Lawson, Jarred Jarosz, Frank Harris, Thuan Ton, Timothy Kehn, Trent Shaver, Eugene Ratigan, Anthony Degonza, Kelly Thompson, Frank Foe Shield #99, Frank Foe Shield #323, and Frank Foes #19-21; and Nurse Melissa "Missy" Mylroie, re: <u>1</u> Complaint,,,. Document filed by John Doe, Steven Espinal, Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 01/02/2019)
01/03/2019	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, Cynthia Brann, City Of New York, "John" Colangione, County of Albany, Anthony Degonza, Frank Foe #13, Frank Foe Shield #323, Frank Foe Shield #99, Frank Foes #1-12, Frank Foes #14-16, Frank Foes #17-18, Frank Foes #19-21, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Melissa "Missy" Mylroie, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Brian Sullivan, Kelly Thompson,

		Thuan Ton, Anthony Torrisi, Mark Valvo, Jane Walker, John Williams. (pne) (Entered: 01/03/2019)
01/03/2019	<u>8</u>	NOTICE OF APPEARANCE by Steven H. Goldman on behalf of John Doe, Steven Espinal, Pariis Tillery, Davon Washington. (Goldman, Steven) (Entered: 01/03/2019)
01/04/2019	<u>9</u>	MOTION to Proceed Anonymously . Document filed by John Doe, Steven Espinal, Pariis Tillery, Davon Washington.(Lieb, Douglas) (Entered: 01/04/2019)
01/04/2019	<u>10</u>	MEMORANDUM OF LAW in Support re: <u>9</u> MOTION to Proceed Anonymously . . Document filed by John Doe, Steven Espinal, Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 01/04/2019)
01/08/2019	<u>11</u>	ORDER SCHEDULING AND INITIAL PRETRIAL CONFERENCE: Initial Conference set for 3/1/2019 at 11:30 AM in Courtroom 24A, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 1/8/2019) (rj) (Entered: 01/08/2019)
01/15/2019	<u>12</u>	SUMMONS RETURNED EXECUTED Summons and Complaint,,, served. City Of New York served on 1/7/2019, answer due 1/28/2019. Service was accepted by Ariton Marke. Document filed by Steven Espinal; Davon Washington; Pariis Tillery; John Doe. (Rosenfeld, Katherine) (Entered: 01/15/2019)
01/15/2019	<u>13</u>	SUMMONS RETURNED EXECUTED Summons and Complaint,,, served. Vincent Adams served on 1/7/2019, answer due 1/28/2019; Damien Anzalone served on 1/7/2019, answer due 1/28/2019; Craig D Apple, Sr served on 1/7/2019, answer due 1/28/2019; Michael Beliveau served on 1/7/2019, answer due 1/28/2019; "John" Colangione served on 1/7/2019, answer due 1/28/2019; Anthony Degonza served on 1/7/2019, answer due 1/28/2019; Michael Grimes served on 1/7/2019, answer due 1/28/2019; Josiah Haley served on 1/7/2019, answer due 1/28/2019; "John" Harris served on 1/7/2019, answer due 1/28/2019; Frank Harris served on 1/7/2019, answer due 1/28/2019; Jarred Jarosz served on 1/7/2019, answer due 1/28/2019; Timothy Kehn served on 1/7/2019, answer due 1/28/2019; Joseph Kelly served on 1/7/2019, answer due 1/28/2019; Matthew Labombard served on 1/7/2019, answer due 1/28/2019; Ryan Lawson served on 1/7/2019, answer due 1/28/2019; Michael Lyons served on 1/7/2019, answer due 1/28/2019; Dan Poole served on 1/7/2019, answer due 1/28/2019; Eugene Ratigan served on 1/7/2019, answer due 1/28/2019; William Reddy served on 1/7/2019, answer due 1/28/2019; Trent Shaver served on 1/7/2019, answer due 1/28/2019; Kelly Thompson served on 1/7/2019, answer due 1/28/2019; Thuan Ton served on 1/7/2019, answer due 1/28/2019; Anthony Torrisi served on 1/7/2019, answer due 1/28/2019; Mark Valvo served on

		1/7/2019, answer due 1/28/2019. Service was accepted by Michael S. Monteleone, Undersheriff. Service was made by Mail. Document filed by Steven Espinal; Davon Washington; Pariis Tillery; John Doe. (Rosenfeld, Katherine) (Entered: 01/15/2019)
01/15/2019	<u>14</u>	SUMMONS RETURNED EXECUTED Summons and Complaint,, served. County of Albany served on 1/7/2019, answer due 1/28/2019. Service was accepted by Mary Heffner. Document filed by Steven Espinal; Davon Washington; Pariis Tillery; John Doe. (Rosenfeld, Katherine) (Entered: 01/15/2019)
01/15/2019	<u>15</u>	SUMMONS RETURNED EXECUTED Summons and Complaint,, served. Melissa "Missy" Mylroie served on 1/9/2019, answer due 1/30/2019. Service was accepted by Nurse Melissa "Missy" Mylroie (Personally Served). Document filed by Steven Espinal; Davon Washington; Pariis Tillery; John Doe. (Rosenfeld, Katherine) (Entered: 01/15/2019)
01/15/2019	<u>16</u>	SUMMONS RETURNED EXECUTED Summons and Complaint,, served. Cynthia Brann served on 1/7/2019, answer due 1/28/2019; Brian Sullivan served on 1/7/2019, answer due 1/28/2019; Jane Walker served on 1/7/2019, answer due 1/28/2019; John Williams served on 1/7/2019, answer due 1/28/2019. Service was accepted by C.O. 'JOHN' Morgan, Co-Worker of Defendants. Service was made by Mail. Document filed by Steven Espinal; Davon Washington; Pariis Tillery; John Doe. (Rosenfeld, Katherine) (Entered: 01/15/2019)
01/16/2019	<u>17</u>	NOTICE OF APPEARANCE by Mark David Zuckerman on behalf of Cynthia Brann, City Of New York. (Zuckerman, Mark) (Entered: 01/16/2019)
01/17/2019	<u>18</u>	CONSENT LETTER MOTION for Extension of Time to File Answer <i>or otherwise respond to the complaint</i> addressed to Judge Colleen McMahon from Mark D. Zuckerman dated January 17, 2019. Document filed by Cynthia Brann, City Of New York.(Zuckerman, Mark) (Entered: 01/17/2019)
01/17/2019	<u>19</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply (<i>Response to motion of plaintiff John Doe to proceed anonymously at Docket 10</i>) addressed to Judge Colleen McMahon from Mark D. Zuckerman dated January 17, 2019. Document filed by Cynthia Brann, City Of New York.(Zuckerman, Mark) (Entered: 01/17/2019)
01/17/2019	<u>20</u>	NOTICE OF APPEARANCE by Katherine Jane Weall on behalf of Cynthia Brann, City Of New York. (Weall, Katherine) (Entered: 01/17/2019)

01/17/2019	<u>21</u>	ORDER granting <u>18</u> Letter Motion for Extension of Time to Answer. Ok. Cynthia Brann answer due 2/25/2019; City Of New York answer due 2/25/2019. (Signed by Judge Colleen McMahon on 1/17/2019) (mml) (Entered: 01/17/2019)
01/18/2019	<u>22</u>	NOTICE OF APPEARANCE by Robin Bartlett Phelan on behalf of Melissa "Missy" Mylroie. (Phelan, Robin) (Entered: 01/18/2019)
01/18/2019	<u>23</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time to File Response/Reply. Granted, Responses due by 1/25/2019 (Signed by Judge Colleen McMahon on 1/17/2019) (cf) (Entered: 01/18/2019)
01/22/2019	<u>24</u>	NOTICE OF APPEARANCE by Timothy Patrick Tripp on behalf of Melissa "Missy" Mylroie. (Tripp, Timothy) (Entered: 01/22/2019)
01/22/2019	<u>25</u>	RESPONSE to Motion re: <u>9</u> MOTION to Proceed Anonymously . . Document filed by Melissa "Missy" Mylroie. (Tripp, Timothy) (Entered: 01/22/2019)
01/24/2019	<u>26</u>	NOTICE OF APPEARANCE by John William Liguori on behalf of Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Frank Foo Shield #323, Frank Foo Shield #99, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo. (Liguori, John) (Entered: 01/24/2019)
01/24/2019	<u>27</u>	FIRST LETTER MOTION for Extension of Time to File Answer addressed to Judge Colleen McMahon from John Liguori dated 1/24/19. Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Frank Foo Shield #323, Frank Foo Shield #99, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo.(Liguori, John) (Entered: 01/24/2019)
01/25/2019	<u>28</u>	RESPONSE to Motion re: <u>9</u> MOTION to Proceed Anonymously . . Document filed by Cynthia Brann, City Of New York. (Zuckerman, Mark) (Entered: 01/25/2019)
01/28/2019	<u>29</u>	ORDER granting <u>27</u> Letter Motion for Extension of Time to Answer. Ok - but it is not clear to me that the claims against the Albany defendants should be litigated in this Court. Vincent Adams answer due 2/25/2019; Damien Anzalone answer due 2/25/2019; Craig D Apple, Sr answer due 2/25/2019; Michael Beliveau answer due 2/25/2019; "John" Colangione

