

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:05-cv-30017-MAP**

Ryan v. Garvey et al
Assigned to: Judge Michael A Ponsor
Cause: 28:1983 Civil Rights

Date Filed: 01/18/2005
Date Terminated: 06/22/2007
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Charles V. Ryan, IV
*on behalf of himself and on behalf of
others similarly situated*

represented by **Howard Friedman**
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ATTORNEY TO BE NOTICED

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V.

Defendant

Robert J. Garvey

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 TERMINATED: 10/31/2006
 ATTORNEY TO BE NOTICED

Defendant

Patrick J. Cahillane
in their individual capacities

represented by **Rosemary Tarantino**
 (See above for address)
 ATTORNEY TO BE NOTICED

Timothy M. Jones
 (See above for address)
 TERMINATED: 10/31/2006
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/18/2005	<u>1</u>	COMPLAINT against Robert J. Garvey, and Patrick J. Cahillane Filing fee: \$ 150.00, receipt number 305827, filed by Charles V. Ryan, IV. (Attachments: # <u>1</u> Civil Cover &Category Sheets)(Lindsay, Maurice) (Entered: 01/21/2005)
01/21/2005		Summons Issued as to Robert J. Garvey, and Patrick J. Cahillane. (Lindsay, Maurice) (Entered: 01/21/2005)
02/17/2005	<u>2</u>	SUMMONS Returned Executed Patrick J. Cahillane served on 2/3/2005, answer due 2/23/2005. (Friedman, Howard) (Entered: 02/17/2005)
02/17/2005	<u>3</u>	SUMMONS Returned Executed Robert J. Garvey served on 2/3/2005, answer due 2/23/2005. (Friedman, Howard) (Entered: 02/17/2005)
02/18/2005	<u>4</u>	NOTICE of Appearance by Timothy M. Jones on behalf of Robert J. Garvey, Patrick J. Cahillane (Jones, Timothy) (Entered: 02/18/2005)
02/18/2005	<u>5</u>	Assented to MOTION for Extension of Time to April 11, 2005 to Respond to Complaint by Robert J. Garvey, Patrick J. Cahillane.(Jones, Timothy) (Entered: 02/18/2005)
02/24/2005		Judge Michael A Ponsor : ENDORSED ORDER entered granting Dft's <u>5</u> Motion for Extension of Time to respond to complaint. Response to complaint due by 4/11/05. cc/cl (Lindsay, Maurice) (Entered: 02/24/2005)
04/11/2005	<u>6</u>	ANSWER to Complaint by Robert J. Garvey, Patrick J. Cahillane.(Jones, Timothy) (Entered: 04/11/2005)
04/13/2005	<u>7</u>	Judge Michael A Ponsor : Electronic ORDER entered. REFERRING CASE to Magistrate Judge Kenneth P. Neiman pretrial case management, no dispositive motions, scheduling conference(French, Elizabeth) (Entered: 04/13/2005)
05/03/2005	<u>8</u>	NOTICE of Scheduling Conference ISSUED, cc:cl. Initial Scheduling Conference set for 6/9/2005 at 11:00 AM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman; joint statement and LR 16.1 certs. due by 6/1/05. (Healy, Bethaney) (Entered: 05/03/2005)
05/05/2005	<u>9</u>	CERTIFICATION pursuant to Local Rule 16.1 (d)(3) by Charles V. Ryan, IV.(Friedman, Howard) (Entered: 05/05/2005)
06/02/2005	<u>10</u>	CERTIFICATION pursuant to Local Rule 16.1 by Robert J. Garvey, Patrick J. Cahillane.(Lindsay, Maurice) (Entered: 06/02/2005)
06/02/2005	<u>11</u>	JOINT STATEMENT re scheduling conference. (Friedman, Howard) (Entered: 06/02/2005)
06/06/2005	<u>12</u>	MOTION Assented to Motion for Access to CORI by Robert J. Garvey, Patrick J. Cahillane. (Attachments: # <u>1</u>)(Jones, Timothy) (Entered: 06/06/2005)
06/06/2005		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>12</u> Defendants' assented-to Motion for Order Granting Access and Leave to Disclose Criminal

