

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:19-cv-00660-MKB-SMG**

Federal Defenders of New York, Inc. v. Federal Bureau
of Prisons et al

Assigned to: Judge Margo K. Brodie

Referred to: Magistrate Judge Steven M. Gold

Cause: 05:702 Administrative Procedure Act

Date Filed: 02/04/2019

Jury Demand: None

Nature of Suit: 899 Other Statutes:

Administrative Procedures

Act/Review or Appeal of Agency
Decision

Jurisdiction: U.S. Government

Defendant

Mediator

Loretta E. Lynch

Plaintiff

**Federal Defenders of New York,
Inc.**

*on behalf of itself and its clients
detained at the Metropolitan
Detention Center-Brooklyn*

represented by

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Defendant

Warden Herman Quay
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Date Filed	#	Docket Text
02/04/2019	1	COMPLAINT against Federal Bureau of Prisons, Herman Quay, filed by Federal Defenders of New York, Inc.. (Attachments: # 1 Civil Cover Sheet) (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019		FILING FEE: \$ 400, receipt number 4653136763 (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019	2	Summons Issued as to Federal Bureau of Prisons, Herman Quay, U.S. Attorney and U.S. Attorney General (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019	3	Unsigned Order to Show Cause by Federal Defenders of New York, Inc. (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019	4	DISCLOSURE of Interested Parties by Federal Defenders of New York, Inc.. (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019	5	MEMORANDUM in Support re 3 Unsigned Order to Show Cause filed by Federal Defenders of New York, Inc.. (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019	6	DECLARATION of Dean Hecker re 3 Unsigned Order to Show Cause by Federal Defenders of New York, Inc. (Attachments: # 1 Exhibit A) (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019	7	DECLARATION of Dierdre D. Von Dornum by Federal Defenders of New York, Inc. (Attachments: # 1 Exhibit) (Davis, Kimberly) (Entered: 02/04/2019)
02/04/2019	8	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <i>only if all</i> parties wish to consent. The form may also be accessed at the

		<p>following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf. You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Davis, Kimberly) (Entered: 02/04/2019)</p>
02/04/2019	9	<p>MEMORANDUM AND ORDER: For the reasons stated in the attached Memorandum, Plaintiff's request for a temporary restraining order is GRANTED in part and DENIED in part. It is ORDERED that Defendants show cause before this Court, in Courtroom 6F, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, on February 13, 2019, at 10:30 a.m., or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Fed. R. Civ. P. 65 enjoining Defendants during the pendency of this action from (1) failing to permit daily legal visiting for all inmates at the MDC; and (2) failing to permit social visiting for all inmates in accordance with the MDCs normal schedule and procedures for such visits; and pursuant to Fed. R. Civ. P. 53 appointing a special master to inspect MDC and undertake the factfinding necessary to determine whether Defendants are protecting the constitutional rights of inmates in their custody and complying with the injunction; and it is further ORDERED that sufficient reason having been shown, therefore, pending the hearing of Plaintiffs application for a preliminary injunction, pursuant to Fed. R. Civ. P. 65, Defendants are temporarily required to reinstitute legal visiting at the MDC on the standard schedule: 8:00 a.m. to 8:00 p.m., seven days per week; provided, however, that should Defendants determine that security concerns necessitate the suspension of legal visiting for any period of two hours or longer, Defendants shall within two hours of such determination notify the Court and the Plaintiff of that determination and the reasons therefor, and within 24 hours of such determination Defendants shall file with the Court an application consisting of a sworn affidavit from Warden Quay that sets forth with specificity the reasons justifying the suspension; and it is further ORDERED that personal service of a copy of this order and the papers upon which it is granted upon the Defendants or their counsel on or before February 5, 2019, at 12:00 p.m., shall be deemed good and sufficient service thereof. Ordered by Judge LaShann DeArcy Hall on 2/4/2019. (Valentin, Winnethka) (Entered: 02/04/2019)</p>
02/05/2019	10	<p>CERTIFICATE OF SERVICE by Federal Defenders of New York, Inc. (Wikstrom, Derek) (Entered: 02/05/2019)</p>
02/05/2019	11	<p>NOTICE of Appearance by Seth D. Eichenholtz on behalf of Federal Bureau of Prisons, Herman Quay (aty to be noticed) (Eichenholtz, Seth) (Entered: 02/05/2019)</p>

