

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:03-cv-03209-NGG-MDG**

Disability Advocates, Inc. v. Pataki et al
Assigned to: Judge Nicholas G. Garaufis
Referred to: Magistrate Judge Marilyn D. Go
Cause: 42:1201 Civil Rights (Disability)

Date Filed: 07/01/2003
Date Terminated: 05/31/2012
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Disability Advocates, Inc.

represented by **Andrew Garry Gordon**
Paul Weiss, Rifkind, Wharton & Garrison
LLP
1285 Avneue of the Americas
New York, NY 10023
(212)373-3000
Fax: (212)492-0543
Email: agordon@paulweiss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charlyne M. Brumskine Peay
Urban Justice Center
123 William Street
16th Floor
New York, NY 10038
646-602-5673
Fax: 212-533-4598
Email: cpeay@urbanjustice.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ira Abraham Burnim
Judge David L. Bazelon Center for Mental
Health Law
1101 15th Street
Washington, DC 20005-8002
202-467-4730 x129
Fax: 202-223-0409
Email: irab@bazelon.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeanette M. Zelfhof
MFY Legal Services, Inc.
299 Broadway
4th Floor
New York, NY 10007
212-417-3727
Fax: 212-417-3891
Email: jzelfhof@mfy.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer Ellen Mathis
Bazelon Center for Mental Health Law
1101 15th st. , N.W. Suite 1212
Washington, DC 20005
202-467-5730 x122
Fax: 202-223-0409
Email: jenniferm@bazelon.org

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

John A. Gresham

New York Lawyers for the Public Interest,
Inc.

151 West 30th Street, 11th Floor

New York, NY 10001-4007

212-244-4664 ext. 308

Fax: 212-244-4570

Email: jgresham@nylpi.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Aditi Kothekar Shah

New York Lawyers for the Public Interest

151 West 30th Street

11th Floor

New York, NY 10001

212-244-4664 ext. 308

Fax: 212-244-4570

Email: ashah@nylpi.org

ATTORNEY TO BE NOTICED

Alissa Belkin Bauer

Paul, Weiss, Rifkind, Wharton & Garrison
LLP

1285 Sixth Avenue

New York, NY 10019

212-373-3755

Fax: 212-492-0755

Email: abauer@paulweiss.com

TERMINATED: 04/03/2009

Amelia Anne Cottrell

U.S. Securities and Exchange Commission

New York Regional Office

3 World Financial Center

Suite 400

New York, NY 10281

212-336-1056

Fax: 212-336-1322

TERMINATED: 01/17/2008

Ankush Khardori

Paul Weiss Rifkind Wharton & Garrison
LLP

1285 Avenue of the Americas

New York, NY 10019

212-373-3421

Fax: 212-492-0421

Email: akhardori@paulweiss.com

TERMINATED: 06/30/2009

Anne Skeels Raish

Paul Weiss Rifkind Wharton & Garrison

1285 Avenue of the Americas

New York, NY 10019

212-373-3554

Fax: 212-492-0554

Email: araish@paulweiss.com

TERMINATED: 05/26/2010

Beth Susan Frank

New York State Attorney General's Office

Civil Rights Bureau
120 Broadway
New York, NY 10271-0332
212-416-8974
Fax: 212-416-8074
Email: Beth.Frank@oag.state.ny.us
TERMINATED: 04/03/2009

Dawn Elizabeth Barker
Paul Weiss, Rifkind, Wharton & Garrison
LLP
1285 Avenue of the Americas
New York, NY 10019-6064
212-373-3729
Fax: 212-492-0729
Email: dawnbarker@hotmail.com
TERMINATED: 01/17/2008

Francine Nicole Murray
Paul Weiss Rifkind Wharton & Garrison
LLP
1285 Avenue of the Americas
New York, NY 10019-6064
212-373-3719
Fax: 212-492-0719
Email: fmurray@paulweiss.com
ATTORNEY TO BE NOTICED

Gayle Sharon Gerson
Paul Weiss Rifkind Wharton & Garrison
LLP
1285 Avenue of the Americas
New York, NY 10019
212-373-3510
Email: ggerson@paulweiss.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jeh Charles Johnson
Paul Weiss Rifkind Wharton & Garrison
LLP
1285 Avenue of the Americas
New York, NY 10019-6064
212-373-3000
Fax: 212-757-3990
Email: jjohnson@paulweiss.com
TERMINATED: 04/03/2009

Jonathan R. Bolton
Paul, Weiss, Rifkind, Wharton & Garrison
1285 Avenue Of The Americas
New York, NY 10019
212-373-3000
Fax: 212-492-0015
Email: jbolton@paulweiss.com
TERMINATED: 04/10/2010

