

CLOSED

**U.S. District Court
Eastern District of New York (Hauppauge)
CIVIL DOCKET FOR CASE #: 0:98-cv-04894-JS**

Mason v. Village of Babylon, et al
Assigned to: Judge Joanna Seybert
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 07/27/1998
Date Terminated: 01/07/2002
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Renee Mason**

represented by **Arthur V. Graseck, Jr.**
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V.

Defendant

The Village of Babylon
TERMINATED: 12/20/2000

represented by **John R. Ferretti**
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Defendant

New York Police Department**Defendant****Suffolk County, New York***TERMINATED: 11/30/2001*represented by **Arlene S. Zwillling**

Suffolk County Attorney

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*TERMINATED: 11/30/2001**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Cross Claimant****The Village of Babylon***TERMINATED: 12/20/2000*represented by **John R. Ferretti**

(See above for address)

*TERMINATED: 12/20/2000**LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

V.

Cross Defendant**New York Police Department****Cross Defendant****Suffolk County, New York**

Date Filed	#	Docket Text
07/27/1998	1	COMPLAINT filed and summons(es) issued for Village of Babylon, Elizabeth A. Meyer, Babylon Village Ct., Laurie Ann McManus, New York Police Dept, Suffolk County, NY FILING FEE \$ 150.00 RECEIPT # 7854 (Mierzewski, Liz) (Entered: 07/28/1998)
08/11/1998	2	ANSWER to complaint and CROSSCLAIM by Village of Babylon against Elizabeth A. Meyer, Babylon Village Ct., Laurie Ann McManus, New York Police Dept, Suffolk County, NY (Mierzewski, Liz) (Entered: 08/12/1998)
08/11/1998	3	Disclosure of interested parties by Village of Babylon (Mierzewski, Liz) (Entered: 08/12/1998)
08/18/1998	4	ANSWER to Complaint by Laurie Ann McManus, Suffolk County, NY (Mierzewski, Liz) (Entered: 08/18/1998)

09/03/1998	5	ANSWER by Village of Babylon to [2-2] cross claim (Mierzewski, Liz) (Entered: 09/03/1998)
09/25/1998	6	ANSWER by Laurie Ann McManus, Suffolk County, NY to [2-2] cross claim (Mierzewski, Liz) (Entered: 09/28/1998)
10/01/1998	7	AMENDED ANSWER to Complaint by Village of Babylon : amends [2-1] answer; jury demand (Mierzewski, Liz) (Entered: 10/01/1998)
10/08/1998	8	ANSWER by Laurie Ann McManus, Suffolk County, NY to amended cross complaint (Warner, Pam) (Entered: 10/13/1998)
12/21/1998	9	ORDER, set status conference for 4:30 1/14/99 before Magistrate Michael L. Orenstein (signed by Magistrate Michael L. Orenstein) dtd 12/21/98 cm (Mierzewski, Liz) (Entered: 12/21/1998)
01/14/1999	10	Calendar entry: Before Magistrate Judge Orenstein dtd 1/14/99 Case called for initial conference. (Mierzewski, Liz) (Entered: 01/19/1999)
01/19/1999	11	SCHEDULING ORDER setting Discovery cutoff 8/15/99 ; Pretrial conference for 10:30 8/20/99 ; (signed by Magistrate Michael L. Orenstein) dtd 1/14/99 (Mierzewski, Liz) (Entered: 01/19/1999)
08/03/1999	12	ORDER, that all parties are to appear for a conference on 8/25/99 @10:30 (signed by Magistrate-Judge Michael L. Orenstein , on 7/30/99) cm (Mierzewski, Liz) (Entered: 08/03/1999)
08/16/1999	13	ORDER, set discovery due for 3:00 10/15/99 (signed by Magistrate-Judge Michael L. Orenstein , on 8/10/99) (Mierzewski, Liz) (Entered: 08/16/1999)
08/30/1999	14	ORDER, for stip of confidentiality (signed by Judge Leonard D. Wexler , on 8/27/99) (Mierzewski, Liz) (Entered: 08/30/1999)
10/22/1999	15	Calendar entry: Before Magistrate Judge Orenstein dtd 10/22/99 Case called for Pretrial conference. Discovery completed by 12/15/99. Next conf. 12/21/99 @3:30. (Mierzewski, Liz) (Entered: 10/26/1999)
11/08/1999	16	ORDER, stip of confidentiality (signed by Judge Leonard D. Wexler , on 11/8/99) (Mierzewski, Liz) (Entered: 11/08/1999)
01/10/2000	17	Calendar entry: Before Magistrate Judge Orenstein dtd 1/10/00 Case called for status conference. Tape #2000-4(2168-3307). Joint pretrial order filed by 3/3/00 with Mag. Orenstein. Pltff 2/7/00, Serve pltff by 2/23/00. (Mierzewski, Liz) (Entered: 01/11/2000)
03/14/2000	18	Letter MOTION by Renee Mason requesting a conf , Motion hearing (McMahon, Carol) (Entered: 03/14/2000)
03/22/2000	19	RESPONSE by Suffolk County, NY, Laurie Ann McManus to [18-1] motion requesting a conf; it is my understanding that pursuant to this Court's order of 1/10/00, discovery is closed, except that the Village dfts could depose "Iris" of the Suffolk County warrant squad; accordingly, pltf may not request further discovery from the County (McMahon, Carol) (Entered: 03/22/2000)

