

CLOSED

**U.S. District Court**  
**United States District Court for the Southern District of New York (White Plains)**  
**CIVIL DOCKET FOR CASE #: 7:97-cv-07105-CM-LMS**

Kelleher v. New York State Troop  
Assigned to: Judge Colleen McMahon  
Referred to: Magistrate Judge Lisa Margaret Smith  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 09/23/1997  
Date Terminated: 01/24/2000  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Eugene Kelleher**

represented by **Solomon Abrahams**  
Lawyers Legal Service Plan, Inc.  
701 Westchester Avenue  
Suite 204W  
White Plains, NY 10604  
(914) 761-2994  
**LEAD ATTORNEY**

V.

**Defendant**

**New York State Trooper John Fairon**  
**(First Name being fictitious)**

represented by **Michael Oliver Hueston**  
Dennis C. Vacco  
Attorney General of the State of NY  
120 Broadway  
New York, NY 10271  
(212)416-8633  
**LEAD ATTORNEY**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/23/1997	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 289400 (vr) (Entered: 09/23/1997)
09/23/1997		Magistrate Judge Smith is so Designated. (vr) (Entered: 09/23/1997)
12/03/1997	2	Notice of reassignment _ to Judge Richard C. Casey Copy of notice and judge's rules mailed to Attorney(s) of record: SOLOMON ABRAHAMS . (ll) (Entered: 12/03/1997)
12/24/1997	3	RETURN OF SERVICE executed as to New York State Troop by Amy Janecek on 12/5/97 Answer due on 12/26/97 for New York State Troop; served summons and complaint at NYS Trooper Barracks, Rte 22 , Brewster, NY (ds) (Entered: 12/24/1997)

01/08/1998	4	ANSWER to Complaint by New York State Troop (Attorney Michael Oliver Hueston), ; Firm of: NYS Atty General Ofc by attorney Michael Oliver Hueston for defendant New York State Troop (ec) (Entered: 01/09/1998)
05/26/1998	5	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial/Including case management conference. ( signed by Judge Richard C. Casey ) Referred to Magistrate Judge Lisa M. Smith (ds) (Entered: 05/27/1998)
06/17/1998	6	ORDER In order to facilitate the progress of pre-trial discovery of this litigation ....( see document for details) ... So Ordered: ( signed by Magistrate Judge Lisa M. Smith ); Copies mailed (ds) (Entered: 06/18/1998)
06/18/1998		Pre-trial conference before USMJ Smith (ds) (Entered: 06/18/1998)
09/18/1998		Pretrial Conference held before USMJ Lisa Margaret Smith. Lisa Margaret Smith. (pf) (Entered: 09/21/1998)
09/28/1998	7	ORDER TO PRODUCE DOCUMENTS That the NYS Division of State Police produce to Asst. Atty General of the State of NY, Michael O. Hueston at 120 Broadway, NY, NY 10271: All records, manuals, writings, documents, rules, laws, statutes and procedures relating to the NYS Division of State Police's policies, practices and training regarding searches, searches incident to arrest, custodial searches and automobile searches. So Ordered: ( signed by Magistrate Judge Lisa M. Smith ); Copies mailed (ds) (Entered: 09/29/1998)
10/30/1998	8	Notice of reassignment to Judge Colleen McMahon Copy of notice and judge's rules mailed to Attorney(s) of record: Michael Oliver Hueston, Solomon Abrahams . (ds) (Entered: 10/30/1998)
12/04/1998		Status Conference held before Judge McMahon. Transcript taken by Adrienne Mignano. (ec) Modified on 12/08/1998 (Entered: 12/07/1998)
05/05/1999	9	Defendnat's Proposed Substantive Charge (ec) (Entered: 05/06/1999)
05/05/1999	10	Proposed Voir Dire Questions by New York State Troop (ec) (Entered: 05/06/1999)
05/05/1999	11	Defendnat's TRIAL MEMORANDUM Of Law (ec) (Entered: 05/06/1999)
05/10/1999	13	JOINT PRE-TRIAL ORDER filed (UNSIGNED) (pf) (Entered: 05/11/1999)
05/11/1999	12	FINAL PRETRIAL CONFERENCE SCHEDULING ORDER: The final pretrial conference in this matter will be held on July 9, 1999 at 2:00 p.m. at 300 Quarropas Street, White Palins, NY in courtroom 521; All remaining pretrial matters will be determined at this conference. To that end, papers oposing any motions in limine that have been filed must be served and filed together with two courtesy copies to chambers, no later than 5:00 p.m. on 6/15/99; If any party believes that this case should be bifurcated for trial, please submit a brief statement to that effect to chambers by 6/15/99; If any party requesting a special jury verdict, please submit a proposed verdict sheet to chambers by 6/15/99; So Ordered: ( signed by Judge Colleen McMahon ) ; Copies mailed (pf) (Entered: 05/11/1999)