		answer due 2/25/2019; County of Albany answer due 2/25/2019; Anthony Degonza answer due 2/25/2019; Frank Foe #13 answer due 2/25/2019; Frank Foe Shield #323 answer due 2/25/2019; Frank Foe Shield #99 answer due 2/25/2019; Michael Grimes answer due 2/25/2019; Josiah Haley answer due 2/25/2019; "John" Harris answer due 2/25/2019; Frank Harris answer due 2/25/2019; Jarred Jarosz answer due 2/25/2019; Timothy Kehn answer due 2/25/2019; Joseph Kelly answer due 2/25/2019; Matthew Labombard answer due 2/25/2019; Ryan Lawson answer due 2/25/2019; Michael Lyons answer due 2/25/2019; Dan Poole answer due 2/25/2019; Eugene Ratigan answer due 2/25/2019; William Reddy answer due 2/25/2019; Trent Shaver answer due 2/25/2019; Kelly Thompson answer due 2/25/2019; Thuan Ton answer due 2/25/2019; Anthony Torrisi answer due 2/25/2019; Mark Valvo answer due 2/25/2019. (Signed by Judge Colleen McMahon on 1/28/2019) (mml) (Entered: 01/28/2019)
01/28/2019	<u>30</u>	FILING ERROR - PDF ERROR - FIRST AMENDED COMPLAINT amending <u>1</u> Complaint,,, against Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, Cynthia Brann, City Of New York, "John" Colangione, County of Albany, Anthony Degonza, Frank Foe #13, Frank Foe Shield #323, Frank Foe Shield #99, Frank Foes #1-12, Frank Foes #14-16, Frank Foes #17-18, Frank Foes #19-21, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Melissa "Missy" Mylroie, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Brian Sullivan, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo, Jane Walker, John Williams with JURY DEMAND.Document filed by Steven Espinal, Davon Washington, Pariis Tillery, John Doe. Related document: <u>1</u> Complaint,,,(Rosenfeld, Katherine) Modified on 1/29/2019 (jgo). (Entered: 01/28/2019)
01/28/2019	<u>31</u>	MOTION for Preliminary Injunction . Document filed by Steven Espinal.(Rosenfeld, Katherine) (Entered: 01/28/2019)
01/28/2019	<u>32</u>	MEMORANDUM OF LAW in Support re: <u>31</u> MOTION for Preliminary Injunction . . Document filed by Steven Espinal. (Rosenfeld, Katherine) (Entered: 01/28/2019)
01/28/2019	<u>33</u>	DECLARATION of Steven Espinal in Support re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Steven Espinal. (Rosenfeld, Katherine) (Entered: 01/28/2019)
01/28/2019	<u>34</u>	DECLARATION of Pariis Tillery in Support re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Steven Espinal. (Rosenfeld, Katherine) (Entered: 01/28/2019)

01/28/2019	<u>35</u>	DECLARATION of Dr. Andrea Weisman in Support re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Steven Espinal. (Rosenfeld, Katherine) (Entered: 01/28/2019)
01/28/2019	<u>36</u>	DECLARATION of Robert M. Quackenbush in Support re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Steven Espinal. (Attachments: # <u>1</u> Exhibit A- Affirmation of Robert M. Quackenbush)(Rosenfeld, Katherine) (Entered: 01/28/2019)
01/28/2019	<u>37</u>	DECLARATION of Ruben Dario Fernandez in Support re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Steven Espinal. (Rosenfeld, Katherine) (Entered: 01/28/2019)
01/28/2019	<u>38</u>	DECLARATION of Katherine Rosenfeld in Support re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Steven Espinal. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30)(Rosenfeld, Katherine) (Entered: 01/28/2019)
01/28/2019	<u>39</u>	LETTER addressed to Judge Colleen McMahon from Katherine Rosenfeld dated January 28, 2019 re: requesting narrowly tailored expedited discovery. Document filed by Steven Espinal. (Attachments: # <u>1</u> Exhibit A)(Rosenfeld, Katherine) (Entered: 01/28/2019)
01/29/2019	<u>40</u>	MEMO ENDORSEMENT on re: <u>39</u> Letter filed by Steven Espinal. ENDORSEMENT: Conference on for 2/8/19 at 10:00 a.m. Participants in Albany may appear by phone by calling Chambers at the specified date and time above. (Telephone Conference set for 2/8/2019 at 10:00 AM before Judge Colleen McMahon.) (Signed by Judge Colleen McMahon on 1/29/2019) (mro) (Entered: 01/29/2019)
01/29/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Katherine R. Rosenfeld to RE-FILE re: Document No. <u>30</u> Amended Complaint. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF. Add parties Davon Washington with party text 'on behalf of himself and all others similarly situated', Pariis Tillery with party text 'on behalf of himself and all others similarly situated', John Doe with party text 'on behalf of himself and all others similarly situated', Steven Espinal with party text 'on behalf of himself and all others similarly situated', Sharlisa Walker with party text 'DOC Deputy Warden', and, Edward Williams with party text 'DOC Captain'; the wrong

		<p>party/parties whom the pleading is against were selected;. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents.. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against.</p> <p>(jgo) (Entered: 01/29/2019)</p>
01/29/2019	41	<p>FIRST AMENDED COMPLAINT amending 1 Complaint,,, against Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, Cynthia Brann, City Of New York, "John" Colangione, County of Albany, Anthony Degonza, Frank Foe #13, Frank Foe Shield #323, Frank Foe Shield #99, Frank Foes #1-12, Frank Foes #14-16, Frank Foes #17-18, Frank Foes #19-21, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Melissa "Missy" Mylroie, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Brian Sullivan, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo, Sharlisa Walker, Edward Williams with JURY DEMAND.Document filed by Davon Washington, Pariis Tillery, John Doe, Steven Espinal. Related document: 1 Complaint,,,(Rosenfeld, Katherine) (Entered: 01/29/2019)</p>
01/29/2019	42	<p>CONSENT LETTER addressed to Judge Colleen McMahon from Mark D. Zuckerman dated January 29, 2019 re: responses to request for expedited discovery and application for preliminary injunction. Document filed by Cynthia Brann, City Of New York.(Zuckerman, Mark) (Entered: 01/29/2019)</p>
01/30/2019	43	<p>MEMO ENDORSEMENT on re: 42 Letter, filed by City Of New York, Cynthia Brann. ENDORSEMENT: Ok. (Signed by Judge Colleen McMahon on 1/30/2019) (mml) (Entered: 01/30/2019)</p>
02/05/2019	44	<p>LETTER addressed to Judge Colleen McMahon from Mark D. Zuckerman dated February 5, 2019 re: response to plaintiff's request for expedited discovery at Docket 39 and request to combine briefing on application for preliminary injunction with proposed motion to dismiss. Document filed by Cynthia Brann, City Of New York. (Attachments: # 1 Exhibit A-D)(Zuckerman, Mark) (Entered: 02/05/2019)</p>
02/06/2019	45	<p>LETTER addressed to Judge Colleen McMahon from Douglas E. Lieb dated February 6, 2019 re: Response to City Defendants' Request for Consolidated Briefing [Dkt 44]. Document filed by Steven Espinal(on behalf of himself and all others similarly situated).(Lieb, Douglas) (Entered: 02/06/2019)</p>