02/06/2019	12	Consent MOTION for Reconsideration re 9 Memorandum & Opinion,,,,,,,,, <i>to modify the Order to reflect the standard weekend visitation hours of 8 AM until 2 PM</i> by Federal Bureau of Prisons, Herman Quay. (Eichenholtz, Seth) (Entered: 02/06/2019)
02/06/2019		ORDER granting 12 Motion for Reconsideration. The Court grants defendants' application to modify the 9 Memorandum and Order to Show Cause (the "Order") dated February 4, 2019, on consent of the parties. The Court modifies the Order to provide that defendants facilitate legal visitation on the weekend from 8:00 AM to 2:00 PM. All other provisions of the Order remain in effect. Ordered by Judge Margo K. Brodie on 2/6/2019. (Morel, Christopher) (Entered: 02/06/2019)
02/07/2019	13	Letter MOTION for Discovery , <i>to Advise Court of Hearing Witnesses, and to Request Identification of Hearing Procedures</i> by Federal Defenders of New York, Inc.. (Attachments: # 1 Exhibit A) (Craig, Matthew) (Entered: 02/07/2019)
02/07/2019		ORDER re 13 . The Court directs defendants to file any opposition to plaintiff's discovery requests by 5:00 PM today. Ordered by Judge Margo K. Brodie on 2/7/2019. (Morel, Christopher) (Entered: 02/07/2019)
02/07/2019		SCHEDULING ORDER: Telephone Conference set for February 8, 2019 at 2:30 PM before Judge Margo K. Brodie. Plaintiff's counsel is directed to call Chambers at (718) 613-2140 once all the parties are on the line. The telephone conference will be to discuss plaintiff's 13 letter requesting expedited discovery, specific procedures during the hearing, and a briefing schedule for the opposition and reply briefs to plaintiff's application for a preliminary injunction. Ordered by Judge Margo K. Brodie on 2/7/2019. (Brucella, Michelle) (Entered: 02/07/2019)
02/07/2019	14	RESPONSE in Opposition re 13 Letter MOTION for Discovery , <i>to Advise Court of Hearing Witnesses, and to Request Identification of Hearing Procedures</i> filed by Federal Bureau of Prisons, Herman Quay. (Attachments: # 1 Exhibit A) (Eichenholtz, Seth) (Entered: 02/07/2019)
02/07/2019	15	NOTICE of Appearance by Sean P. Greene on behalf of Federal Bureau of Prisons, Herman Quay (aty to be noticed) (Greene, Sean) (Entered: 02/07/2019)
02/08/2019	16	MOTION to Appear Pro Hac Vice of <i>Joshua Matz</i> Filing fee \$ 150, receipt number ANYEDC-11181785. by Federal Defenders of New York, Inc.. (Attachments: # 1 Certificate of Good Standing (NY), # 2 Certificate of Good Standing (DC), # 3 Affidavit of Joshua Matz in Support of Motion to Appear Pro Hac Vice) (Matz, Joshua) (Entered: 02/08/2019)

02/08/2019		Minute Entry for proceedings held before Judge Margo K. Brodie: Telephone conference before Judge Margo K. Brodie held on February 8, 2019. Jenna Dabbs and Sean Hecker appeared on behalf of plaintiff; Seth D. Eichenholtz and Sean Greene appeared on behalf of defendants. For the reasons stated on the record, the Court orders the parties to confer on plaintiff's discovery request no. 5 and orders defendants to produce documents sufficient to evidence current policies, procedures, or operational requirements concerning legal visits at the MDC. Defendants shall file a response to plaintiff's application for injunctive relief and address plaintiff's standing on or before February 15, 2019; plaintiff shall file a reply, if any, on or before February 19, 2019. The Preliminary Injunction hearing is adjourned to February 27, 2019 at 10:30 AM. (Court Reporter Holly Driscoll.) (Morel, Christopher) (Entered: 02/08/2019)
02/13/2019	17	Letter dated February 7, 2019 from Ben Weiser to Judge Brodie, requesting permission to use laptop at the hearing scheduled to begin on February 13, 2019. (Piper, Francine) (Entered: 02/13/2019)
02/13/2019	18	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on February 8, 2019, before Judge Brodie. Court Reporter/Transcriber H. Driscoll, Telephone number 718-613-2274. Email address: hdrisc@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 3/6/2019. Redacted Transcript Deadline set for 3/18/2019. Release of Transcript Restriction set for 5/14/2019. (Driscoll, Holly) (Entered: 02/13/2019)
02/13/2019		ORDER: Granting 16 Motion for Leave to Appear Pro Hac Vice. Attorney Joshua Adam Matz shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that s/he receives electronic notification of activity in this case. Also, the attorney shall ensure that the \$150.00 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Magistrate Judge Steven M. Gold on 2/13/2019. (Gillespie, Saudia) (Entered: 02/13/2019)
02/15/2019	19	NOTICE of Appearance by Clayton P. Solomon on behalf of All Defendants (aty to be noticed) (Solomon, Clayton) (Entered: 02/15/2019)
02/15/2019	20	NOTICE of Appearance by Barbara Underwood on behalf of State Of New York (aty to be noticed) (Underwood, Barbara) (Entered: 02/15/2019)