		Offender Record and Other Information. Order to issue forthwith. (Neiman, Kenneth) (Entered: 06/06/2005)
06/06/2005	<u>13</u>	Magistrate Judge Kenneth P. Neiman. ORDER Granting Access to and leave to Disclose Criminal Offender Record and Other Information ENTERED, cc:cl. (Healy, Bethaney) (Entered: 06/07/2005)
06/07/2005		Remark: <u>13</u> Order re: Access to CORI Records was redacted by the clerk's office due to presence of personal information (date of birth). Unredacted Order was sealed by the clerk's office. A copy of the unredacted Order was forwarded to counsel for Plaintiff and Defendants this day. (Healy, Bethaney) Modified (adding text "Plaintiff and") on 6/7/2005 (Healy, Bethaney). (Entered: 06/07/2005)
06/09/2005		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Friedman and Jones) appear for Initial Scheduling Conference held on 6/9/2005. Colloquy re: status. Scheduling Order to issue. (Court Reporter FTR.) (Healy, Bethaney) (Entered: 06/09/2005)
06/09/2005	<u>14</u>	Magistrate Judge Kenneth P. Neiman. SCHEDULING ORDER all class discovery compl by 10/28/05; P's motion for class cert. filed by 12/9/05; Ds' response by 1/2/06; written disc and non-expert depos. compl by 4/28/06; P's expert discl. 5/12/06; Ds' expert discl by 6/22/06; expert depos. compl by 7/31/06, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 06/09/2005)
09/30/2005	<u>15</u>	Joint MOTION for Protective Order by Charles V. Ryan, IV. (Attachments: # <u>1</u> Text of Proposed Order Proposed Protective Order)(Joun, Myong) (Entered: 09/30/2005)
10/05/2005		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>15</u> Motion for Protective Order ENTERED, cc:cl. (Healy, Bethaney) (Entered: 10/05/2005)
10/05/2005	<u>16</u>	Magistrate Judge Kenneth P. Neiman. PROTECTIVE ORDER ENTERED, cc:cl. (Healy, Bethaney) (Entered: 10/06/2005)
12/09/2005	<u>17</u>	Assented to MOTION for Extension of Time to 2/24/2006 to To File Motion For Class Certification by Charles V. Ryan, IV.(Joun, Myong) (Entered: 12/09/2005)
12/12/2005		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>17</u> Motion for Extension of Time ENTERED, cc:cl. ALLOWED. See Revised Scheduling Order entered this day. (Healy, Bethaney) (Entered: 12/12/2005)
12/12/2005	<u>18</u>	Magistrate Judge Kenneth P. Neiman. SCHEDULING ORDER setting P's motion for class cert by 2/27/06; Ds' response by 3/20/06; written disc and non-expert depos compl by 6/28/06; P's expert discl. by 7/12/06; Ds' expert discl by 8/22/06; expert depos compl by 10/2/06, ENTERED,cc:cl. (Healy, Bethaney) (Entered: 12/12/2005)
02/27/2006	<u>19</u>	Assented to MOTION for Extension of Time to 3/3/06 to for filing motion for class certification by Charles V. Ryan, IV.(Joun, Myong) (Entered: 02/27/2006)
02/28/2006		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>19</u> Plaintiff's assented-to Motion for Extension of Time to March 3, 2006, to file motion for class certification. (Neiman, Kenneth) (Entered: 02/28/2006)
03/03/2006	<u>20</u>	MOTION to Amend <i>the Class Definition</i> by Charles V. Ryan, IV.(Friedman, Howard) (Entered: 03/03/2006)
03/03/2006	<u>21</u>	MOTION to Certify Class by Charles V. Ryan, IV.(Friedman, Howard) (Entered: 03/03/2006)
03/03/2006	<u>22</u>	MEMORANDUM in Support re <u>21</u> MOTION to Certify Class filed by Charles V. Ryan, IV. (Attachments: # <u>1</u> Exhibit Exhibit A: Search Policy# <u>2</u> Exhibit Exhibit B-Affidavit of Myong J. Joun# <u>3</u> Exhibit Exhibit C-Affidavit of Howard Friedman)(Friedman, Howard) (Entered: 03/03/2006)
03/27/2006	<u>23</u>	RESPONSE to Motion re <u>20</u> MOTION to Amend <i>the Class Definition</i> , <u>21</u> MOTION to Certify Class filed by Robert J. Garvey, Patrick J. Cahillane. (Jones, Timothy) (Entered: 03/27/2006)
04/11/2006		NOTICE TO COUNSEL of Hearing on Motion <u>20</u> MOTION to Amend <i>the Class Definition</i> , <u>21</u> MOTION to Certify Class: Motion Hearing set for 7/14/2006 03:00 PM