03/29/2000	20	ORDER, that motion for an order directing the defts to furnish documents is granted. Joint pre-trial order was required to be filed by 3/3/00. If such pre-trial order is not filed by 4/14/00 the within action will be placed on Judge Wexler's trial calendar for selection of a jury at his earliest available date. (signed by Magistrate Michael L. Orenstein , on 3/27/00) (Mierzewski, Liz) (Entered: 03/29/2000)
04/19/2000	21	LETTER dated 4/19/00 from Linda Johnston to Leslie Tenzer; re: enclosed please find your ltr dtd 4/14/00 and a copy of "Pltf's Proposed Pre-trial Order" which was annexed; submission is not a "Joint Pretrial Order"; directed to return your submission; submit the proposed joint pretrial order in accordance with Judge Wexler's requirements and Judge Orenstein's 3/29/00 Order (McMahon, Carol) (Entered: 04/20/2000)
05/09/2000	22	LETTER dated 4/19/00 from John R. Ferretti to Orenstein, M.; re: office is in receipt of a ltr of Leslie Tenzer dtd 4/14/00 requesting that the matter be set down for a further conf by the court; this office joins with this request; witness named "Iris" has not yet been produced for a deposition despite 2 requests for her production (McMahon, Carol) (Entered: 05/09/2000)
05/25/2000	23	ORDER, in accordance with this Court's order dtd 3/27/00, this action is placed upon Judge Wexler's trial calendar w/o submission of a joint pre-trial order; that the deft., County of Suffolk, is precluded from producing "Iris" of the Suffolk County warrant squad as a witness (signed by Magistrate Michael L. Orenstein on 5/24/00) c/m (Mierzewski, Liz) Modified on 06/20/2000 (Entered: 05/25/2000)
06/06/2000	24	Letter MOTION by Suffolk County, NY, Laurie Ann McManus to vacate [23-1] order that the deft., County of Suffolk, is precluded from producing "Iris" of the Suffolk County warrant squad as a witness , Motion hearing (McMahon, Carol) Modified on 06/20/2000 (Entered: 06/06/2000)
06/19/2000	25	ORDER, granting [24-1] motion to vacate [23-1] order that the deft., County of Suffolk, is precluded from producing "Iris" of the Suffolk County warrant squad as a witness, upon the condition that "Iris" was presented for depo on 6/2/00 as set forth in the movant's 5/30/00 ltr; action remains on Judge Wexler's trial calendar (signed by Magistrate Michael L. Orenstein on 6/19/00) c/m (McMahon, Carol) (Entered: 06/20/2000)
06/22/2000	26	Calendar entry: Before Judge Wexler dtd 6/22/00 Case called for Conference. Conference held. Discovery completed. Case marked ready for trial. Jury. Trial Sept. 2000. (Mierzewski, Liz) (Entered: 06/22/2000)
07/17/2000	69	LETTER dated 7/13/00 from Arlene S. Zwilling to Judge Wexler RE: The County of Suffolk and Police Officer Laurie McManus, two of the dfts in this action, hereby request permission to move for summary judgment. (Valle, Christine) (Entered: 01/24/2002)
07/20/2000	68	LETTER dated 7/19/00 from Henry J. Cernitz to Judge Wexler RE: The dfts, The Village of Babylon and Elizabeth Meyer, hereby request