02/15/2019	21	MOTION for Leave to File Document by State Of New York. (Attachments: # 1 Memorandum in Support Motion to Appear as Amicus Curiae, # 2 Exhibit Brief for Amicus Curiae State of New York, # 3 Certificate of Service Certificate of Service) (Underwood, Barbara) (Entered: 02/15/2019)
02/15/2019	22	MEMORANDUM in Opposition to <i>Plaintiff's Motion for a Preliminary Injunction</i> filed by Federal Bureau of Prisons, Herman Quay. (Attachments: # 1 Declaration of John Maffeo, # 2 Declaration of Warden Herman Quay, # 3 Declaration of Seth D. Eichenholtz, with Exhibits) (Eichenholtz, Seth) (Entered: 02/15/2019)
02/15/2019	23	Letter <i>enclosing a courtesy copy of defendants' opposition to plaintiff's motion for a preliminary injunction</i> by Federal Bureau of Prisons, Herman Quay (Eichenholtz, Seth) (Entered: 02/15/2019)
02/19/2019	24	REPLY in Support of <i>Plaintiff's Application for a Preliminary Injunction</i> filed by Federal Defenders of New York, Inc.. (Dabbs, Jenna) (Entered: 02/19/2019)
02/21/2019	25	MOTION for Hearing <i>to be Adjourned and for Preliminary Injunction</i> by Federal Defenders of New York, Inc.. (Dabbs, Jenna) (Entered: 02/21/2019)
02/21/2019	26	RESPONSE to Motion re 25 MOTION for Hearing <i>to be Adjourned and for Preliminary Injunction consenting to Plaintiff's request to adjourn the hearing and in opposition to Plaintiff's request to immediately enter a Preliminary Injunction</i> filed by Federal Bureau of Prisons, Herman Quay. (Eichenholtz, Seth) (Entered: 02/21/2019)
02/22/2019	27	Notice of Related Case (Davis, Kimberly) (Entered: 02/22/2019)
02/22/2019		ORDER granting in part and denying in part 25 Motion for Hearing. The Court grants on consent 25 plaintiff's application to adjourn the preliminary injunction hearing currently scheduled for February 27, 2019. The parties shall appear before the Court on Friday, March 1, 2019 at 10:30 AM, in Courtroom 6F North, for oral argument on the issue of whether plaintiff has standing to bring this action. On consent of the parties, the TRO shall remain in effect through March 1, 2019. So ordered. Ordered by Judge Margo K. Brodie on 2/22/2019. (Morel, Christopher) (Entered: 02/22/2019)
02/22/2019		ORDER re 17 Letter from Ben Weiser to Judge Brodie, requesting permission to use laptop at the hearing: The application is denied. Ordered by Judge Margo K. Brodie on 2/22/2019. (Brucella, Michelle) (Entered: 02/22/2019)