Joshua Paul Groban
Paul Weiss, Rifkind Wharton & Garrison
1285 Ave. of the Americas
New York, NY 10019-6064
212-373-3000
Fax: 212-492-0372
TERMINATED: 04/03/2009

Jota Lee Borgmann
MFY Legal Services, Inc.
299 Broadway, 4th Floor
New York, NY 10007
212-417-3717
Fax: 212-417-3890
Email: jborgmann@mfy.org
ATTORNEY TO BE NOTICED

Kevin M Cremin
MFY Legal Services, Inc.
299 Broadway, 4th Floor
New York, NY 10007
(212) 417-3759
Fax: (212) 417-3890/3891
Email: kcremin@mfy.org
ATTORNEY TO BE NOTICED

Liad Levinson
Paul, Weiss, Rifkind, Wharton & Garrison
LLP.
1285 Avenue Of The Americas
New York, NY 10019
212-373-3765
Fax: 212-492-0765
ATTORNEY TO BE NOTICED

Lycette Nelson
MFY Legal Services, Inc.
299 Broadway, 4th
New York, NY 10007
212-417-3700
Fax: 212-417-3891
TERMINATED: 03/12/2009

Roberta L. Mueller
New York Lawyers for the Public Interest,
Inc.
151 W 30th Street
New York, NY 10001
(212)244-4664
Fax: (212)244-4570
Email: rmueller@nylpi.org
ATTORNEY TO BE NOTICED

Roger A. Bearden
New York Lawyers for the Public Interest
151 West 30th Street
11th Floor
New York, NY 10001
212-244-4664
Fax: 212-244-4570
Email: rbearden@nylpi.org
ATTORNEY TO BE NOTICED

Sandra Lynn Sheldon
Paul Weiss Rifkind Wharton & Garrison
LLP
1285 Avenue Of The Americas
New York, NY 10019
212-373-3559
Fax: 212-492-0559
ATTORNEY TO BE NOTICED

Tania Claudine Brief

Paul Weiss Rifkind Wharton & Garrison
LLP
1285 Avenue of the Americas
New York, NY 10019-6064
212-373-3120
Fax: 212-492-0120
Email: tbrief@paulweiss.com
TERMINATED: 03/23/2007

Timothy A. Clune
Disability Advocates, Inc.
5 Clinton Square Third Floor
Albany, NY 12207
518-432-7861
Fax: 518-427-6561
Email: tac@disabilityadvocates.info
ATTORNEY TO BE NOTICED

William G. Lienhard
Urban Justice Center
666 Broadway, 10th Floor
New York, NY 10012
646-602-5667
Fax: 212-533-4598
Email: wlienhard@urbanjustice.org
TERMINATED: 04/03/2009

Clifford H. Zucker
Disability Advocates, Inc.
5 Clinton Square
Albany, NY 12207
518-432-7861
Fax: 518-427-6561
Email: cz@disabilityadvocates.info
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

United States of America
United States of America

represented by **Amanda Maisels**
U.S. Department of Justice
950 Pennsylvania Ave, Nw – Nya
Washington, DC 20530
202-305-8454
Fax: 202-307-1197
Email: amanda.maisels@usdoj.gov
ATTORNEY TO BE NOTICED

Michael J. Goldberger
United States Attorneys Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201-1820
(718)254-6052
Fax: (718)254-6083
Email: Michael.Goldberger@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Defendant

represented by

George Pataki
*in his official capacity as Governor of the
State of New York*

Barbara K. Hathaway
Attorney General's Office
State of New York
120 Broadway
24th Floor
New York, NY 10271
(212)416-8572
Fax: 212-416-6009
Email: barbara.hathaway@oag.state.ny.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Silverman
NYS Office of the Attorney General
Litigation Bureau, 24th Floor
120 Broadway
New York, NY 10271
212-416-8534
Fax: 212-416-6075
TERMINATED: 12/21/2010
LEAD ATTORNEY

Amy Marie Held
N.Y. State Attorney General
Medicaid Fraud Control Unit
13th Floor
New York, NY 10271
212-417-5380
Fax: 212-417-5335
Email: amy.held@ag.ny.gov
ATTORNEY TO BE NOTICED

Scott J. Spiegelman
State of New York Office of the Attorney
General
120 Broadway
New York, NY 10271
212-416-8558
Fax: 212-416-6077
Email: cowless@gmail.com
ATTORNEY TO BE NOTICED

Defendant

Antonia C. Novello
*in her official capacity as Commissioner
of the New York State Department of
Health*

represented by **Barbara K. Hathaway**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew Silverman
(See above for address)
TERMINATED: 12/21/2010
LEAD ATTORNEY

Amy Marie Held
(See above for address)
ATTORNEY TO BE NOTICED

Scott J. Spiegelman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

James Stone
in his official capacity as Commissioner

represented by **Barbara K. Hathaway**
(See above for address)