		permission to move for summary judgment in this action pursuant to Rule 56. (Valle, Christine) (Entered: 01/08/2002)
07/25/2000	27	Calendar entry: Before Judge Wexler dtd 7/25/00 Case called for Conference. All parties present. Conf. held. Discovery completed. Case marked ready for trial. Jury. Defts to file motion for summary judgment. Case marked ready for trial. Trial end of Sept or later. (Mierzewski, Liz) (Entered: 08/01/2000)
08/07/2000	29	MOTION by Suffolk County, NY, Laurie Ann McManus for summary judgment pursuant to Rule 56 , Motion hearing Motion file stamped: 10/4/00 and mailed/served: 8/7/00 (Branciforte, Ralph) (Entered: 12/14/2000)
08/07/2000	31	AFFIRMATION by Arlene Zwilling Suffolk County, Laurie Ann McManus in support of [29-1] motion for summary judgment pursuant to Rule 56 (Branciforte, Ralph) (Entered: 12/14/2000)
08/07/2000	32	MEMORANDUM by Suffolk County,Laurie Ann McManus in support of [29-1] motion for summary judgment pursuant to Rule 56 (Branciforte, Ralph) (Entered: 12/14/2000)
08/07/2000	33	AFFIDAVIT by Leslie Tenzer for Renee Mason in opposition to [29-1] motion for summary judgment pursuant to Rule 56 (Branciforte, Ralph) (Entered: 12/14/2000)
08/07/2000	34	MOTION by Elizabeth A. Meyer, Village of Babylon for summary judgment dismissing the complaint and all cross claims against the Village of Babylon and Elizabeth Meyer , Motion hearing Motion file stamped: 10/4/00 and mailed/served: 8/7/00 (Branciforte, Ralph) (Entered: 12/14/2000)
08/07/2000	35	AFFIRMATION by Henry Cernitz for Elizabeth A. Meyer, Village of Babylon in support of [34-1] motion for summary judgment dismissing the complaint and all cross claims against the Village of Babylon and Elizabeth Meyer (Branciforte, Ralph) (Entered: 12/14/2000)
08/07/2000	36	Rule 56.1 Statement(formerly Rule 3(g) by Elizabeth A. Meyer, Village of Babylon re: [34-1] motion for summary judgment dismissing the complaint and all cross claims against the Village of Babylon and Elizabeth Meyer (Branciforte, Ralph) (Entered: 12/14/2000)
08/07/2000	37	REPLY AFFIRMATION by Henry Cernitz for Elizabeth A. Meyer, Village of Babylon in support of [34-1] motion for summary judgment dismissing the complaint and all cross claims against the Village of Babylon and Elizabeth Meyer (Branciforte, Ralph) (Entered: 12/14/2000)
09/19/2000		CASE NO LONGER REFERRED TO Magistrate Michael L. Orenstein (McMahon, Carol) (Entered: 09/19/2000)
10/04/2000	30	Rule 56.1 Statement(formerly Rule 3(g) by Suffolk County, Laurie Ann McManus re: [29-1] motion for summary judgment pursuant to Rule 56 (Branciforte, Ralph) (Entered: 12/14/2000)