02/07/2019	46	MEMO ENDORSEMENT on re: 45 Letter, filed by Steven Espinal. ENDORSEMENT: Look, I do not take letter motions and I do not accept letter briefs in response to motions. So everyone get this straight - if Plaintiff wants to MOVE for expedited discovery MAKE A MOTION WITH ALL SUPPORTING PAPERS. Defendant(s) must RESPOND WITH PROPER PAPERS AND A BRIEF. If I were the City, I would move to dismiss promptly - and in response to the preliminary injunction motion to which a response is due on Feb. 11. (Responses due by 2/11/2019.) (Signed by Judge Colleen McMahon on 2/6/2019) (mml) (Entered: 02/07/2019)
02/07/2019	47	ENDORSED LETTER addressed to Counsel from Chief Judge Colleen McMahon dated 2/7/2019 re: The conference must go forward tomorrow. For one thing, I want to know what the City's plans are with respect to moving to dismiss the complaint. For another, I want to explore whether a significant portion of this case does not need to be severed and moved to the Northern District of New York. Cases involving allegation of brutality by corrections officers located in the NDNY are litigated in the NDNY, not in NYC. Adding allegations that the City is somehow responsible for that brutality because it transferred the plaintiffs to Albany knowing that they would/might be abused does not change that. All that means is that there is some overlap is discovery. But I cannot for the life of me see why I should be litigating the conditions in the Albany County Jail down here. (Signed by Judge Colleen McMahon on 2/7/2019) (mml) (Entered: 02/07/2019)
02/08/2019		Minute Entry for proceedings held before Judge Colleen McMahon: Initial Pretrial Conference held on 2/8/2019. (All represented Parties present except for Albany County and Def. Mylroie, who appeared by phone).Decision: Status conference held. Defendant Mylroie may have until 2/25/2019 to file her Answer.Submitted by: Kyla Magun. (mde) (Entered: 02/08/2019)
02/11/2019	48	MOTION to Dismiss <i>pursuant to Rules 12(b)(1), (6) and (7), Fed. R. Civ. P. and for order to plaintiffs to join State Commission of Correction as defendant.</i> Document filed by Cynthia Brann, City Of New York, Sharlisa Walker, Edward Williams.(Zuckerman, Mark) (Entered: 02/11/2019)
02/11/2019	49	DECLARATION of Mark D. Zuckerman in Support re: 48 MOTION to Dismiss <i>pursuant to Rules 12(b)(1), (6) and (7), Fed. R. Civ. P. and for order to plaintiffs to join State Commission of Correction as defendant..</i> Document filed by Cynthia Brann, City Of New York, Sharlisa Walker, Edward Williams. (Attachments: # 1 Exhibit A, # 2 Exhibit C, # 3 Exhibit D, # 4 Exhibit E, # 5 Exhibit F, # 6 Exhibit G, # 7 Exhibit H, # 8 Exhibit I)(Zuckerman, Mark) (Entered: 02/11/2019)

02/11/2019	<u>50</u>	MEMORANDUM OF LAW in Opposition re: <u>31</u> MOTION for Preliminary Injunction . . Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo. (Attachments: # <u>1</u> Affidavit Declaration of John W. Liguori, Esq., # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Affidavit Declaration of Michael J. Lyons, Superintendent of the Albany County Correctional Facility, # <u>14</u> Affidavit Declaration of Lieutenant Ronald Murray)(Liguori, John) (Entered: 02/11/2019)
02/11/2019	<u>51</u>	DECLARATION of C.O. Peggy Joseph in Support re: <u>48</u> MOTION to Dismiss <i>pursuant to Rules 12(b)(1), (6) and (7), Fed. R. Civ. P. and for order to plaintiffs to join State Commission of Correction as defendant..</i> Document filed by Cynthia Brann, City Of New York, Sharlisa Walker, Edward Williams. (Attachments: # <u>1</u> Exhibit B)(Zuckerman, Mark) (Entered: 02/11/2019)
02/11/2019	<u>52</u>	MEMORANDUM OF LAW in Support re: <u>48</u> MOTION to Dismiss <i>pursuant to Rules 12(b)(1), (6) and (7), Fed. R. Civ. P. and for order to plaintiffs to join State Commission of Correction as defendant. .</i> Document filed by Cynthia Brann, City Of New York, Sharlisa Walker, Edward Williams. (Zuckerman, Mark) (Entered: 02/11/2019)
02/11/2019	<u>53</u>	DECLARATION of Mark D. Zuckerman in Opposition re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Cynthia Brann, City Of New York, Sharlisa Walker, Edward Williams. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit I)(Zuckerman, Mark) (Entered: 02/11/2019)
02/11/2019	<u>54</u>	DECLARATION of C.O. Peggy Joseph in Opposition re: <u>31</u> MOTION for Preliminary Injunction .. Document filed by Cynthia Brann, City Of New York, Sharlisa Walker, Edward Williams. (Attachments: # <u>1</u> Exhibit B)(Zuckerman, Mark) (Entered: 02/11/2019)
02/11/2019	<u>55</u>	MEMORANDUM OF LAW in Opposition re: <u>31</u> MOTION for Preliminary Injunction . . Document filed by Cynthia Brann, City Of New York, Sharlisa Walker, Edward Williams. (Zuckerman, Mark) (Entered: 02/11/2019)
02/14/2019	<u>56</u>	CONSENT LETTER MOTION for Extension of Time to File (<i>Modify Briefing Schedule</i>) addressed to Judge Colleen McMahon from Douglas E. Lieb dated February 14, 2019. Document filed by John Doe, Steven

		Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington.(Lieb, Douglas) (Entered: 02/14/2019)
02/15/2019	<u>57</u>	ORDER granting <u>56</u> Letter Motion for Extension of Time to File. We can discuss a stay at the conference. I do not need another motion. See you March 8 at 10:15 AM. (Signed by Judge Colleen McMahon on 2/15/2019) (ne) (Entered: 02/15/2019)
02/15/2019		Set/Reset Hearings: Initial Conference set for 3/8/2019 at 10:15 AM before Judge Colleen McMahon. (ne) (Entered: 02/15/2019)
02/15/2019	<u>58</u>	MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> , MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> . Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo.(Liguori, John) (Entered: 02/15/2019)
02/15/2019	<u>59</u>	MEMORANDUM OF LAW in Support re: <u>58</u> MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> . . Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo. (Liguori, John) (Entered: 02/15/2019)
02/15/2019	<u>60</u>	DECLARATION of John W. Liguori, Esq. in Support re: <u>58</u> MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> .. Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo. (Attachments: # <u>1</u> Exhibit A)(Liguori, John) (Entered: 02/15/2019)
02/22/2019	<u>61</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Sever . Document filed by Melissa "Missy" Mylroie. (Attachments: # <u>1</u> Declaration in Support of Motion, # <u>2</u> Memorandum of Law in

		Support of Motion, # 3 Affidavit of Service)(Tripp, Timothy) Modified on 3/12/2019 (db). (Entered: 02/22/2019)
02/22/2019	62	LETTER addressed to Judge Colleen McMahon from Doug E. Lieb dated February 22, 2019 re: Status of Criminal Charges Against Steven Espinal. Document filed by Steven Espinal.(Lieb, Douglas) (Entered: 02/22/2019)
02/22/2019	63	REPLY MEMORANDUM OF LAW in Support re: 31 MOTION for Preliminary Injunction . <i>and in Opposition to The New York City Defendants' Motion to Dismiss [Dkt. No. 48]</i> . Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 02/22/2019)
02/22/2019	64	DECLARATION of Douglas E. Lieb in Support re: 31 MOTION for Preliminary Injunction .. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Attachments: # 1 Exhibit 1 - Affidavit of Captain Edward Williams)(Lieb, Douglas) (Entered: 02/22/2019)
02/25/2019	65	ANSWER to 41 Amended Complaint,,, with JURY DEMAND. Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Frank Foe #13, Frank Foe Shield #323, Frank Foe Shield #99, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo.(Liguori, John) (Entered: 02/25/2019)
02/25/2019	66	MOTION to Dismiss (<i>joinder of defendant Brian Sullivan in City defendants' motion to dismiss and for joinder of State Commission of Correction at Docket 48</i>). Document filed by Brian Sullivan.(Zuckerman, Mark) (Entered: 02/25/2019)
02/25/2019	67	ANSWER to 41 Amended Complaint,,, with JURY DEMAND. Document filed by Melissa "Missy" Mylroie.(Tripp, Timothy) (Entered: 02/25/2019)
03/01/2019	68	RESPONSE to Motion re: 61 MOTION to Sever ., 58 MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> . MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> . . Document filed by Cynthia Brann, City Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams. (Zuckerman, Mark) (Entered: 03/01/2019)
03/01/2019	69	MEMORANDUM OF LAW in Opposition re: 61 MOTION to Sever ., 58 MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> .

		MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> . . Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 03/01/2019)
03/01/2019	70	DECLARATION of Douglas E. Lieb in Opposition re: 61 MOTION to Sever ., 58 MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> . MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> .. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9)(Lieb, Douglas) (Entered: 03/01/2019)
03/01/2019	71	DECLARATION of Davon Washington in Opposition re: 61 MOTION to Sever ., 58 MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> . MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> .. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 03/01/2019)
03/01/2019	72	DECLARATION of Sharon McLaughlin in Opposition re: 61 MOTION to Sever ., 58 MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> . MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> .. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 03/01/2019)
03/01/2019	73	DECLARATION of Pamela S. Roth, Esq. in Opposition re: 61 MOTION to Sever ., 58 MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> . MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> .. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 03/01/2019)
03/01/2019	74	ORDER: A conference for this matter is currently scheduled for Friday, March 8, 2019. Due to the fact that there are multiple pending motions, the Court is canceling the upcoming conference. These motions will be given priority, and the conference will be rescheduled when the motions are decided. Discovery is stayed pending the Court's decisions on these motions. (Signed by Judge Colleen McMahon on 3/1/2019) (rro) (Entered: 03/01/2019)
03/06/2019	75	REPLY MEMORANDUM OF LAW in Support re: 66 MOTION to Dismiss (<i>joinder of defendant Brian Sullivan in City defendants' motion to dismiss and for joinder of State Commission of Correction at Docket 48</i>)., 48 MOTION to Dismiss <i>pursuant to Rules 12(b)(1), (6) and (7), Fed. R. Civ. P. and for order to plaintiffs to join State Commission of</i>

		<i>Correction as defendant.</i> . Document filed by Cynthia Brann, City Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams. (Zuckerman, Mark) (Entered: 03/06/2019)
03/06/2019	<u>76</u>	DECLARATION of Timothy P. Tripp, Esq. in Support re: <u>61</u> MOTION to Sever .. Document filed by Melissa "Missy" Mylroie. (Tripp, Timothy) (Entered: 03/06/2019)
03/06/2019	<u>77</u>	REPLY MEMORANDUM OF LAW in Support re: <u>61</u> MOTION to Sever . . Document filed by Melissa "Missy" Mylroie. (Tripp, Timothy) (Entered: 03/06/2019)
03/06/2019	<u>78</u>	REPLY MEMORANDUM OF LAW in Support re: <u>58</u> MOTION to Sever <i>pursuant to Rule 21 of the Fed. R. Civ. P.</i> . MOTION to Transfer Case <i>pursuant to 28 U.S.C. 1404(a)</i> . . Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo. (Liguori, John) (Entered: 03/06/2019)
03/15/2019	<u>79</u>	MEMO ENDORSEMENT on <u>10</u> MEMORANDUM OF LAW in Support granting <u>9</u> Motion to Proceed Anonymously. ENDORSEMENT: Motion Granted. (Signed by Judge Colleen McMahon on 3/14/2019) (mml) (Entered: 03/15/2019)
03/15/2019	<u>80</u>	ORDER ON CITY DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO EXHAUST UNDER THE PLRA with respect to <u>48</u> Motion to Dismiss. Therefore, I am severing from the City Defendants' motion to dismiss the discrete issue of failure to exhaust, and I hereby convert that issue, pursuant to Fed. R. Civ. P. 56, to a motion for summary judgment. See also Arnold v. Goetz, 245 F. Supp. 2d 527, 541 (S.D.N.Y. 2003). Officials at Rikers and ACCF have five business days from the date of this opinion to produce to Plaintiffs' counsel relevant records concerning both the existence and particulars of grievance processes at their respective institutions and any record of any filing of any grievance or appeal pursuant to those procedures that relates to the allegations of the Amended Complaint. If the City Defendants wish to depose Plaintiffs on the limited issue of exhaustion, they must so notify the court by Friday, March 22, 2019. Mr. Espinal will be writted into New York County for deposition if one is to be taken - although I gather that he has been deposed in connection with a 50-h hearing. Moving Defendants have five business days after the completion of any depositions, or five business days after the production of records if there are no such depositions, to supplement their motion

		on the issue of exhaustion. Plaintiffs have ten business days thereafter to supplement their response on the issue of exhaustion and availability. Moving Defendants have five business days thereafter to file a reply. All other motions will be held in abeyance pending the resolution of the exhaustion issue. (Signed by Judge Colleen McMahon on 3/15/2019) (mml) (Entered: 03/15/2019)
03/19/2019	<u>81</u>	LETTER addressed to Judge Colleen McMahon from Mark D. Zuckerman dated March 19, 2019 re: withdrawal of failure to exhaust administrative remedy defense under PLRA. Document filed by Cynthia Brann, City Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams.(Zuckerman, Mark) (Entered: 03/19/2019)
03/20/2019	<u>82</u>	NOTICE OF APPEARANCE by Michael Goldstein on behalf of Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo. (Goldstein, Michael) (Entered: 03/20/2019)
03/20/2019	<u>83</u>	LETTER addressed to Judge Colleen McMahon from John Ligouri dated 3/20/2019 re: PLRA. Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo.(Liguori, John) (Entered: 03/20/2019)
03/27/2019	<u>84</u>	MEMO ENDORSEMENT on re: <u>83</u> Letter,, filed by Matthew Labombard, Kelly Thompson, Frank Harris, Damien Anzalone, Mark Valvo, Dan Poole, "John" Harris, Vincent Adams, Michael Lyons, Eugene Ratigan, Michael Grimes, Joseph Kelly, Jarred Jarosz, "John" Colangione, Anthony Degonza, Josiah Haley, Michael Beliveau, Craig D Apple, Sr., William Reddy, Thuan Ton, Timothy Kehn, Ryan Lawson, Trent Shaver, Anthony Torrisi, County of Albany. ENDORSEMENT: We are moving forward with the remaining motions. (Signed by Judge Colleen McMahon on 3/26/2019) (ks) Modified on 3/27/2019 (ks). (Entered: 03/27/2019)
03/28/2019	<u>85</u>	LETTER addressed to Judge Colleen McMahon from Katherine Rosenfeld dated March 28, 2019 re: Espinal Sentencing and Pending Motions. Document filed by Steven Espinal(on behalf of himself and all others similarly situated).(Rosenfeld, Katherine) (Entered: 03/28/2019)

