

U.S. District Court
Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF
Release 1.3 (Revision 1.3.6)] (Prisoner)
CIVIL DOCKET FOR CASE #: 9:20-cv-00537-MAD-DJS

Williamson et al v. Maciol et al
Assigned to: U.S. District Judge Mae A. D'Agostino
Referred to: Magistrate Judge Daniel J. Stewart
Case in other court: 2d Circuit, 20-02779
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/12/2020
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Nicole Williamson
*on behalf of themselves and all
others similarly situated*

represented by **Joshua T. Cotter**
Legal Services of Central New York
- Syracuse
221 South Warren Street
Suite 300
Syracuse, NY 13202
315-703-6579
Fax: 315-475-2706
Email: jcotter@lscny.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel C. Young
Legal Services of Central New York
- Syracuse
221 South Warren Street
Suite 300
Syracuse, NY 13202
315-703-6591
Fax: 315-703-6520
Email: samyoung@lscny.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Maurie G. Heins
Legal Services of Central New York
- Syracuse
221 South Warren Street
Suite 300
Syracuse, NY 13202
Email: mheins3@gmail.com

ATTORNEY TO BE NOTICED

Sara Adams

Legal Services of Central New
York, Inc. - Utica
120 Bleecker Street, 2nd Floor
Utica, NY 13501
585-943-5223

Email: sadams@lscny.org

ATTORNEY TO BE NOTICED

Plaintiff

Sarah Barrett

*on behalf of themselves and all
others similarly situated*

represented by **Joshua T. Cotter**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Samuel C. Young

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Maurie G. Heins

(See above for address)

ATTORNEY TO BE NOTICED

Sara Adams

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Shannon Terrell

*on behalf of themselves and all
others similarly situated*

represented by **Joshua T. Cotter**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Samuel C. Young

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Maurie G. Heins

(See above for address)

ATTORNEY TO BE NOTICED

Sara Adams
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Robert Maciol
Oneida County Sheriff

represented by **David H. Walsh , IV**
Kenney Shelton Liptak Nowak LLP
4615 North Street
Jamesville, NY 13078
315-492-3000
Fax: 716-853-0265
Email: DHWalsh@kslnlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Cartwright
Kenney Shelton Liptak Nowak LLP
4615 North Street
Jamesville, NY 13078
315-492-3000
Fax: 716-853-0265
Email: dkcartwright@kslnlaw.com
ATTORNEY TO BE NOTICED

Defendant

Lisa Zurek
Chief Deputy Oneida County Jail

represented by **David H. Walsh , IV**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel Cartwright
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/12/2020	1	COMPLAINT against Robert Maciol, Lisa Zurek (Filing fee \$400 receipt number ANYNDC-5116096) filed by Nicole Williamson, Shannon Terrell, Sarah Barrett. (Attachments: # 1 Civil Cover Sheet)(meb) (Entered: 05/12/2020)

05/12/2020	2	Summons Issued as to Robert Maciol. (Attachments: # 1 Summons Issued as to Lisa Zurek)(meb) (Entered: 05/12/2020)
05/12/2020	3	G.O. 25 FILING ORDER ISSUED: Initial Rule 16 Conference set for 8/10/2020 at 9:30 AM in Albany before Magistrate Judge Daniel J. Stewart. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 8/3/2020. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (meb) (Entered: 05/12/2020)
05/12/2020	4	TEXT-ONLY NOTICE REGARDING JUDGE D'AGOSTINO CASE DISPOSITION PILOT - Please refer to the Individual Rules and Practices of the Hon. Mae A. D'Agostino, U.S. District Judge, for guidance regarding the Case Disposition Pilot. https://www.nynd.uscourts.gov/sites/nynd/files/MAD_Rules_of_Practice_04_14_2020.pdf . (meb,) (Entered: 05/12/2020)
05/12/2020	5	NOTICE of Admission Requirement as to Parties Nicole Williamson, Sarah Barrett, Shannon Terrell; Attorney Sara Adams. Phone number is (315)-703-6500. Admissions due by 5/26/2020. (meb) (Entered: 05/12/2020)
05/12/2020	6	NOTICE of Admission Requirement as to Parties Nicole Williamson, Sarah Barrett, Shannon Terrell; Attorney Maurie Heins. Phone number is (315)-703-6500. Admissions due by 5/26/2020. (meb) (Entered: 05/12/2020)
05/14/2020	7	NOTICE of Appearance by David H. Walsh, IV on behalf of Robert Maciol, Lisa Zurek (Walsh, David) (Entered: 05/14/2020)
05/14/2020	8	WAIVER OF SERVICE Returned Executed by Robert Maciol, Lisa Zurek. Robert Maciol waiver sent on 5/14/2020, answer due 7/13/2020. (Walsh, David) (Entered: 05/14/2020)
05/18/2020	9	NOTICE of Appearance by Maurie G. Heins on behalf of All Plaintiffs (Heins, Maurie) (Entered: 05/18/2020)
05/21/2020	10	MOTION to Certify Class Motion Hearing set for 7/7/2020 10:00 AM in Albany before U.S. District Judge Mae A. D'Agostino Response to Motion due by 6/22/2020 Reply to Response to Motion due by 6/26/2020. filed by Sarah Barrett, Shannon Terrell, Nicole Williamson. (Attachments: # 1 Memorandum of Law in support of Plaintiffs' Motion, # 2 Declaration of Joshua Cotter in support of Plaintiffs' Motion, # 3 Exhibit(s) 1-3 to the Declaration of Joshua Cotter, # 4 Exhibit(s) 4-12 to the Declaration of Joshua Cotter) (Cotter, Joshua) (Entered: 05/21/2020)