10/19/2000	28	Letter MOTION by Renee Mason to extend time to file an opposition to Suffolk County's summary judgment motion , Motion hearing (Branciforte, Ralph) (Entered: 10/20/2000)
10/19/2000		Endorsed order granting [28-1] motion to extend time to file an opposition to Suffolk County's summary judgment motion until 10/30/00 (Signed by Judge Leonard D. Wexler , on 10/19/00) EOD# 28 CM (Branciforte, Ralph) (Entered: 10/20/2000)
11/17/2000	38	CROSS MOTION by Renee Mason for summary judgment and directing that this matter be set down for an inquest. Motion hearing (Branciforte, Ralph) (Entered: 12/20/2000)
11/17/2000	39	Rule 56.1 Statement(formerly Rule 3(g) by Renee Mason re: [38-1] cross motion for summary judgment (Branciforte, Ralph) (Entered: 12/20/2000)
11/17/2000	40	AFFIRMATION by Leslie Tenzer for Renee Mason in support of [38-1] cross motion for summary judgment and in opposition to the summary judgment motion by defendants McManus and County of Suffolk. (Branciforte, Ralph) (Entered: 12/20/2000)
11/17/2000	41	MEMORANDUM by Renee Mason in support of [38-1] cross motion for summary judgment (Branciforte, Ralph) (Entered: 12/20/2000)
12/20/2000	42	MEMORANDUM and ORDER Defense motion to dismiss the claims alleging false arrest and due process violations is granted. Plaintiff's motion for summary judgment as to the illegality of the search is granted. The parties will proceed to trial on the issue of damages attributable to this claim as well as the issues of qualified immunity and municipal liability. (signed by Judge Leonard D. Wexler , on 12/20/00) CM (Branciforte, Ralph) (Entered: 12/27/2000)
01/04/2001	43	Calendar entry: Before Judge Wexler dtd 1/4/01 Case called for Pre-trial conference. All parties present. Pre-trial held. Jury selection 2/2/00. Pltff to file motion to re-argue on 1/1/01. Deft. to respond in 10 days. Trial February 2001. (Mierzewski, Liz) (Entered: 01/04/2001)
01/16/2001	44	MOTION by Renee Mason for reargument of the court's [42-1] 12/20/00 order , Motion hearing (Branciforte, Ralph) (Entered: 01/18/2001)
01/16/2001	45	AFFIDAVIT by Leslie Tenzer for Renee Mason in support of [44-1] motion for reargument of the court's [42-1] 12/20/00 order (Branciforte, Ralph) (Entered: 01/18/2001)
03/09/2001	46	CROSS MOTION by Suffolk County, NY, Laurie Ann McManus for partial reargument of the court's 12/20/00 [42-1] order , Motion hearing (Branciforte, Ralph) (Entered: 03/09/2001)
03/09/2001	47	AFFIDAVIT by Arlene Zwilling for Suffolk County, NY, Laurie Ann McManus in support of the [46-1] cross motion for partial reargument of the court's 12/20/00 [42-1] order, and in opposition to plaintiff's [44-1] motion for reargument of the court's [42-1] 12/20/00 order (Branciforte, Ralph) (Entered: 03/09/2001)

03/09/2001	48	AFFIDAVIT by Mark White for Suffolk County, NY, Laurie Ann McManus in support of [46-1] cross motion for partial reargument of the court's 12/20/00 [42-1] order (Branciforte, Ralph) (Entered: 03/09/2001)
03/09/2001	49	AFFIDAVIT by Laurie Ann McManus in support of the [46-1] cross motion for partial reargument of the court's 12/20/00 [42-1] order (Branciforte, Ralph) (Entered: 03/09/2001)
03/09/2001	50	MEMORANDUM by Suffolk County, NY, Laurie Ann McManus in support of [46-1] cross motion for partial reargument of the court's 12/20/00 [42-1] order, and in opposition to plaintiff's [44-1] motion for reargument of the court's [42-1] 12/20/00 order (Branciforte, Ralph) (Entered: 03/09/2001)
04/04/2001	51	MEMORANDUM and ORDER Denying the cross-motions for reconsideration of the court's 12/20/00 order. (signed by Judge Leonard D. Wexler , on 4/4/01) CM (Branciforte, Ralph) (Entered: 04/06/2001)
05/10/2001	52	STIPULATION and ORDER, substituting attorney terminated attorney Leslie Tenzer for Renee Mason Added Arthur V. Graseck Jr. (signed by Judge Leonard D. Wexler , on 5/10/01) CM (Branciforte, Ralph) (Entered: 05/15/2001)
05/23/2001		Settlement conference held (Imrie, Robert) (Entered: 05/30/2001)
05/23/2001	53	Calendar entry: before Judge Carman on 5/23/01 at 9:00 a.m. Civil Cause for Settlement Conference held. Appearances: for pltf- Arthur V. Graseck; for deft- Arlene S. Zwilling. Case called. Counsel for all sides present. Next conference to be set. (Imrie, Robert) (Entered: 05/30/2001)
05/23/2001		Settlement conference held (Imrie, Robert) (Entered: 06/13/2001)
05/23/2001	56	Calendar entry: before Visiting Judge Carman on 5/23/01 at 9:00 a.m. Civil Cause for Settlement Conference held. Appearances: for pltf- Arthur V. Graseck Jr.; for deft- Arlene S. Zwilling. Counsel for all sides are present and settlement discussions are held. Next conference date to be set. (Imrie, Robert) (Entered: 06/13/2001)
06/04/2001	54	LETTER dated 5/29/01 from Arlene Zwilling to Arthur Graseck RE: Enclosing Defendant's Rule 68 Offer of Judgment. (Branciforte, Ralph) (Entered: 06/05/2001)
06/11/2001	55	LETTER dated 6/8/01 from Arthur Graseck to Arlene Zwilling RE: Enclosing Plaintiff's motion to reargue to restore "Jane Doe" as a Defendant and the County of Suffolk as the entity responsible for her alleged conduct. I propose the following briefing schedule: moving papers today; opposition by 6/22/01; reply by 6/28/01; filing by 6/19/01. (Branciforte, Ralph) (Entered: 06/11/2001)
06/27/2001	57	CROSS MOTION by Laurie Ann McManus opposing pltf's motion for reargument and for an order granting deft. McManus qualified immunity , Motion hearing [57-1] cross motion (Mierzewski, Liz) (Entered: 06/29/2001)