03/28/2019	<u>86</u>	MOTION to Certify Class . Document filed by Steven Espinal(on behalf of himself and all others similarly situated).(Rosenfeld, Katherine) (Entered: 03/28/2019)
03/28/2019	<u>87</u>	DECLARATION of Katherine Rosenfeld in Support re: <u>86</u> MOTION to Certify Class .. Document filed by Steven Espinal(on behalf of himself and all others similarly situated). (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Rosenfeld, Katherine) (Entered: 03/28/2019)
03/28/2019	<u>88</u>	MEMORANDUM OF LAW in Support re: <u>86</u> MOTION to Certify Class . . Document filed by Steven Espinal(on behalf of himself and all others similarly situated). (Rosenfeld, Katherine) (Entered: 03/28/2019)
04/01/2019	<u>89</u>	MEMO ENDORSEMENT on re: <u>85</u> Letter filed by Steven Espinal. ENDORSEMENT: We are working on all the pending motions. (Signed by Judge Colleen McMahon on 4/1/2019) (mml) (Entered: 04/01/2019)
04/03/2019	<u>90</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to <u>86</u> MOTION to Certify Class . addressed to Judge Colleen McMahon from Mark D. Zuckerman dated April 3, 2019. Document filed by Cynthia Brann, City Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams.(Zuckerman, Mark) (Entered: 04/03/2019)
04/04/2019	<u>91</u>	LETTER addressed to Judge Colleen McMahon from Mark D. Zuckerman dated April 4, 2019 re: the plaintiff Steven Espinal's transfer to state custody and mootness of his preliminary injunction application. Document filed by Cynthia Brann, City Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams.(Zuckerman, Mark) (Entered: 04/04/2019)
04/04/2019	<u>92</u>	ORDER terminating <u>90</u> Letter Motion for Extension of Time to File Response/Reply. I will not be considering the class certification motion anytime soon - certainly not in connection with the other motions, to which we are working. So take as much time as you like. Certainly there is no reason to respond until you have your decision on the pending motions. (Signed by Judge Colleen McMahon on 4/3/2019) (mml) (Entered: 04/04/2019)
04/09/2019	<u>93</u>	RESPONSE re: <u>91</u> Letter, re: <i>Plaintiff Steven Espinal's Transfer to State Custody and Mootness of His Preliminary Injunction Application</i> . Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Rosenfeld, Katherine) (Entered: 04/09/2019)

04/30/2019	94	<p>DECISION AND ORDER ON THE CITY DEFENDANTS' MOTION TO DISMISS, THE ALBANY DEFENDANTS' MOTION TO SEVER, AND PLAINTIFF ESPINAL'S MOTION FOR A PRELIMINARY INJUNCTION denying 31 Motion for Preliminary Injunction; denying 48 Motion to Dismiss; denying without prejudice 58 Motion to Sever; denying without prejudice 58 Motion to Transfer Case; denying without prejudice 61 Motion to Sever; denying 66 Motion to Dismiss. For the above reasons, the City Defendants' Motion to Dismiss is DENIED. The Albany Defendants' Motion to Sever and Transfer and Defendant Myloie's Motion to Sever are DENIED without prejudice. Plaintiff Steven Espinal's Motion for a Preliminary Injunction is DENIED. The Clerk of Court is respectfully directed to terminate the motion at Docket Numbers 31, 48, 58, 61 & 66 from the list of open motions. (Signed by Judge Colleen McMahon on 4/30/2019) (mml) Modified on 5/1/2019 (mml). (Entered: 04/30/2019)</p>
05/03/2019	95	<p>ENDORSED LETTER addressed to Laura Birger, Esq., Stephen D. Clymer, Esq., The Hon. Cyrus Vance, The Hon. Richard A. Brown, The Hon. P. David Soares from Chief Judge Colleen McMahon dated 5/3/2019 re: Attached to this letter you will find a copy of the First Amended Complaint filed in this court in the civil action styled Davon Washington el al., v. The City of New York, et al., 18 Civ. 12306 (CM). Earlier this week, I entered a decision and order denying motions to dismiss, sever or transfer this action. I am of the opinion of this court that certain matters alleged in the attached pleading, which contains serious allegations of the deliberate abuse of youthful pre-trial detainees, should be investigated by law enforcement. I emphasize that this court has yet to make any findings about the veracity of these allegations. The civil action presently pending before me is at a preliminary stage, and the allegations of the complaint -- which had to be presumed true for purposes of the recently-decided motions -- have not yet been tested in the cauldron of pre-trial discovery. However, some of the allegations in the attached pleading concerning the treatment of the four named defendants - particularly, though not exclusively, those relating to their treatment at the Albany County Correctional Facility - are of such seriousness that I believe they should be investigated at the earliest opportunity. Hence I am making this referral at an earlier stage that I might otherwise. I thank you for your attention to this matter. (Signed by Judge Colleen McMahon on 5/3/2019) Copies Mailed By Chambers. (mml) (Entered: 05/03/2019)</p>
05/07/2019	96	<p>CONSENT LETTER MOTION for Extension of Time to File Answer and to adopt briefing schedule on motion for class certification addressed to Judge Colleen McMahon from Mark D. Zuckerman dated May 7, 2019. Document filed by Cynthia Brann, City</p>

		Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams.(Zuckerman, Mark) (Entered: 05/07/2019)
05/07/2019	<u>97</u>	ORDER: granting <u>96</u> Letter Motion for Extension of Time to Answer. OK. Cynthia Brann answer due 6/28/2019; City Of New York answer due 6/28/2019; Brian Sullivan answer due 6/28/2019; Sharlisa Walker answer due 6/28/2019; Edward Williams answer due 6/28/2019. (Signed by Judge Colleen McMahon on 5/07/2019) (ama) (Entered: 05/07/2019)
05/07/2019		Set/Reset Deadlines: Responses due by 5/31/2019 Replies due by 6/21/2019. (ama) (Entered: 05/07/2019)
05/16/2019	<u>98</u>	JOINT LETTER addressed to Judge Colleen McMahon from Douglas E. Lieb dated May 16, 2019 re: Proposed Case Management Plan. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Attachments: # <u>1</u> Text of Proposed Order)(Lieb, Douglas) (Entered: 05/16/2019)
05/16/2019	<u>99</u>	CIVIL CASE MANAGEMENT PLAN: This case is to be tried to a jury. Discovery pursuant to Fed. R. Civ. P. 26(a) shall be exchanged by 6/7/2019. Amended Pleadings due by 8/30/2019. Joinder of Parties due by 8/30/2019. Deposition due by 9/30/2019. Fact Discovery due by 1/16/2020. Expert Discovery due by 4/30/2020. Discovery due by 4/30/2020. Pretrial Order due by 6/30/2020. The parties may at any time consent to have this case tried before the assigned Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Signed by Judge Colleen McMahon on 5/26/2019) (mml) (Entered: 05/16/2019)
05/31/2019	<u>100</u>	DECLARATION of Timothy P. Tripp in Opposition re: <u>86</u> MOTION to Certify Class .. Document filed by Melissa "Missy" Mylroie. (Tripp, Timothy) (Entered: 05/31/2019)
05/31/2019	<u>101</u>	DECLARATION of John W. Liguori in Opposition re: <u>86</u> MOTION to Certify Class .. Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, "John" Colangione, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, "John" Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo. (Goldstein, Michael) (Entered: 05/31/2019)
05/31/2019	<u>102</u>	DECLARATION of Mark D. Zuckerman in Opposition re: <u>86</u> MOTION to Certify Class .. Document filed by City Of New York. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit C)(Zuckerman, Mark) (Entered: 05/31/2019)

05/31/2019	<u>103</u>	DECLARATION of C.O. Peggy Joseph in Opposition re: <u>86</u> MOTION to Certify Class .. Document filed by City Of New York. (Attachments: # <u>1</u> Exhibit B)(Zuckerman, Mark) (Entered: 05/31/2019)
05/31/2019	<u>104</u>	DECLARATION of Kenneth Stukes in Opposition re: <u>86</u> MOTION to Certify Class .. Document filed by City Of New York. (Zuckerman, Mark) (Entered: 05/31/2019)
05/31/2019	<u>105</u>	MEMORANDUM OF LAW in Opposition re: <u>86</u> MOTION to Certify Class . . Document filed by City Of New York. (Zuckerman, Mark) (Entered: 05/31/2019)
06/03/2019	<u>106</u>	MOTION to Intervene . Document filed by Correction Officers Benevolent Association.(Wien, Howard) (Entered: 06/03/2019)
06/03/2019	<u>107</u>	AFFIRMATION of Howard Wien Esq in Support re: <u>106</u> MOTION to Intervene .. Document filed by Correction Officers Benevolent Association. (Attachments: # <u>1</u> Exhibit Exhibit A)(Wien, Howard) (Entered: 06/03/2019)
06/03/2019	<u>108</u>	MEMORANDUM OF LAW in Support re: <u>106</u> MOTION to Intervene . . Document filed by Correction Officers Benevolent Association. (Wien, Howard) (Entered: 06/03/2019)
06/04/2019	<u>109</u>	NOTICE OF APPEARANCE by Stephanie Marie Breslow on behalf of Cynthia Brann, City Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams. (Breslow, Stephanie) (Entered: 06/04/2019)
06/05/2019	<u>110</u>	<u>FILING ERROR - DEFICIENT PLEADING - FILED AGAINST PARTY ERROR</u> SECOND AMENDED COMPLAINT amending <u>41</u> Amended Complaint against Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Michael Beliveau, Cynthia Brann, City Of New York, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Melissa "Missy" Mylroie, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Brian Sullivan, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo, Sharlisa Walker, Edward Williams, Gregory Lopez, Patrick Paskett, Bonar Moise, Kirklon Morgan, Belteshazzar Reid, Te-Art Jackson, Edwin Lopera, Courtney Corley, Aaron Crump, Robert Mcdonald Jr., Yupeng Cai, William Carhart, Anthony Colangione, Sonny Armstrong, Joseph Moore, Anthony Coppolo with JURY DEMAND.Document filed by Davon Washington, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, John Doe. Related document: <u>41</u> Amended Complaint.(Lieb, Douglas) Modified on 6/6/2019 (sj). (Entered: 06/05/2019)