02/28/2019	28	MOTION to Appear by Telephone <i>for David Patton</i> by Federal Defenders of New York, Inc.. (Dabbs, Jenna) (Entered: 02/28/2019)
02/28/2019		ORDER granting 28 Motion to Appear by Telephone. Mr. Patton is directed to call into chambers at (718) 613-2140. Ordered by Judge Margo K. Brodie on 2/28/2019. (Brucella, Michelle) (Entered: 02/28/2019)
03/01/2019		Minute Entry for proceedings held before Judge Margo K. Brodie: Oral argument held before Judge Margo K. Brodie on March 1, 2019. Jenna Dabbs and Joshua Matz appeared on behalf of plaintiff; Seth Eichenholtz, Sean Greene, and Clayton Solomon appeared on behalf of defendants. The Court heard arguments as to plaintiff's standing to proceed with this action. For the reasons stated on the record, the Court finds that although plaintiff has constitutional standing, plaintiff does not have a cause of action under the Sixth Amendment or the Administrative Procedure Act. The Court denied plaintiff's application for injunctive relief. Plaintiff shall file its amended complaint on or before March 8, 2019. (Court Reporter Michele Lucchese) (Morel, Christopher) (Entered: 03/01/2019)
03/06/2019	29	MOTION for Extension of Time to Amend 1 Complaint by Federal Defenders of New York, Inc.. (Dabbs, Jenna) (Entered: 03/06/2019)
03/06/2019		ORDER granting 29 Motion for Extension of Time to Amend. The Court grants plaintiff's request for an extension of time to file an amended complaint. Plaintiff shall file its amended complaint on or before March 29, 2019. Ordered by Judge Margo K. Brodie on 3/6/2019. (Morel, Christopher) (Entered: 03/06/2019)
03/29/2019	30	Letter <i>re: Amended Complaint</i> by Federal Defenders of New York, Inc. (Dabbs, Jenna) (Entered: 03/29/2019)
04/03/2019	31	Letter <i>in response to plaintiff's letter of April 1, 2019</i> by Federal Bureau of Prisons, Herman Quay (Eichenholtz, Seth) (Entered: 04/03/2019)
04/04/2019	32	Letter <i>re: Defendants' April 3, 2019 Letter</i> by Federal Defenders of New York, Inc. (Dabbs, Jenna) (Entered: 04/04/2019)
05/20/2019	33	ORDER: At the conclusion of oral argument and based generally on the reasoning summarized in the attached Order, the Court denied Plaintiff's request for injunctive relief but granted Plaintiff the opportunity to amend the Complaint. Based on Plaintiff's March 29, 2019 submission to the Court, informing the Court that it will not amend the Complaint and inviting the Court to <i>sua sponte</i> dismiss the action, and on Defendants' response also urging <i>sua sponte</i> dismissal of the action, the Court dismisses the Complaint because Plaintiff does not have a cause of action under the Sixth Amendment or the APA. The Clerk of Court is directed to

		close this case. Ordered by Judge Margo K. Brodie on 5/19/2019. (Brucella, Michelle) (Entered: 05/20/2019)
06/04/2019	34	CLERK'S JUDGMENT, It is ORDERED and ADJUDGED that the complaint is dismissed because Plaintiff does not have a cause of action under the Sixth Amendment or the APA; and that this case is closed. Signed by Douglas C. Palmer, Clerk of Court by Jalitza Poveda, Deputy Clerk on 6/4/2019. (Piper, Francine) VACATED pursuant to 37 Mandate of the U.S. Court of Appeals. This entry has been modified on March 23, 2020 to indicate Judgment 34 has been vacated Modified on 3/23/2020 (Piper, Francine). (Entered: 06/04/2019)
06/18/2019	35	NOTICE OF APPEAL as to 34 Clerk's Judgment, by Federal Defenders of New York, Inc.. Filing fee \$ 505, receipt number ANYEDC-11587672. (Dabbs, Jenna) (Entered: 06/18/2019)
06/20/2019		Electronic Index to Record on Appeal sent to US Court of Appeals. 35 Notice of Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 06/20/2019)
03/20/2020		Remand Hearing: In view of the Second Circuit's decision and Mandate issued today, the parties are ordered to appear on 3/23/2020 02:30 PM via telephone conference before Judge Margo K. Brodie. The parties are directed to call 888-684-8852 using access code 9801036. Ordered by Judge Margo K. Brodie on 3/20/2020. (Brodie, Margo) (Entered: 03/20/2020)
03/23/2020	36	ORDER of USCA as to 35 Notice of Appeal filed by Federal Defenders of New York, Inc. It is Ordered that We VACATE the District Court's judgment in its entirety and REMAND the cause for further proceedings consistent with this Opinion. See document for further details. This Order is endorsed on the USCA Opinion. Certified Copy Issued: 3/20/20. USCA #19-1778. (McGee, Mary Ann) (Entered: 03/23/2020)
03/23/2020	37	MANDATE of USCA as to 35 Notice of Appeal filed by Federal Defenders of New York, Inc. It is ORDERED that the District Court's judgment is VACATED in its entirety and the case is REMANDED to the District Court for further proceedings consistent with this Court's Opinion. See document for further details. Issued as Mandate: 3/20/20. USCA #19-1778 (Attachments: # 1 USCA Opinion) (McGee, Mary Ann) (Entered: 03/23/2020)
03/23/2020		MINUTE ENTRY: Conference by telephone was held before Judge Margo K. Brodie on March 23, 2020. Joshua Adam Matz, Matthew J. Craig, and Sean Hecker appeared on behalf of plaintiff. Seth D. Eichenholtz and Sean