05/26/2020	11	NOTICE of Appearance by Sara Adams on behalf of All Plaintiffs (Adams, Sara) (Entered: 05/26/2020)
05/26/2020	12	Letter Motion from Counsel for Sarah Barrett, Shannon Terrell, Nicole Williamson requesting Approval to file a Motion for a Preliminary Injunction submitted to Judge D'Agostino . (Cotter, Joshua) (Entered: 05/26/2020)
05/26/2020	13	Letter Motion from Defendants for Robert Maciol, Lisa Zurek requesting Extension of Time submitted to Judge D'Agostino . (Walsh, David) (Entered: 05/26/2020)
05/28/2020	14	TEXT ORDER granting 13 Letter Motion: It is hereby ORDERED that the Defendants shall file a reply to 12 Plaintiffs letter for permission to file a preliminary injunction, by 6/2/2020. SO ORDERED by Judge Mae A. D'Agostino on 5/28/2020. (ban) (Entered: 05/28/2020)
06/01/2020	15	Letter Motion from Defendants for Robert Maciol, Lisa Zurek requesting Defendants' response to Plaintiffs' letter requesting permission to file motion for a preliminary injunction submitted to Judge D'Agostino . (Walsh, David) (Entered: 06/01/2020)
06/05/2020	16	NOTICE of Appearance by Daniel Cartwright on behalf of Robert Maciol, Lisa Zurek (Cartwright, Daniel) (Entered: 06/05/2020)
06/08/2020		TEXT Minute Entry for Telephone Pre-Motion Conference held on 6/8/2020 before U.S. District Judge Mae A. D'Agostino: Appearances by Samuel Young, Esq., Joshua Cotter, Esq., and Sara Adams, Esq. for the Plaintiffs; and David Walsh, Esq. for the defendants; Judge D'Agostino addresses counsel regarding the plaintiff's request for leave to file a motion for preliminary injunction and the already filed motion for class certification; Counsel for the plaintiff and counsel for the defense address the Court; After hearing from the parties, Judge D'Agostino will permit the plaintiff to file their motion for a preliminary injunction by 6/11/20; The motion return date shall be set for July 7, 2020 (ON SUBMIT) before Judge D'Agostino; Response papers will be due by 6/22/20; Reply papers will be due on or before 6/26/20; the motion will be decided on the submission of the papers only, unless otherwise directed by the Court; The Court will decide the motion for class action and the motion for preliminary injunction at the same time. (Court Reporter Lisa Tennyson, CRD Britney Norton [Time 1:58 p.m. - 2:16 p.m.]) (ban) (Entered: 06/08/2020)
06/09/2020	17	MAIL RETURNED UNDELIVERABLE: The # 6 Notice of Admission Requirement that was sent to Attorney Maurie Heins, Esq. at 221 South Warren Street, 3rd Floor, Syracuse, NY 13202 was returned undeliverable.