		in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) (Entered: 04/11/2006)
06/22/2006	<u>24</u>	MOTION for Leave to File <i>Supplemental Memorandum in Support of Class Certification</i> by Charles V. Ryan, IV. (Attachments: # <u>1</u> Supplement Supplemental Memorandum in Support of Class Certification# <u>2</u> Affidavit Affidavit of Myong J. Joun)(Joun, Myong) (Entered: 06/22/2006)
06/22/2006	<u>25</u>	Second MOTION to Amend <i>the Class Definition</i> by Charles V. Ryan, IV.(Joun, Myong) (Entered: 06/22/2006)
07/06/2006	<u>26</u>	RESPONSE to Motion re <u>24</u> MOTION for Leave to File <i>Supplemental Memorandum in Support of Class Certification</i> , <u>25</u> Second MOTION to Amend <i>the Class Definition</i> filed by Robert J. Garvey, Patrick J. Cahillane. (Jones, Timothy) (Entered: 07/06/2006)
07/14/2006		Judge Michael A Ponsor : ENDORSED ORDER entered granting Ptf's <u>21</u> Motion for Class Certification. c/cl (Lindsay, Maurice) (Entered: 07/14/2006)
07/14/2006		Judge Michael A Ponsor : ENDORSED ORDER entered granting Ptf's <u>25</u> Second Motion to Amend the class definition. cc/cl (Lindsay, Maurice) (Entered: 07/14/2006)
07/14/2006		Judge Michael A Ponsor : ENDORSED ORDER entered denying Ptf's <u>20</u> Motion to Amend the class definition. DENIED, as moot, the court having allowed the more recent, Second motion to amend. cc/cl (Lindsay, Maurice) (Entered: 07/14/2006)
07/14/2006	<u>27</u>	Judge Michael A Ponsor : ORDER entered. The court this day allowed plaintiff's motions Dkt. No. <u>21</u> and <u>25</u> . Based on counsel's representation, the court orders Ptf's counsel to draft and file a joint report on behalf of all parties, no later than 7/28/06. See the attached order for complete details. cc/cl (Lindsay, Maurice) (Entered: 07/14/2006)
07/14/2006		ElectronicClerk's Notes for proceedings held before Judge Michael A Ponsor : Motion Hearing held on 7/14/2006 re <u>25</u> Second MOTION to Amend <i>the Class Definition</i> filed by Charles V. Ryan, IV, <u>20</u> MOTION to Amend <i>the Class Definition</i> filed by Charles V. Ryan, IV, <u>21</u> MOTION to Certify Class filed by Charles V. Ryan, IV. Order to issue. (Court Reporter Alice Moran.) (Stuckenbruck, John) (Entered: 07/18/2006)
07/27/2006	<u>28</u>	JOINT STATEMENT of counsel <i>Regarding Class Size and Proposed Schedule</i> . (Joun, Myong) (Entered: 07/27/2006)
07/28/2006		ELECTRONIC NOTICE of Hearing : Status Conference set for 10/17/2006 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (Stuckenbruck, John) (Entered: 07/28/2006)
10/17/2006		ElectronicClerk's Notes for proceedings held before Judge Michael A Ponsor : Status Conference held on 10/17/2006. Parties report case has settled, although need to finalize paperwork. (Court Reporter Alice Moran.) (French, Elizabeth) (Entered: 10/18/2006)
10/19/2006	<u>29</u>	Judge Michael A Ponsor : ORDER entered. SCHEDULING ORDER: As follows; The parties will submit a joint status report no later than 11/17/06. See the attached scheduling order for complete details. cc/cl(Lindsay, Maurice) (Entered: 10/19/2006)
10/19/2006		NOTICE issued to Attorney Timothy M. Jones regarding mandatory registration with ECF in compliance with the Standing Order entered by Judge Ponsor and Magistrate Judge Neiman. (Lindsay, Maurice) (Entered: 10/19/2006)
10/24/2006		Case no longer referred to Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 10/24/2006)
10/25/2006	<u>30</u>	NOTICE of Appearance by Rosemary Tarantino on behalf of all defendants (Tarantino, Rosemary) (Entered: 10/25/2006)
10/31/2006	<u>31</u>	NOTICE of Withdrawal of Appearance of Attorney Timothy M. Jones for the Defts. filed. Terminated Timothy M. Jones for the Defts. (Finn, Mary) Additional attachment(s) added on 10/31/2006 (Finn, Mary). (Entered: 10/31/2006)
10/31/2006		Notice of correction to docket made by Court staff. Correction: document <u>17</u> corrected because: to add notice of withdrawal signed by Attorney Timothy Jones and delete notice signed by Rosemary Tarantino. (Finn, Mary) (Entered: 10/31/2006)