		P. Greene appeared on behalf of defendants. The Court discussed with the parties three mediator candidates. For the reasons stated on the record and pursuant to the Second Circuit's Order and Mandate dated March 20, 2020, the Court appointed former Attorney General Loretta Lynch as the mediator. The Court scheduled a telephone conference for March 24, 2020 at 12:00 PM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Ordered by Judge Margo K. Brodie on 3/23/2020. (Court Reporter Anthony Mancuso.) (Johnson, Alexsis) (Entered: 03/23/2020)
03/23/2020	38	Letter <i>re: Proposed Order Regarding the Appointment of the Honorable Loretta Lynch as Mediator</i> by Federal Defenders of New York, Inc. (Attachments: # 1 Proposed Order) (Hecker, Sean) (Entered: 03/23/2020)
03/24/2020		ORDER. The government is ordered to submit any proposed language or revision to the proposed order by 11:30 AM today. Ordered by Judge Margo K. Brodie on 3/24/2020. (Valentin, Winnethka) (Entered: 03/24/2020)
03/24/2020	39	Letter <i>objecting in part to plaintiff's proposed order and providing defendants' proposed order appointing a mediator</i> by Federal Bureau of Prisons, Herman Quay (Attachments: # 1 Proposed Order Appointing Mediator) (Eichenholtz, Seth) (Entered: 03/24/2020)
03/24/2020		MINUTE ENTRY: Conference by telephone was held before Judge Margo K. Brodie on March 24, 2020. Jenna Minicucci Dabbs, Joshua Adam Matz, Matthew J. Craig, and Sean Hecker appeared on behalf of plaintiff. Seth D. Eichenholtz and Sean P. Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator. Chief Magistrate Judge Cheryl L. Pollak also participated. The Court discussed with the parties plaintiff's proposed order appointing a mediator and heard defendants' objections to the proposed order. The Court scheduled a telephone status conference for March 27, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Ordered by Judge Margo K. Brodie on 3/24/2020. (Court Reporter Anthony Mancuso) (Johnson, Alexsis) (Entered: 03/24/2020)
03/24/2020	40	Letter <i>re Court's Proposed Order</i> by Federal Defenders of New York, Inc. (Hecker, Sean) (Entered: 03/24/2020)
03/24/2020	41	Letter <i>requesting changes to the Court's proposed order appointing a mediator</i> by Federal Bureau of Prisons, Herman Quay (Attachments: # 1 Proposed Changes) (Eichenholtz, Seth) (Entered: 03/24/2020)

03/24/2020	42	ORDER REGARDING THE APPOINTMENT OF THE HONORABLE LORETTA LYNCH AS MEDIATOR. Ordered by Judge Margo K. Brodie on 3/24/2020. (Valentin, Winnethka) (Entered: 03/24/2020)
03/27/2020		MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on March 27, 2020. Benjamin White, Jenna Dabbs, Joshua Matz, Matthew Craig, and Sean Hecker appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator, along with Roberto Finzi and Tony Joe. District Judge for the Southern District of New York Alison J. Nathan appeared as a monitor for the Southern District of New York and Assistant U.S. Attorneys for the Southern District of New York Jeffery Oestericher and David Jones also participated. Ms. Lynch provided a status update and the Court heard from the parties on the issue of phone access to certain quarantined inmates. The Court scheduled a telephone status conference for April 3, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Ordered by Judge Margo K. Brodie on 3/27/2020. (Court Reporter Anthony Mancuso) (Johnson, Alexsis) (Entered: 03/27/2020)
04/02/2020	43	Letter <i>Providing the Court with an Update Regarding the BOP's Continuing Efforts to Facilitate Attorney Access during the COVID-19 National Emergency</i> by Federal Bureau of Prisons, Herman Quay (Greene, Sean) (Entered: 04/02/2020)
04/02/2020	44	MEDIATION STATUS REPORT by Loretta E. Lynch (Finzi, Roberto) (Entered: 04/02/2020)
04/03/2020	45	Letter <i>re: Proposed Order Regarding Attorney Consultation</i> by Federal Defenders of New York, Inc. (Attachments: # 1 Proposed Order, # 2 Declaration of Deirdre D. von Dornum) (Hecker, Sean) (Entered: 04/03/2020)
04/03/2020		MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on April 3, 2020. Benjamin White, Jenna Dabbs, Joshua Matz, Matthew Craig, and Sean Hecker appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Roberto Finzi and Tony Joe. Ms. Lynch provided a status update and the Court heard from the parties on the issues of phone access and plaintiff's proposed order. For the reasons stated on the record, the Court denied plaintiff's application. The Court directed defendants to file a letter on or before Monday, April 6, 2020 informing the Court how many telephone calls defendants can accommodate per day. Defendants shall fill