		Envelope marked: "Not Here - Return to Sender - Not Deliverable as Addressed - Unable to Forward." (rep) (Entered: 06/09/2020)
06/10/2020	18	MOTION for Preliminary Injunction Motion Hearing set for 7/7/2020 10:00 AM in Albany before U.S. District Judge Mae A. D'Agostino Response to Motion due by 6/22/2020 Reply to Response to Motion due by 6/26/2020. filed by Sarah Barrett, Shannon Terrell, Nicole Williamson. (Attachments: # 1 Declaration of Joshua Cotter in support of the Motion, # 2 Exhibit(s) 1-3 to the Declaration of Joshua Cotter, # 3 Exhibit(s) 4-12 to the Declaration of Joshua Cotter, # 4 Exhibit(s) 13-16 to the Declaration of Joshua Cotter, # 5 Memorandum of Law) (Cotter, Joshua) (Entered: 06/10/2020)
06/10/2020	19	CERTIFICATE OF SERVICE by Sarah Barrett, Shannon Terrell, Nicole Williamson re 18 MOTION for Preliminary Injunction (Cotter, Joshua) (Entered: 06/10/2020)
06/15/2020	20	Letter Motion from David Walsh, Esq. for Defendants for Robert Maciol, Lisa Zurek requesting Extension of Time submitted to Judge D'Agostino . (Walsh, David) (Entered: 06/15/2020)
06/17/2020	21	TEXT ORDER granting 20 Letter Request re 10 MOTION to Certify Class , 18 MOTION for Preliminary Injunction : It is hereby ORDERED that the joint request for an extension of the Plaintiffs' and Defendants' response and reply dates for both motions is GRANTED. Defendants' response to motions are due on or before 6/24/2020; Plaintiffs' Reply to Response to Motions are due by 6/29/2020. Signed by U.S. District Judge Mae A. D'Agostino on 6/17/20. (ban) (Entered: 06/17/2020)
06/17/2020		Reset Deadlines as to 18 MOTION for Preliminary Injunction , 10 MOTION to Certify Class - Response to Motion due by 6/24/2020, Reply to Response to Motion due by 6/29/2020. (ban) (Entered: 06/17/2020)
06/24/2020	22	AFFIDAVIT re 10 MOTION to Certify Class filed by Robert Maciol, Lisa Zurek. (Walsh, David) Modified on 6/25/2020 to clarify docket text (rep). (Entered: 06/24/2020)
06/24/2020	23	AFFIDAVIT in Opposition re 18 MOTION for Preliminary Injunction filed by Robert Maciol, Lisa Zurek. (Attachments: # 1 Declaration Declaration of Maciol, # 2 Declaration Declaration of Zurek, # 3 Declaration Declaration of Harris, # 4 Memorandum of Law)(Walsh, David) (Entered: 06/24/2020)
06/29/2020	24	REPLY to Response to Motion re 18 MOTION for Preliminary Injunction filed by Sarah Barrett, Shannon Terrell, Nicole Williamson. (Attachments: # 1 Declaration Supplementing the initial Declaration of