11/08/2006		Documents terminated: <u>24</u> MOTION for Leave to File <i>Supplemental Memorandum in Support of Class Certification</i> filed by Charles V. Ryan, IV. (Stuckenbruck, John) (Entered: 11/08/2006)
11/17/2006	<u>32</u>	JOINT STATEMENT of counsel <i>regarding settlement</i> . (Joun, Myong) (Entered: 11/17/2006)
11/24/2006		ELECTRONIC NOTICE of Hearing re Settlement Approval :Hearing set for 1/19/2006 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) (Entered: 11/24/2006)
12/29/2006	<u>33</u>	Consent MOTION for Settlement <i>Preliminary Approval of Class Settlement</i> by Charles V. Ryan, IV. (Attachments: # <u>1</u> Exhibit Ex.1: Settlement Agreement and Exs.A-F# <u>2</u> Exhibit Ex 2 Affidavit of Howard Friedman)(Joun, Myong) (Entered: 12/29/2006)
01/08/2007		Judge Michael A Ponsor : ENDORSED ORDER entered granting <u>33</u> Motion for Settlement. ALLOWED. The settlement is hereby preliminarily approved, along with the notice forms and notice plan. Analytics, Inc. is appointed as the claims administrator. The fairness hearing will be June 8, 2007 at 2:00 P.M. So ordered. cc/cl (Lindsay, Maurice) (Entered: 01/08/2007)
01/08/2007		Set/Reset Hearings: The Fairness Hearing set for 6/8/2007 at 2:00 PM in Courtroom 1 before Judge Michael A Ponsor. (Lindsay, Maurice) (Entered: 01/08/2007)
01/11/2007	<u>34</u>	Assented to MOTION to Continue Fairness Hearing to June 22, 2007 by Charles V. Ryan, IV. (Attachments: # <u>1</u> Affidavit Affidavit of Myong J. Joun)(Joun, Myong) (Entered: 01/11/2007)
01/16/2007		Judge Michael A Ponsor : endorsedORDER entered granting <u>34</u> Motion to Continue Fairness Hearing RESET FROM 6/8/07 TO 6/22/2007 02:00 PM in Courtroom 1 before Judge Michael A Ponsor. (French, Elizabeth) (Entered: 01/16/2007)
06/15/2007	<u>35</u>	MOTION for Settlement <i>For Final Approval Of Class Action Settlement</i> by Charles V. Ryan, IV.(Friedman, Howard) (Entered: 06/15/2007)
06/15/2007	<u>36</u>	MEMORANDUM in Support re <u>35</u> MOTION for Settlement <i>For Final Approval Of Class Action Settlement</i> filed by Charles V. Ryan, IV. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order On Motion For Final Approval of Class Settlement# <u>2</u> Exhibit Exhibits In Support of Final Approval# <u>3</u> Exhibit Ex. 1 Affidavit of Howard Friedman# <u>4</u> Exhibit Ex. 1A Resume of Howard Friedman# <u>5</u> Exhibit Ex. 2 Affidavit of Myong J. Joun# <u>6</u> Exhibit Ex. 2A Resume of Myong J. Joun# <u>7</u> Exhibit Ex. 2B Notice of Settlement, Claim Form, and Envelope# <u>8</u> Exhibit Ex. 2C Newspaper Notice in the Springfield Republican on January 23, 2007# <u>9</u> Exhibit Ex. 2D Newspaper Notice in the Daily Hampshire Gazette on January 27-28, 2007# <u>10</u> Exhibit Ex. 2E Newspaper Notice in the Greenfield Recorder on January 27, 2007# <u>11</u> Exhibit Ex. 2F News coverage of the Settlement# <u>12</u> Exhibit Ex 2G Jail Notice# <u>13</u> Exhibit Ex. 2H (Part 1) Photograph of Jail Notice Posting# <u>14</u> Exhibit Ex. 2H (Part 2) Photograph of Jail Notice Posting# <u>15</u> Exhibit Ex. 2H (Part 3) Photograph of Jail Notice Posting# <u>16</u> Exhibit Ex. 2I Summary of Attorney's Fees and Litigation Costs)(Friedman, Howard) (Entered: 06/15/2007)
06/21/2007	<u>37</u>	MOTION Substitute Pages re <u>36</u> Memorandum in Support of Motion,,,, by Charles V. Ryan, IV. (Attachments: # <u>1</u> Substitute Page 17 for Plaintiff's Memorandum in Support of Motion for Final Approval of Class Settlement# <u>2</u> Text of Proposed Order on Motion for Final Approval of Class Settlement)(Friedman, Howard) (Entered: 06/21/2007)
06/22/2007	<u>38</u>	Judge Michael A Ponsor : ORDER entered granting <u>35</u> MOTION for Final Approval of Class Settlement; cc/cl. (Finn, Mary) (Entered: 06/22/2007)
06/22/2007		Civil Case Terminated. (Finn, Mary) (Entered: 06/22/2007)