		all available video conference time slots at the MDC and MCC for the upcoming week. The Court scheduled a telephone status conference for April 10, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Ordered by Judge Margo K. Brodie on 4/3/2020. (Court Reporter Lisa Schmid) (Johnson, Alexis) (Entered: 04/3/2020) (Entered: 04/03/2020)
04/06/2020	46	MOTION for Extension of Time to File <i>report to the Court regarding legal calls at MDC and MCC from April 6 until April 7</i> by Federal Bureau of Prisons, Herman Quay. (Eichenholtz, Seth) (Entered: 04/06/2020)
04/06/2020	47	RESPONSE in Opposition re 46 MOTION for Extension of Time to File <i>report to the Court regarding legal calls at MDC and MCC from April 6 until April 7</i> filed by Federal Defenders of New York, Inc.. (Attachments: # 1 Exhibit A - April 2020 Emails between Counsel) (Hecker, Sean) (Entered: 04/06/2020)
04/06/2020		ORDER granting 46 Motion for Extension of Time to File. The report shall be filed on April 7, 2020 by 5:00 p.m. Ordered by Judge Margo K. Brodie on 4/6/2020. (Valentin, Winnethka) (Entered: 04/06/2020)
04/07/2020	48	Letter <i>Regarding Legal Call Capacity in Response to the Court's April 3, 2020 Order</i> by Federal Bureau of Prisons, Herman Quay (Greene, Sean) (Entered: 04/07/2020)
04/07/2020	49	Letter <i>Response to Defendants' April 7, 2020 Letter</i> by Federal Defenders of New York, Inc. (Attachments: # 1 Exhibit A - Proposed Order) (Hecker, Sean) (Entered: 04/07/2020)
04/09/2020	50	Letter <i>in Opposition to Plaintiff's April 7, 2020 Request for a Court Order Regarding Legal Calls and Videoteleconferences</i> by Federal Bureau of Prisons, Herman Quay (Greene, Sean) (Entered: 04/09/2020)
04/09/2020	51	MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 04/09/2020)
04/10/2020		MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on April 10, 2020. Jenna Dabbs, Benjamin White, Joshua Matz, and Matthew Craig appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Tony Joe. District Judge for the Southern District of New York Alison Nathan appeared as a judicial observer and point of contact for the Southern District of New York, and Assistant U.S. Attorney for the Southern District of New York Jeffery Oestericher also participated. Ms. Lynch provided a status update and the Court heard from the parties on

		<p>various phone access issues and plaintiff's revised proposed order. For the reasons stated on the record, the Court declined to issue an order at this time. The Court directed defendants to file a letter on or before April 14, 2020, providing to the Court a report regarding the use of non-confidential phone lines for legal calls and more information as to how the increased staff will assist with increasing the capacity to accommodate what is expected to be an increased number of requests in view of the recommencement of criminal proceedings in the next two weeks and confirming whether isolated and quarantined individuals will have access to phone calls under the protocol for attorney calls and teleconference hearings at the MDC. The Court scheduled a telephone status conference for April 17, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Ordered by Judge Margo K. Brodie on 4/10/2020. (Court Reporter Michele Lucchese) (Johnson, Alexsis) (Entered: 04/10/2020)</p>
04/14/2020	52	<p>Letter <i>reporting to the Court regarding the matters listed in the Court's April 10, 2020 Order</i> by Federal Bureau of Prisons, Herman Quay (Eichenholtz, Seth) (Entered: 04/14/2020)</p>
04/16/2020	53	<p>MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 04/16/2020)</p>
04/17/2020		<p>MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on April 17, 2020. Sean Hecker, Jenna Dabbs, Benjamin White, Joshua Matz, and Matthew Craig appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Roberto Finzi and Tony Joe. District Judge for the Southern District of New York Alison Nathan appeared as a judicial observer and point of contact for the Southern District of New York, and Assistant U.S. Attorney for the Southern District of New York Jeffery Oestericher also participated. Ms. Lynch provided a status update and the Court heard from the parties on various phone access and videoconferencing issues. The Court scheduled a telephone status conference for April 24, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Ordered by Judge Margo K. Brodie on 4/17/2020. (Court Reporter Linda Marino)(Johnson, Alexsis) (Entered: 04/17/2020)</p>