06/05/2019	<u>111</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Captain Patrick Paskett; Captain Bonar Moise; C.O. Kirklon Morgan; C.O. Belteshazzar Reid; C.O. Te-Art Jackson; C.O. Edwin Lopera; C.O. Courtney Corley; C.O. Aaron Crump; C.O. Robert McDonald, Jr.; C.O. Yupeng Cai; Lieutenant William Carhart; Captain Frank Harris; Sergeant Anthony Colangione; Sergeant Sonny Armstrong; C.O. Joseph Moore; C.O. Anthony Coppolo, re: <u>110</u> Amended Complaint,,,,. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 06/05/2019)
06/06/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Douglas Edward Lieb to RE-FILE re: Document No. <u>110</u> Amended Complaint. The filing is deficient for the following reason(s): all of the parties listed on the pleading were not entered on CM ECF; the wrong party/parties whom the pleading is against were selected; Frank Harris must be added in capacity of Captain. Docket the event type Add Party to Pleading found under the event list Complaints and Other Initiating Documents. Re-file the pleading using the event type Amended Complaint found under the event list Complaints and Other Initiating Documents - attach the correct signed PDF - select the individually named filer/filers - select the individually named party/parties the pleading is against. (sj) (Entered: 06/06/2019)
06/06/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Douglas Edward Lieb to RE-FILE Document No. <u>111</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): The summons requested was not processed due to the deficient pleading. Please file your request for summons when you correct and refile your pleading. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process - select the correct filer/filers - and attach the correct summons form PDF. (sj) (Entered: 06/06/2019)
06/06/2019	<u>112</u>	SECOND AMENDED COMPLAINT amending <u>41</u> Amended Complaint,,, against Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Sonny Armstrong, Michael Beliveau, Cynthia Brann, Yupeng Cai, William Carhart, City Of New York, Anthony Colangione, Anthony Coppolo, Courtney Corley, County of Albany, Aaron Crump, Anthony Degonza, Michael Grimes, Josiah Haley, Te-Art Jackson, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Edwin Lopera, Gregory Lopez, Michael Lyons, Robert Mcdonald Jr., Bonar Moise, Joseph Moore, Kirklon Morgan, Melissa "Missy" Mylroie, Patrick Paskett, Dan Poole, Eugene Ratigan, William Reddy, Belteshazzar Reid, Trent Shaver, Brian Sullivan, Kelly Thompson,

		Thuan Ton, Anthony Torrisi, Mark Valvo, Sharlisa Walker, Edward Williams, Frank Harris with JURY DEMAND.Document filed by Davon Washington, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, John Doe. Related document: 41 Amended Complaint,,,(Lieb, Douglas) (Entered: 06/06/2019)
06/06/2019	113	REQUEST FOR ISSUANCE OF AMENDED SUMMONS as to Captain Patrick Paskett; Captain Bonar Moise; C.O. Kirklon Morgan; C.O. Belteshazzar Reid; C.O. Te-Art Jackson; C.O. Edwin Lopera; C.O. Courtney Corley; C.O. Aaron Crump; C.O. Robert McDonald, Jr.; C.O. Yupeng Cai; Lieutenant William Carhart; Captain Frank Harris; Sergeant Anthony Colangione; Sergeant Sonny Armstrong; C.O. Joseph Moore; C.O. Anthony Coppolo, re: 112 Amended Complaint,,,. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Lieb, Douglas) (Entered: 06/06/2019)
06/07/2019	114	ELECTRONIC SUMMONS ISSUED as to Sonny Armstrong, Yupeng Cai, William Carhart, Anthony Colangione, Anthony Coppolo, Courtney Corley, Aaron Crump, Frank Harris, Te-Art Jackson, Edwin Lopera, Robert Mcdonald Jr., Bonar Moise, Joseph Moore, Kirklon Morgan, Patrick Paskett, Belteshazzar Reid. (sj) (Entered: 06/07/2019)
06/10/2019	115	CONSENT LETTER MOTION to Stay <i>as to defendant C.O. Gregory Lopez only</i> addressed to Judge Colleen McMahon from Mark D. Zuckerman dated June 10, 2019. Document filed by City Of New York.(Zuckerman, Mark) (Entered: 06/10/2019)
06/10/2019	116	LETTER addressed to Judge Colleen McMahon from Mark D. Zuckerman dated June 10, 2019 re: City's position on motion to intervene at Docket 106 by COBA. Document filed by City Of New York.(Zuckerman, Mark) (Entered: 06/10/2019)
06/12/2019	117	ORDER granting 115 Letter Motion to Stay. OK. (Signed by Judge Colleen McMahon on 6/12/2019) (mro) (Entered: 06/12/2019)
06/17/2019	118	MEMORANDUM OF LAW in Opposition re: 106 MOTION to Intervene . . Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Rosenfeld, Katherine) (Entered: 06/17/2019)
06/18/2019	119	CONSENT LETTER MOTION for Extension of Time to File Response/Reply as to 86 MOTION to Certify Class . addressed to Judge Colleen McMahon from Douglas E. Lieb dated June 18, 2019. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington.(Lieb, Douglas) (Entered: 06/18/2019)

06/18/2019	<u>120</u>	ORDER granting <u>119</u> Letter Motion for Extension of Time to File Response/Reply. Ok. Replies due by 7/3/2019. (Signed by Judge Colleen McMahon on 6/18/2019) (mro) (Entered: 06/18/2019)
06/19/2019	<u>121</u>	ANSWER to <u>112</u> Amended Complaint,,,, with JURY DEMAND. Document filed by Melissa "Missy" Mylroie. (Attachments: # <u>1</u> Affidavit of Service)(Tripp, Timothy) (Entered: 06/19/2019)
06/24/2019	<u>122</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Bonar Moise served on 6/10/2019, answer due 7/1/2019. Service was accepted by Captain Bonar Moise. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>123</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Frank Harris served on 6/10/2019, answer due 7/1/2019. Service was accepted by William M. Rice, Chief Deputy. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>124</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Patrick Paskett served on 6/10/2019, answer due 7/1/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>125</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Aaron Crump served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>126</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Anthony Coppolo served on 6/11/2019, answer due 7/2/2019. Service was accepted by William M. Rice, Chief Deputy. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>127</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Belteshazzar Reid served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf

		of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>128</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,, served. Courtney Corley served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>129</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,, served. Edwin Lopera served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>130</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,, served. Joseph Moore served on 6/11/2019, answer due 7/2/2019. Service was accepted by William M. Rice, Chief Deputy. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>131</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,, served. Kirklon Morgan served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>132</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,, served. Robert Mcdonald Jr. served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>133</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,, served. Te-Art Jackson served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>134</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,, served. Yupeng Cai served on 6/11/2019, answer due 7/2/2019. Service was accepted by A.D.W. Mitton. Service was made by

		Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>135</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. William Carhart served on 6/11/2019, answer due 7/2/2019. Service was accepted by William M. Rice, Chief Deputy. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>136</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Anthony Colangione served on 6/10/2019, answer due 7/1/2019. Service was accepted by William M. Rice, Chief Deputy. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>137</u>	SUMMONS RETURNED EXECUTED Summons and Amended Complaint,,,, served. Sonny Armstrong served on 6/10/2019, answer due 7/1/2019. Service was accepted by William M. Rice, Chief Deputy. Service was made by Mail. Document filed by Davon Washington; Steven Espinal(on behalf of himself and all others similarly situated); Pariis Tillery; John Doe. (Lieb, Douglas) (Entered: 06/24/2019)
06/24/2019	<u>138</u>	REPLY MEMORANDUM OF LAW in Support re: <u>106</u> MOTION to Intervene . . Document filed by Correction Officers Benevolent Association. (Wien, Howard) (Entered: 06/24/2019)
06/26/2019	<u>139</u>	LETTER MOTION to Stay <i>and request for reference to assigned Magistrate Judge for Settlement</i> addressed to Judge Colleen McMahon from Mark D. Zuckerman dated June 26, 2019. Document filed by City Of New York.(Zuckerman, Mark) (Entered: 06/26/2019)
06/27/2019	<u>140</u>	ANSWER to <u>112</u> Amended Complaint,,,, with JURY DEMAND. Document filed by Vincent Adams, Damien Anzalone, Craig D Apple, Sr, Sonny Armstrong, Michael Beliveau, William Carhart, Anthony Colangione, Anthony Coppolo, County of Albany, Anthony Degonza, Michael Grimes, Josiah Haley, Frank Harris, Frank Harris, Jarred Jarosz, Timothy Kehn, Joseph Kelly, Matthew Labombard, Ryan Lawson, Michael Lyons, Dan Poole, Eugene Ratigan, William Reddy, Trent Shaver, Kelly Thompson, Thuan Ton, Anthony Torrisi, Mark Valvo.(Goldstein, Michael) (Entered: 06/27/2019)
06/27/2019	<u>141</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Stewart D. Aaron.

		(Signed by Judge Colleen McMahon on 6/27/2019) (ne) (Entered: 06/27/2019)
06/27/2019	142	MEMO ENDORSEMENT on re: 139 LETTER MOTION to Stay <i>and request for reference to assigned Magistrate Judge for Settlement</i> addressed to Judge Colleen McMahon from Mark D. Zuckerman dated June 26, 2019 filed by City Of New York. ENDORSEMENT: Ok. (Signed by Judge Colleen McMahon on 6/27/2019) (ne) (Entered: 06/27/2019)
06/27/2019		Case Stayed (ne) (Entered: 09/16/2019)
06/28/2019	143	ORDER SCHEDULING SETTLEMENT CONFERENCE: A settlement conference is scheduled before Magistrate Judge Stewart Aaron on Tuesday, July 16, 2019 at 10:00 a.m. in Courtroom 11C, United States Courthouse, 500 Pearl Street, New York, NY 10007. The parties must comply with the Settlement Conference Procedures for Magistrate Judge Stewart D. Aaron, available at http://www.nysd.uscourts.gov/judge/Aaron . SO ORDERED. (Settlement Conference set for 7/16/2019 at 10:00 AM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Stewart D. Aaron.) (Signed by Magistrate Judge Stewart D. Aaron on 6/28/2019) (kl) (Entered: 06/28/2019)
07/05/2019	144	REQUEST TO PARTICIPATE . Document filed by Correction Officers Benevolent Association.(Wien, Howard) (Entered: 07/05/2019)
07/06/2019	145	ORDER re: 144 Request to Participate filed by Correction Officers Benevolent Association: No later than Tuesday, July 9, 2019, counsel for each of the Plaintiffs and Defendants shall file a letter advising the Court: (1) whether they consent to the participation of the COBA and its counsel in the settlement conference; (2) what limitations, if any, they seek in the participation of the COBA and its counsel; (3) if they do not consent, the reasons for their lack of consent; and (4) if they seek limitations in COBA's participation, the reasons for such limitations. (Signed by Magistrate Judge Stewart D. Aaron on 7/6/19) (Aaron, Stewart) (Entered: 07/06/2019)
07/09/2019	146	LETTER addressed to Magistrate Judge Stewart D. Aaron from Mark D. Zuckerman dated July 9, 2018 re: response to COBA's request to participate at Docket 144. Document filed by City Of New York.(Zuckerman, Mark) (Entered: 07/09/2019)
07/09/2019	147	RESPONSE re: 144 Request to Participate . Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Rosenfeld, Katherine) (Entered: 07/09/2019)

07/09/2019	148	LETTER addressed to Magistrate Judge Stewart D. Aaron from Timothy P. Tripp dated July 9, 2019 re: Response to COBA's request to participate Docket 144. Document filed by Melissa "Missy" Mylroie.(Tripp, Timothy) (Entered: 07/09/2019)
07/09/2019	149	RESPONSE re: 145 Order,, . Document filed by County of Albany. (Goldstein, Michael) (Entered: 07/09/2019)
07/09/2019	150	ORDER re: 144 Request to Participate filed by Correction Officers Benevolent Association: COBA's request to participate in the settlement conference is DENIED. COBA is not a party to the case and none of the parties consents to its participation. (Signed by Magistrate Judge Stewart D. Aaron on 7/9/19) (Text Only Order) (Aaron, Stewart) (Entered: 07/09/2019)
07/09/2019	151	LETTER addressed to Magistrate Judge Stewart D. Aaron from Douglas E. Lieb dated July 9, 2019 re: Participation of Clients in Settlement Conference. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington.(Lieb, Douglas) (Entered: 07/09/2019)
07/10/2019	152	ORDER: The Warden or other official in charge of the available in a suitable location within the Facility that is equipped with a telephone for a confidential legal phone call at 3:30 on July 16, 2019. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform Chambers by calling Law Clerk Amanda Raines at (212) 805-0274. Plaintiffs' counsel shall: (1) send this Order to the Warden of Facility immediately; and (2) contact the Facility to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date. SO ORDERED. (Telephone Conference set for 7/16/2019 at 03:30 PM before Magistrate Judge Stewart D. Aaron.) (Signed by Magistrate Judge Stewart D. Aaron on 7/10/2019) (js) (Entered: 07/10/2019)
07/10/2019	153	ORDER: IT IS HEREBY ORDERED THAT: The Warden or other official in charge of the George R. Vierno Center of the New York City Department of Correction (DOC) make Davon Washington (B&C: 3491902665) available in a suitable location within the George R. Vierno Center Facility that is equipped with a telephone for a confidential legal phone call at 3:00 pm on July 16, 2019. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform Chambers by calling Law Clerk Amanda Raines at (212) 805-0274. The Warden or other official in charge of the North Infirmary Command of DOC make Parties Tillery (B&C: 1411701882) available in a suitable location within the North Infirmary Command Facility that is equipped with a telephone for a confidential legal phone call at 3:00 pm on July 16, 2019. If the