06/27/2001	58	AFFIDAVIT by Arlene Zwilling in opposition to the [57-1] cross motion opposing pltff's motion for reargument and for an order granting deft. McManus qualified immunity (Mierzewski, Liz) (Entered: 06/29/2001)
06/27/2001	59	MEMORANDUM by Laurie Ann McManus in support of [57-1] cross motion opposing pltff's motion for reargument and for an order granting deft. McManus qualified immunity (Mierzewski, Liz) (Entered: 06/29/2001)
07/02/2001		CASE reassigned to Judge Frederic Block from Judge Leonard D. Wexler. Parties notified. (Bowens, Priscilla) (Entered: 07/13/2001)
07/25/2001	60	MOTION by Renee Mason to reargue , Motion hearing [60-1] motion Motion file stamped: 7/25/02 and mailed/served: 6/20/01. w/attachments. (Dobkin, David) (Entered: 07/30/2001)
07/25/2001	61	MEMORANDUM of law by Renee Mason in support of [60-1] motion to reargue. (Dobkin, David) (Entered: 07/30/2001)
07/25/2001	62	AFFIDAVIT of Arthur Graseck, Jr. in further support of Re: [60-1] motion to reargue. (Dobkin, David) (Entered: 07/30/2001)
08/06/2001	63	MEMORANDUM and ORDER terminating [60-1] motion to reargue, denying [57-1] cross motion opposing pltff's motion for reargument and for an order granting deft. McManus qualified immunity. No party has demonstrated the presence or either facts or law to persuade this court to reconsider any ruling made in either the disposition of the motion for summary judgment, the December 20th order or the April 4th order. The clerk is directed to terminate these motions. The parties shall proceed to trial in accordance with the trial schedule of Judge Block. (signed by Judge Leonard D. Wexler, on 8/6/01) c/m (Montero, Edher) (Entered: 08/07/2001)
08/28/2001	64	NOTICE of pretrial conference set for 9/21/01 at 11:00a.m. before Judge Block. Sent to all parties by Michael Innelli. Dated 8/27/01. (Dobkin, David) (Entered: 08/28/2001)
09/21/2001	65	Calendar entry:Before Judge Block on 9/21/01 at 1:00p.m. Case called for a premotion conference by telephone. Case called. All counsel present. Conference held. JUDGE Block returns the case back to Judge Wexler. Will not try case in Brooklyn. (Dobkin, David) (Entered: 09/25/2001)
09/24/2001		CASE reassigned to Judge Joanna Seybert from Judge Frederic Block. Parties notified. (Bowens, Priscilla) (Entered: 10/01/2001)
10/22/2001	66	LETTER dated 10/22/01 from Chambers of Judge Seybert to Arlene S. Zwilling, Esq. RE: Stipulation of discontinuance, dated 10/11/01 is being returned to you without docketing of filing for the following reason: Stipulation must be signed by all parties who have appeared in the action, pursuant to Rule 41(a). Upon compliance, you may refile. (Valle, Christine) (Entered: 10/26/2001)
11/30/2001	67	STIPULATION of discontinuance; that this action is dismissed and

		discontinued with prejudice as against defts County of Suffolk, Police Officer Laurie Ann McManus, Police Matron shield no. 108, without costs or attorney's fees to either party. (Signed by Judge Joanna Seybert, dated: 11/30/01) c/m (Fagan, Linda) (Entered: 12/05/2001)
01/07/2002		Case closed (Mierzewski, Liz) (Entered: 01/07/2002)

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