		Joshua Cotter in support of the motion, # 2 Exhibit(s) 1-5 to the Supplemental Declaration of Joshua Cotter)(Cotter, Joshua) (Entered: 06/29/2020)
07/01/2020	25	Letter Motion from Joshua Cotter for Nicole Williamson requesting Enclosing thumb drive with video files submitted to Judge D'Agostino (<i>delivered to Clerk's Office</i>). (Young, Samuel) (Entered: 07/01/2020)
07/01/2020	26	THUMB DRIVE: Received as an exhibit of the # 24 Reply. {Thumb drive on file in the Clerk's Office and is not available for public viewing}. (rep) (Entered: 07/02/2020)
07/13/2020	27	ANSWER to 1 Complaint by Robert Maciol, Lisa Zurek.(Walsh, David) (Entered: 07/13/2020)
08/03/2020	28	MEMORANDUM-DECISION AND ORDER: GRANTING Plaintiff's 10 Motion For Class Certification and DENYING Plaintiff's 18 Motion for Preliminary Injunction. The Court further orders that the Clerk of the Court shall serve a copy of this Memorandum-Decision and Order on all parties in accordance with the Local Rules. Signed by U.S. District Judge Mae A. D'Agostino on August 3, 2020. (rep) (Entered: 08/03/2020)
08/03/2020	29	CIVIL CASE MANAGEMENT PLAN by Robert Maciol, Lisa Zurek. (Walsh, David) (Entered: 08/03/2020)
08/07/2020	30	TEXT ORDER: The Rule 16 Initial Conference in this matter is set for August 10, 2020 at 9:30 AM before the undersigned and will be conducted by TELEPHONE. The Court will issue a separate notice setting forth the instructions to connect to the conference call. SO ORDERED by Magistrate Judge Daniel J. Stewart on 8/7/2020. (mab) (Entered: 08/07/2020)
08/10/2020		Text Minute Entry for proceedings held before Magistrate Judge Daniel J. Stewart: Rule 16 Initial Pretrial Conference held on 8/10/2020. Appearances: Joshua Cotter, Esq. and Samuel Young, Esq. for Plaintiffs; Daniel Cartwright, Esq. for Defendants. The Court hears from counsel as to their positions in this matter and as to how they intend to proceed. Court discusses the potential for settlement. The Court discusses question of fact that remains as to Plaintiffs' exhaustion of administrative remedies pursuant to District Judge D'Agostino's Memorandum-Decision and Order. The Court believes that resolving these questions early on will be beneficial as the case progresses. The Court schedules an exhaustion hearing. Deadlines set. A Scheduling Order to be issued. (TIME: 9:31AM-9:54AM). (mab) (Entered: 08/14/2020)

08/14/2020	31	TEXT ORDER: As per the Court's August 3, 2020 Memorandum-Decision and Order (Dkt. No. 28), questions of fact exist as to Plaintiffs' exhaustion of administrative remedies. As such, the issue of exhaustion is referred to Magistrate Judge Daniel J. Stewart in order to set an exhaustion hearing with the parties. Signed by U.S. District Judge Mae A. D'Agostino on 8/14/2020. (ban) (Entered: 08/14/2020)
08/14/2020	32	UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of trial: 4 Days. Preferred Trial Location: Albany, NY. Joinder of Parties due by 1/29/2021. Amended Pleadings due by 1/29/2021. Discovery due by 6/30/2021. Motions to be filed by 8/31/2021. Status Report due by 11/30/2020. Signed by Magistrate Judge Daniel J. Stewart on 8/14/2020. (mab) (Entered: 08/14/2020)
08/14/2020	33	ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT OBTAIN SEPARATE COUNSEL as to Defendants Robert Maciol and Lisa Zurek. Signed by Magistrate Judge Daniel J. Stewart on 8/14/2020. (mab) (Entered: 08/14/2020)
08/14/2020		Set Deadlines: Defendants to respond to 33 Order to Show Cause on or before 10/13/2020. (mab) (Entered: 08/14/2020)
08/14/2020	34	TEXT ORDER: An Exhaustion Hearing in this matter is scheduled for October 15, 2020 at 9:30 AM before the undersigned. The parties are directed to file pre-hearing submissions, including witness lists and exhibit lists, on or before October 5, 2020. Two sets of exhibits shall be provided to the Court and a set provided to opposing counsel prior to the date of scheduled hearing. SO ORDERED by Magistrate Judge Daniel J. Stewart on 8/14/2020. (mab) (Entered: 08/14/2020)
08/20/2020	35	NOTICE OF INTERLOCUTORY APPEAL as to 28 Order on Motion to Certify Class,, Order on Motion for Preliminary Injunction, by Nicole Williamson. Filing fee \$ 505, receipt number ANYNDC-5212444. (Young, Samuel) Modified on 8/20/2020 to indicate the appeal is interlocutory (rep,). (Entered: 08/20/2020)
08/20/2020	36	CERTIFICATE OF SERVICE by Nicole Williamson <i>of Notice of Appeal</i> (Young, Samuel) (Entered: 08/20/2020)
08/20/2020	37	ELECTRONIC NOTICE AND CERTIFICATION sent to US Court of Appeals regarding the 35 Notice of Interlocutory Appeal. (rep) (Entered: 08/20/2020)
08/20/2020		CLERK'S CORRECTION OF DOCKET ENTRY: The clerk modified the docket text of the # 35 Appeal to indicate that it is an Interlocutory Appeal. (rep) (Entered: 08/20/2020)

08/27/2020	USCA Case Number 20-2779 for 35 Notice of Appeal. (rep) (Entered: 08/27/2020)
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