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MAD-PILOT,MANDATORY-MEDIATION

**U.S. District Court
Northern District of New York - Main Office (Syracuse) [NextGen CM/ECF
Release 1.6 (Revision 1.6.2)] (Albany)
CIVIL DOCKET FOR CASE #: 1:21-cv-00535-MAD-CFH**

New York State Correctional Officers and Police
Benevolent Association, Inc. et al v. Cuomo et al
Assigned to: U.S. District Judge Mae A. D'Agostino
Referred to: Magistrate Judge Christian F. Hummel
Cause: 42:1983 Civil Rights Act

Date Filed: 05/07/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

**New York State Correctional
Officers and Police Benevolent
Association, Inc.**

represented by **Emily Grace Hannigan**
Lippes Mathias Wexler Friedman
LLP
54 State Street, Suite 1001
Albany, NY 12207
518-462-0110
Fax: 518-462-5260
Email: ehannigan@lippes.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
Lippes Mathias Wexler Friedman
LLP
54 State Street, Suite 1001
Albany, NY 12207
518-462-0110
Fax: 518-462-5260
Email: gmyers@lippes.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Thomas Hannah
*individually and on the behalf of all
others similarly situated*

represented by **Emily Grace Hannigan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Chloe Hayes
individually and on behalf of all
others similarly situated

represented by **Emily Grace Hannigan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Erik Mesunas
individually and on behalf of all
others similarly situated

represented by **Emily Grace Hannigan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Kerri Montgomery
individually and on behalf of all
others similarly situated

represented by **Emily Grace Hannigan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Sarah Tompkins
individually and on behalf of all
others similarly situated

represented by **Emily Grace Hannigan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Alexander Voitsekhovski
individually and on behalf of all
others similarly situated

represented by **Emily Grace Hannigan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

John and Jane Does 1-18,000

represented by **Emily Grace Hannigan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Taylor Myers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Andrew Cuomo
in his official capacity as Governor
of the State of New York

represented by **Michael G. McCartin**
Office of Attorney General - Albany
The Capitol
Albany, NY 12224
518-776-2620
Fax: 518-915-7738
Email: michael.mccartin@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian W. Matula
New York State Attorney General -
Albany

The Capitol
Albany, NY 12224
518-776-2599
Fax: 518-915-7738
Email: brian.matula@ag.ny.gov
ATTORNEY TO BE NOTICED

Defendant

State of New York

represented by **Michael G. McCartin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian W. Matula
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**New York State Department of
Corrections and Community
Supervision**

represented by **Michael G. McCartin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian W. Matula
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anthony Annucci
*in his official capacity as Acting
Commissioner of the New York State
Department of Corrections and
Community Supervision*

represented by **Michael G. McCartin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian W. Matula
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/07/20 21	<u>1</u>	COMPLAINT against Anthony Annucci, Andrew Cuomo, New York State Department of Corrections and Community Supervision, State of New York (Filing fee \$402 receipt number ANYNDC-5517975) filed by

		Chloe Hayes, Thomas Hannah, New York State Correctional Officers and Police Benevolent Association, Inc., Erik Mesunas, Kerri Montgomery, Sarah Tompkins, Alexander Voitsekhovski. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Civil Cover Sheet)(khr) (Entered: 05/10/2021)
05/07/2021	2	FRCP 7.1 CORPORATE DISCLOSURE STATEMENT by New York State Correctional Officers and Police Benevolent Association, Inc. (khr) (Entered: 05/10/2021)
05/10/2021	3	Summons Issued as to Andrew Cuomo. (Attachments: # 1 Summons issued to Anthony Annucci, # 2 Summons issued to NYSDOCCS, # 3 Summons issued to State of New York)(khr) (Entered: 05/10/2021)
05/10/2021	4	G.O. 25 FILING ORDER ISSUED: Initial Conference set for 8/9/2021 10:00 AM in Albany before Magistrate Judge Christian F. Hummel. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 8/2/2021. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (khr) (Entered: 05/10/2021)
05/10/2021	5	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 . (khr) (Entered: 05/10/2021)
05/10/2021		TEXT NOTICE: Although the plaintiffs herein have named John and Jane Does 1-18,000 in the Complaint, the Clerk's Office will not issue summonses for service of process on a John and Jane Doe defendant at this time. In the event plaintiffs wish to pursue the claims against those defendants, plaintiffs shall take reasonable steps to ascertain their identities. When plaintiffs determine the identity of the "John and Jane Doe" defendants, plaintiffs may seek to amend the pleadings to add the properly named defendants pursuant to FED.R.CIV.P. 15 and summonses will be issued at that time. (khr) (Entered: 05/10/2021)
05/13/2021	6	AFFIDAVIT of Service for Summons in a Civil Action with Class Action Complaint for Deprivation of Rights with Supporting Papers and Notice with General Order #25 and Supporting Papers <i>Andrew Cuomo, Governor of the State of New York care of NYS Attorney General</i> served on Cristal Gazelone, Authorized Clerk on 5/11/21, filed by New York State Correctional Officers and Police Benevolent Association, Inc.. (Myers, Gregory) (Entered: 05/13/2021)