04/23/2020	54	MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 04/23/2020)
04/24/2020		MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on April 24, 2020. Sean Hecker, Jenna Dabbs, Benjamin White, Joshua Matz, and Matthew Craig appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Tony Joe. District Judge for the Southern District of New York Alison Nathan appeared as a judicial observer and point of contact for the Southern District of New York, and Assistant U.S. Attorney for the Southern District of New York Jeffery Oestericher also participated. Ms. Lynch provided a status update and the Court heard from the parties on various issues related to call confidentiality, reports of retaliation for information shared during legal calls, and phone access for medically isolated individuals. The Court encouraged the parties to discuss with the mediator whether guards need additional training on the protocol, confidential legal calls, and the requirement that legal calls last at least thirty minutes. The Court scheduled a telephone status conference for May 1, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Ordered by Judge Margo K. Brodie on 4/24/2020. (Court Reporter Sophie Nolan) (Johnson, Alexis) (Entered: 04/24/2020)
04/28/2020	55	Letter <i>Regarding Continued Lack of Access to Legal Calls for Inmates in Isolation</i> by Federal Defenders of New York, Inc. (Hecker, Sean) (Entered: 04/28/2020)
04/28/2020	56	Letter <i>in response to Federal Defenders' letter of April 28 and reiterating that MDC facilitates legal calls for inmates housed in its isolation unit</i> by Federal Bureau of Prisons, Herman Quay (Eichenholtz, Seth) (Entered: 04/28/2020)
04/30/2020	57	MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 04/30/2020)
05/01/2020		MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on May 1, 2020. Sean Hecker, Jenna Dabbs, Benjamin White, and Matthew Craig appeared on behalf of plaintiff. Seth

		<p>Eichenholtz and Sean Green appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Roberto Finzi and Tony Joe. District Judge for the Southern District of New York Alison Nathan appeared as a judicial observer and point of contact for the Southern District of New York and Assistant U.S. Attorney for the Southern District of New York Jeffery Oestericher also participated. Ms. Lynch provided a status update and the Court heard from the parties on various issues related to call confidentiality, the duration of legal calls, and phone access for medically isolated individuals. The Court encouraged the parties to begin a discussion with the mediator regarding any anticipated issues related to the eventual re-opening of the MDC and MCC facilities to visitors. The Court scheduled a telephone status conference for May 8, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Ordered by Judge Margo K. Brodie on 5/1/2020. (Court Reporter Victoria Butler) (Johnson, Alexis) (Entered: 05/01/2020)</p>
05/07/2020	58	<p>MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 05/07/2020)</p>
05/08/2020		<p>MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on May 8, 2020. Sean Hecker, Jenna Dabbs, Benjamin White, and Matthew Craig appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Roberto Finzi and Tony Joe. District Judge for the Southern District of New York Alison Nathan appeared as a judicial observer and point of contact for the Southern District of New York. Magistrate Judge Steven Gold and Assistant U.S. Attorneys for the Southern District of New York Jeffery Oestericher and David Jones also participated. Ms. Lynch provided a status update and the Court heard from the parties on various issues related to privacy and confidentiality for legal calls and videoconferences, the duration of legal calls, and preparations to accommodate a possible increase in call volume. In light of the expected increase in call volume in the coming weeks, the Court encouraged defendants to investigate the possibility of scheduling calls in the evening as an alternative in the event the volume of call requests cannot be accommodated during daytime hours. The Court scheduled a telephone status conference for May 15, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using</p>