06/15/1999	14	Letter filed addressed to Judge McMahon, dated June 14, 1999, from Asst Atty Gen Michael Hueston re: I write this motion in limine to have pltf's claim of orthopedic injury dismissed, or int he alternative to preclude pltf from introducing evidence concerning this alleged injury. (ec) (Entered: 06/16/1999)
06/15/1999	15	Fld:Defendant's proposed verdict sheet (ec) (Entered: 06/16/1999)
06/18/1999	16	Letter filed addressed to Dawn, Secretary to USDJ McMahon, dated June 15, 1999, from Atty. Solomon Abrahams, re: in response to the telephone conversation on this date relating to my available dates for trial during the months of july and August.. . (pf) (Entered: 06/18/1999)
06/18/1999	17	Letter filed addressed to Ken Zaepfel, dated June 15, 1999, from Louis J. Martino re: request for scheduling of trial for the week of October 25, 1999.. (pf) (Entered: 06/18/1999)
07/07/1999	18	Letter filed addressed to Judge McMahon from atty Solomon Abrahams, dated June 18, 1999, re: pltf's proposed verdict sheet. (ec) (Entered: 07/07/1999)
07/09/1999		Memorandum to Docket Clerk:Final pre-trial conference held and concluded on July 9, 1999. Court rpe:Angela O'Donnell. Judge's decision - court decides all in-limine motions. Case is placed on standby jury selection for September 1999. See transcript. (ec) (Entered: 07/12/1999)
11/30/1999	19	Order that case be referred to a Magistrate Judge for Jury Selection 01/03/2000(Trial set 01/18/2000). So Ordered: ( signed by Judge Colleen McMahon ) Referred to Magistrate Judge Lisa M. Smith . (pf) (Entered: 11/30/1999)
01/21/2000		Memorandum to Docket Clerk: Jury trial begun & continued on 1/18/00 jury sworn. Ct rptr Sue Ghorayeb. Trial concluded 1/19/00. Jury verdict in favor of theplntf as to question 1. As to question 2 - Is Trooper Fairon entitled to qualified immunity - no. As to damages-Jury return in favor of the plntf in the amt of \$125,000. See transcript and verdict sheet attached. Submitted by Fidelis Basile. (ds) (Entered: 01/21/2000)
01/21/2000		Memo endorsed on Joint Pre-Trial Order [13-1] pre-trial order. ( signed by Judge Colleen McMahon ); Copies mailed. (ec) (Entered: 01/24/2000)
01/24/2000	20	JUDGMENT#00,0018wp, for Eugene Kelleher against New York State Troop. ...it is ordered, adjudged and decreed:that the pltf, Eugene Kelleher, have judgment against deft., NY State Trooper John Farion (first name being fictitious), in the amount of One Hundred and Twenty-five thousand dollars (\$125,000.00) for compensatory damages. ( signed by Judge Colleen McMahon ); Mailed copies and notice of right to appeal. Entered On Docket: 01/24/2000. (ec) (Entered: 01/24/2000)
01/24/2000		Case closed. (ec) (Entered: 01/24/2000)
02/04/2000	21	NOTICE OF MOTION by New York State Troop to Set Aside Verdict purs. to FRCP 50(b) , or for new trial purs. to Rule 59(a) , or for remittitur . Return date 2/11/00. (ds) (Entered: 02/04/2000)
02/04/2000	22	MEMORANDUM OF LAW by New York State Troop in support of [21-1] motion to Set Aside Verdict purs. to FRCP 50(b), [21-2] motion for new trial

		purs. to Rule 59(a), [21-3] motion for remittitur (ds) (Entered: 02/04/2000)
02/09/2000	23	Memo-Endorsement on letter addressed to Judge McMahon from Solomon Abrahams, dated 2/4/00. Re:request that the motion be adjourned to a date to be fixed by the court. ENDORSEMENT: Repond by 3/10/00. ( signed by Judge Colleen McMahon ); Copies mailed. (ds) (Entered: 02/10/2000)
02/29/2000	24	NOTICE OF CROSS MOTION by Eugene Kelleher to amend of the complaint and judgment . Return date 3/10/00. (ds) (Entered: 02/29/2000)
02/29/2000	25	MEMORANDUM OF LAW by Eugene Kelleher in opposition to [21-1] motion to Set Aside Verdict purs. to FRCP 50(b), [21-2] motion for new trial purs. to Rule 59(a), [21-3] motion for remittitur (ds) (Entered: 02/29/2000)
03/09/2000	26	REPLY MEMORANDUM by New York State Troop re:in support of motion for judgment as a matter of law or in the alternative for a new trial or remittitur (ec) (Entered: 03/09/2000)
03/24/2000	27	MEMORANDUM ORDER denying [21-1] motion to Set Aside Verdict purs. to FRCP 50(b), granting [21-2] motion for new trial purs. to Rule 59(a), granting [21-3] motion for remittitur ...In light of the above(see document for details), I order remittitur in the amount of \$25,000. If Plaintiff is unwilling to accept that amount, I will schedule a new trial on the questions of damages. So Ordered: ( signed by Judge Colleen McMahon ); Copies mailed. (pf) (Entered: 03/27/2000)
09/05/2000	28	JUDGMENT # 00,0018WP, for Eugene Kelleher against New York State Troop . It is Ordered, Adjudged and Decreed: That thr Pla have judgment against the deft in the amount of Twenty-Five Thousand Dollars (\$25,000.00) for compensatory damages. So Ordered. EOD 9/21/00 ( signed by Judge Colleen McMahon ); Mailed copies and notice of right to appeal. Entered On Docket: 9/21/00. (fk) (Entered: 09/21/2000)

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