05/13/20 21	7	AFFIDAVIT of Service for Summons in a Civil Action with Class Action Complaint for Deprivation of Rights with Supporting Papers and Notice with General Order #25 and Supporting Papers <i>on New York State Department of Corrections and Community Supervision, care of Anthony J. Annucci</i> served on Kevin Kortright, authorized to accept on 5/11/21, filed by New York State Correctional Officers and Police Benevolent Association, Inc.. (Myers, Gregory) (Entered: 05/13/2021)
05/13/20 21	8	AFFIDAVIT of Service for Summons in a Civil Action with Class Action Complaint for Deprivation of Rights with Supporting Papers and Notice with General Order #25 and Supporting Papers <i>on State of New York</i> served on Denise Gagwer, legal assistant, authorized to accept on 5/11/21, filed by New York State Correctional Officers and Police Benevolent Association, Inc.. (Myers, Gregory) (Entered: 05/13/2021)
05/13/20 21		***Answer due date updated for Andrew Cuomo answer due 6/1/2021; New York State Department of Corrections and Community Supervision answer due 6/1/2021; State of New York answer due 6/1/2021. (khr) (Entered: 05/13/2021)
05/28/20 21	9	Letter Motion from Brian W. Matula, Esq. for Anthony Annucci, Andrew Cuomo, New York State Department of Corrections and Community Supervision, State of New York requesting 45-day extension of time to answer or to submit pre-answer request to move (ON CONSENT) submitted to Judge Christian F. Hummel . (Matula, Brian) (Entered: 05/28/2021)
05/28/20 21	10	TEXT ORDER granting 9 Letter Request for an extension of the answer deadline. Anthony Annucci answer due 7/15/2021; Andrew Cuomo answer due 7/15/2021; New York State Department of Corrections and Community Supervision answer due 7/15/2021; State of New York answer due 7/15/2021. Authorized by Magistrate Judge Christian F. Hummel on 5/28/2021. (tab) (Entered: 05/28/2021)
07/14/20 21	11	Letter Motion from Brian Matula, AAG for Anthony Annucci, Andrew Cuomo, New York State Department of Corrections and Community Supervision, State of New York requesting permission to file a Motion to Dismiss submitted to Judge D'Agostino . (McCartin, Michael) (Entered: 07/14/2021)
07/19/20 21	12	<i>Plaintiffs'</i> Letter Motion from Emily G. Hannigan for John and Jane Does 1-18,000, Thomas Hannah, Chloe Hayes, Erik Mesunas, Kerri Montgomery, New York State Correctional Officers and Police Benevolent Association, Inc., Sarah Tompkins, Alexander Voitsekhovski requesting that the Court deny defendant's request for permission to file a

		motion to dismiss submitted to Judge Hon. Mae A D'Agostino . (Hannigan, Emily) (Entered: 07/19/2021)
07/20/2021	13	NOTICE of Appearance by Brian W. Matula on behalf of Anthony Annucci, Andrew Cuomo, New York State Department of Corrections and Community Supervision, State of New York (Matula, Brian) (Entered: 07/20/2021)
07/20/2021		TEXT Minute Entry for Telephone Pre-Motion Conference held on 7/20/2021 before U.S. District Judge Mae A. D'Agostino: Appearances by Emily Hannigan, Esq. for the Plaintiffs; Brian Matula, AAG and Michael McCartin, AAG for defendants; Judge D'Agostino addresses counsel regarding the pre-motion letter and response. Counsel for the plaintiff and counsel for the defendant address the Court. Judge D'Agostino will permit defendant's to make their motion to dismiss. The motion shall be filed on or before 9/20/21. No extensions of this deadline will be entertained. (Court Reporter Theresa Casal, CRD Britney Norton [Time 2:00 p.m. - 2:09 p.m.]) (ban) (Entered: 07/20/2021)
07/20/2021		Set Deadlines: Motions to be filed by 9/20/2021 (no extensions will be entertained). (ban) (Entered: 07/20/2021)
07/21/2021	14	TEXT NOTICE: The Rule 16 Initial Conference scheduled for 8/9/2021 at 10:00 AM before Magistrate Judge Christian F. Hummel and the deadline to submit a proposed Civil Case Management Plan and exchange Mandatory Disclosures are ADJOURNED without date pending a decision on the anticipated dispositive motion. (tab) (Entered: 07/21/2021)

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