		access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Ordered by Judge Margo K. Brodie on 5/8/2020. (Court Reporter Denise Parisi) (Johnson, Alexis) (Entered: 05/08/2020)
05/14/2020	59	Letter from Sean Hecker to Judge Brodie re Capacity for Legal Consultation by Federal Defenders of New York, Inc. (Hecker, Sean) (Entered: 05/14/2020)
05/14/2020	60	MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 05/14/2020)
05/15/2020		MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on May 15, 2020. Sean Hecker, Jenna Dabbs, Benjamin White, and Matthew Craig appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Roberto Finzi and Tony Joe. District Judge for the Southern District of New York Alison Nathan appeared as a judicial observer and point of contact for the Southern District of New York. Magistrate Judge Steven Gold and Assistant U.S. Attorneys for the Southern District of New York Jeffery Oestericher and David Jones also participated. Ms. Lynch provided a status update and the Court heard from the parties on various issues related to scheduling legal calls and videoconferences. The Court directed defendants to work on addressing plaintiff's request that videoconferences and phone calls be scheduled to occur within a particular time period. The Court also encouraged the parties to confer regarding scheduling all requested calls within forty-eight (48) hours of the request and encouraged both sides to work with the mediator in addressing the additional issues raised in plaintiff's May 14, 2020 letter to the Court. The Court scheduled a telephone status conference for May 22, 2020 at 10:00 AM. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Ordered

		by Judge Margo K. Brodie on 5/15/2020. (Court Reporter Linda Danelczyk) (Johnson, Alexsis) (Entered: 05/15/2020)
05/19/2020	61	ORDER. The Court adjourns the May 22, 2020 status conference to May 29, 2020 at 10:00 AM. The parties are directed to continue to work with mediator Loretta E. Lynch to resolve the various issues. By the end of the day on May 27, 2020, the parties are directed to submit a report to the Court identifying issues to be discussed at the May 29 conference, and to discuss those issues with Ms. Lynch on May 28, 2020, to further narrow the issues to be discussed at the May 29, 2020 conference. Ordered by Judge Margo K. Brodie on 5/19/2020. (Valentin, Winnethka) (Entered: 05/19/2020)
05/21/2020	62	MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 05/21/2020)
05/27/2020	63	STATUS REPORT by Federal Bureau of Prisons, Herman Quay (Eichenholtz, Seth) (Entered: 05/27/2020)
05/27/2020	64	STATUS REPORT <i>Pursuant to the Court's May 19, 2020 Order</i> by Federal Defenders of New York, Inc. (Hecker, Sean) (Entered: 05/27/2020)
05/28/2020	65	MEDIATION STATUS REPORT by Loretta E. Lynch (Lynch, Loretta) (Entered: 05/28/2020)
05/29/2020		MINUTE ENTRY: Status conference by telephone was held before Judge Margo K. Brodie on May 29, 2020. Sean Hecker, Jenna Dabbs, Benjamin White, and Matthew Craig appeared on behalf of plaintiff. Seth Eichenholtz and Sean Greene appeared on behalf of defendants. Former Attorney General Loretta Lynch participated as the mediator and appeared with Roberto Finzi and Tony Joe. District Judge for the Southern District of New York Alison Nathan appeared as a judicial observer and point of contact for the Southern District of New York. Magistrate Judge Steven Gold and Assistant U.S. Attorneys for the Southern District of New York Jeffery Oestericher and David Jones also participated. Ms. Lynch provided a status update and the Court heard from the parties on various issues related to the governments plans to increase capacity for regular legal videoconferences, the possibility of case-by-case in-person legal visits, and a lack of confidentiality and consistency in the delivery of legal mail to individuals at the MDC and MCC. The Court directed Plaintiff to provide additional information regarding the issues with legal mail to the mediator and government so that they can investigate the issue and encouraged the parties to work with the mediator in reaching a consensus as to what additional access will be provided under the governments forthcoming plan for increasing videoconference access. The Court scheduled a telephone status conference for June 12, 2020 at 10:00 AM. By the end of

	<p>the day on June 10, 2020, the parties are directed to submit a report to the Court identifying issues to be discussed at the June 12 conference, and to discuss those issues with Ms. Lynch on June 11, 2020, to further narrow the issues to be discussed at the June 12 conference. The parties are directed to call 1-888-684-8852 using access code 9801036. If any party has any difficulty accessing the telephone conference, please contact chambers at 718-613-2140. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Ordered by Judge Margo K. Brodie on 5/29/2020. (Court Reporter Charlene Heading) (Johnson, Alexsis) (Johnson, Alexsis) (Entered: 05/29/2020)</p>
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