		<p>scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform Chambers by calling Law Clerk Amanda Raines at (212) 805-0274. The Warden or other official in charge of the Wende Correctional Facility make Steven Espinal (DIN #19A1253) available in a suitable location within the Wende Correctional Facility that is equipped with a telephone for a confidential legal phone call at 3:30 pm on July 16, 2019. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform Chambers by calling Law Clerk Amanda Raines at (212) 805-0274. Plaintiffs' counsel shall: (1) send this Order to the respective Wardens immediately; and (2) contact each of the facilities to arrange the calls and determine the telephone numbers at which the plaintiffs will be reachable at the above times and dates. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 7/10/2019) (js) Modified on 7/12/2019 (js). (Entered: 07/10/2019)</p>
07/11/2019	<u>154</u>	<p>LETTER addressed to Magistrate Judge Stewart D. Aaron from Mark D. Zuckerman dated July 11, 2019 re: order allowing use of cellphone for settlement conference of July 16, 2019. Document filed by City Of New York.(Zuckerman, Mark) (Entered: 07/11/2019)</p>
07/12/2019	<u>155</u>	<p>LETTER addressed to Magistrate Judge Stewart D. Aaron from Michael Goldstein dated 7/12/19 re: settlement conference. Document filed by County of Albany.(Goldstein, Michael) (Entered: 07/12/2019)</p>
07/12/2019	<u>156</u>	<p>MEMO ENDORSEMENT on re: <u>155</u> Letter filed by County of Albany. I am an Assistant County Attorney with the Albany County Department of Law representing the Albany County Defendants in this matter. I write respectfully seeking an order allowing myself, Daniel Lynch, the Albany County Attorney, and Michael Monteleone, Undersheriff, to bring our cellphones into the courthouse for use at the settlement conference on July 16, 2019 at 10:00 a.m. ENDORSEMENT: Any party seeking a Device Order from the Court should first fill out the form found at http://www.nysd.uscourts.gov/file/forms/standing-order-electronic-devices-form and provide it to chambers by e-mail at Aaron_NYSDChambers@nysd.uscourts.gov for signature. SO ORDERED. (Signed by Magistrate Judge Stewart D. Aaron on 7/12/2019) (js) (Entered: 07/12/2019)</p>
07/15/2019	<u>157</u>	<p>NOTICE OF APPEARANCE by Timothy S Brennan on behalf of Melissa "Missy" Myloie. (Brennan, Timothy) (Entered: 07/15/2019)</p>
07/16/2019	158	<p>SEALED DOCUMENT placed in vault.(mhe) (Entered: 07/16/2019)</p>
07/16/2019		<p>Minute Entry for proceedings held before Magistrate Judge Stewart D. Aaron: Settlement Conference held on 7/16/2019. (kl) (Entered: 07/17/2019)</p>

07/17/2019	<u>159</u>	ORDER: The settlement conference which began on July 16, 2019 is scheduled to continue before Magistrate Judge Stewart Aaron on Monday, August 19, 2019 at 10:00 a.m. in Courtroom 11C, United States Courthouse, 500 Pearl Street, New York, NY 10007. (Settlement Conference set for 8/19/2019 at 10:00 AM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Stewart D. Aaron.) (Signed by Magistrate Judge Stewart D. Aaron on 7/17/2019) (js) (Entered: 07/17/2019)
07/24/2019	<u>160</u>	JOINT LETTER MOTION for Extension of Time (<i>Extend Stay of Proceedings</i>) addressed to Judge Colleen McMahon from Douglas E. Lieb dated July 25, 2019. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington.(Lieb, Douglas) (Entered: 07/24/2019)
07/25/2019	<u>161</u>	ORDER granting <u>160</u> Letter Motion for Extension of Time. Request granted. Stay extended to 8/23/2019. (Signed by Judge Colleen McMahon on 7/25/2019) (mml) (Entered: 07/25/2019)
08/19/2019		Minute Entry for proceedings held before Magistrate Judge Stewart D. Aaron: Settlement Conference held on 8/19/2019. (kl) (Entered: 08/20/2019)
08/22/2019	<u>162</u>	JOINT LETTER addressed to Judge Colleen McMahon from Douglas E. Lieb dated August 22, 2019 re: Continued Stay for Settlement Purposes. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington.(Lieb, Douglas) (Entered: 08/22/2019)
08/23/2019	<u>163</u>	MEMO ENDORSEMENT on <u>162</u> Joint Letter. ENDORSEMENT: Action stayed until September 23. This is an excellent result. (Signed by Judge Colleen McMahon on 8/23/2019) (mml) (Entered: 08/23/2019)
09/20/2019	<u>164</u>	JOINT LETTER MOTION to Stay (<i>continue stay through October 7, 2019</i>) addressed to Judge Colleen McMahon from Mark D. Zuckerman dated September 20, 2019. Document filed by Cynthia Brann, City Of New York, Brian Sullivan, Sharlisa Walker, Edward Williams.(Zuckerman, Mark) (Entered: 09/20/2019)
09/20/2019	<u>165</u>	ORDER granting <u>164</u> Letter Motion to Stay. OK. (Signed by Judge Colleen McMahon on 9/20/2019) (mro) (Entered: 09/20/2019)
10/18/2019	<u>166</u>	JOINT LETTER addressed to Judge Colleen McMahon from Douglas E. Lieb dated October 18, 2019 re: Settlement. Document filed by John Doe, Steven Espinal(on behalf of himself and all others similarly situated), Pariis Tillery, Davon Washington. (Attachments: # <u>1</u> Text of Proposed Order - Stipulation & Order of Dismissal)(Lieb, Douglas) (Entered: 10/18/2019)

10/21/2019	<u>167</u>	<p>STIPULATION AND ORDER OF DISMISSAL : NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that 1. The above-referenced action is hereby dismissed with prejudice; and 2. Notwithstanding the dismissal of this action in accordance with this agreement, the District Court shall continue to maintain jurisdiction over this action for the purpose of enforcing the terms of paragraphs "1"-"10" and "19"-"26" of the Stipulation of Settlement executed by the parties in this matter. (Signed by Judge Colleen McMahon on 10/21/2019) (mml) (Entered: 10/21/2019)</p>
10/21/2019	<u>168</u>	<p>STIPULATION OF SETTLEMENT: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows: 1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or attorneys' fees except as specified in paragraphs 2 through 10 below. 2. Defendant City of New York hereby agrees to pay plaintiff Davon Washington the sum of Seventy Five Thousand (\$75,000.00) Dollars, plus his pro rata share of attorneys' fees as set forth in paragraph 9 herein, and to provide the relief set forth in paragraphs 11-12 herein, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 3. Defendant City of New York hereby agrees to pay plaintiff John Doe the sum of Seventy Five Thousand (\$75,000.00) Dollars, plus his pro rata share of attorneys' fees as set forth in paragraph 9 herein, and to provide the relief set forth in paragraphs 11-12 herein, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 4. Defendant City of New York hereby agrees to pay plaintiff Pariis Tillery the sum of Seventy Five Thousand (\$75,000.00) Dollars, plus his pro rata share of attorneys' fees as set forth in paragraph 9 herein, and to provide the relief set forth in paragraphs 11-12 herein, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 5. The County of Albany hereby agrees to pay plaintiff Davon Washington the sum of Seventy Five Thousand (\$75,000.00) Dollars, plus his pro rata share of attorneys' fees as set forth in paragraph 9 herein, and to provide the relief set forth in paragraph 16, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 6. The County of Albany hereby agrees to pay plaintiff John Doe the sum of Seventy Five Thousand (\$75,000.00) Dollars, plus his pro rata share of attorneys' fees as set forth in paragraph 9 herein, and to provide the relief set forth in paragraph 16, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 7. The County of Albany hereby agrees to pay plaintiff Pariis Tillery the sum of Seventy Five Thousand (\$75,000.00) Dollars, plus his pro rata share of attorneys' fees as set forth in paragraph 9 herein, and to provide the relief set forth in paragraph 16, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 8. Defendant County of</p>

	<p>Albany hereby agrees to pay plaintiff Steven Espinal the sum of Two Hundred Twenty Thousand (\$220,000.00) Dollars, plus his pro rata share of attorneys' fees to be paid by the County of Albany as set forth in paragraph 9 herein, and to provide the relief set forth in paragraphs set forth in paragraph 16, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 9. Defendant City of New York hereby agrees to pay plaintiffs the total sum of Two Hundred Thousand Dollars (\$200,000) and the County of Albany agrees to pay plaintiffs the total sum of One Hundred Thousand Dollars (\$100,000) in full satisfaction of any costs, expenses and attorneys' fees. 10. Defendant Nurse Melissa "Missy" Mylorie agrees to pay plaintiffs the total sum of Ten Thousand (\$10,000) in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. 11. The City of New York agrees that it will not seek substitute jail orders to transfer any inmates in the custody of the New York City Department of Correction ("DOC") to the Albany County Correctional Facility from the date of execution of this agreement through December 31, 2021, inclusive. 12. The City of New York agrees that each and every DOC inmate transferred outside of the City of New York upon a substitute jail order shall, after the inmate is safely secured in the vehicle transporting him/her, be provided in the vehicle before it departs with a written "notice" of transfer, as further set forth in this order. SO ORDERED. (Signed by Chief Judge Colleen McMahon on 10/21/2019) (mml) (Entered: 10/21/2019)</p>
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