*of the New York State Department of
Mental Health*

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Matthew Silverman
(See above for address)
*TERMINATED: 12/21/2010
LEAD ATTORNEY*

Amy Marie Held
(See above for address)
ATTORNEY TO BE NOTICED

Scott J. Spiegelman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

New York State Department of Health

represented by **Barbara K. Hathaway**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Matthew Silverman
(See above for address)
*TERMINATED: 12/21/2010
LEAD ATTORNEY*

Amy Marie Held
(See above for address)
ATTORNEY TO BE NOTICED

Scott J. Spiegelman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**New York State Office of Mental
Health**

represented by **Barbara K. Hathaway**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Matthew Silverman
(See above for address)
*TERMINATED: 12/21/2010
LEAD ATTORNEY*

Amy Marie Held
(See above for address)
ATTORNEY TO BE NOTICED

Scott J. Spiegelman
(See above for address)
ATTORNEY TO BE NOTICED

Amicus

City of New York

represented by **Lisa Fleming Grumet**
Corporation Counsel of the City of NY
100 Church Street
New York, NY 10007
212-788-1165
Email: lgrumet@law.nyc.gov
ATTORNEY TO BE NOTICED

V.

Intervenor

**New York Coalition for Quality
Assisted Living**
TERMINATED: 12/23/2009

represented by **Steven Marc Pesner**
Akin, Gump, Strauss, Hauer & Feld, L.L.P.
590 Madison Avenue
New York, NY 10022
(212) 872-1070
Fax: (212) 407-3270
Email: spesner@akingump.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey Sherrin
O'Connell and Aronowitz, P.C.
54 State Street
Albany, NY 12207
518-462-5601
Fax: 518-462-2670
Email: jsherrin@oalaw.com
ATTORNEY TO BE NOTICED

Intervenor

**Empire State Association of Assisted
Living**
TERMINATED: 12/23/2009

represented by **David T. Luntz**
Hinman Straub, P.C.
121 State Street
Albany, NY 12207
518-436-0751
Fax: 518-436-4751
Email: dluntz@hinmanstraub.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/01/2003	<u>1</u>	COMPLAINT against New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone filing fee \$ 150, receipt number 279696 Summons Issued, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet)(Villanueva, William) (Entered: 07/01/2003)
07/01/2003	<u>2</u>	DISCLOSURE of Interested Parties by Disability Advocates, Inc..(Villanueva, William) (Entered: 07/01/2003)
07/02/2003	4	SUMMONS Returned Executed by Disability Advocates, Inc. The New York State Office of Mental Health; the Executive Chamber of New York State; and New York State Department of Health, served on 7/1/2003.(Latka-Mucha, Wieslawa) (Entered: 07/21/2003)
07/07/2003	6	MOTION for Leave to Appear Pro Hac Vice <i>for Ira Abraham Burnim</i> by Disability Advocates, Inc.. (Dobkin, David) (Entered: 07/24/2003)
07/07/2003	8	MOTION for Leave to Appear Pro Hac Vice <i>for Jennifer Ellen Mathis</i> by Disability Advocates, Inc.. (Dobkin, David) (Entered: 07/24/2003)
07/16/2003	<u>3</u>	SCHEDULING ORDER: Initial Conference set for 11/14/2003 04:15 PM in Courtroom 619 before Magistrate-Judge Robert M. Levy.. Signed by Judge Robert M. Levy on July 15, 2003. (Marino, Janine) (Entered: 07/16/2003)
07/22/2003	<u>5</u>	ORDER granting dfts' application for an extension of time, to 10/1/2003, to respond to the complaint. Signed by Judge Nicholas G. Garaufis on 7/17/2003. (see letter dated 7/17/2003 from AAG Hathaway to NGG) c/m(Lee, Tiffeny) (Entered: 07/22/2003)

07/24/2003	7	ORDER granting 6 Motion for Leave to Appear Pro Hac Vice by Ira Abraham Burnim. Signed by JudgeNicholas G. Garaufis on 7/15/2003. (Dobkin, David) (Entered: 07/24/2003)
07/24/2003	9	ORDER granting 8 Motion for Leave to Appear Pro hac vice for Jennifer Ellen Mathis. Signed by JudgeNicholas G. Garaufis on 7/15/2003. (Dobkin, David) (Entered: 07/24/2003)
07/24/2003		Filing fee: \$ 50.00, receipt number 280416 for Pro Hac Vice. (Dobkin, David) (Entered: 07/24/2003)
07/25/2003	<u>10</u>	Consent to Electronic Case Filing filed by Barbara Hathaway, Esq., Amy Held, Esq. and Amy Abramowitz, Esq. (Lee, Tiffeny) (Entered: 07/30/2003)
08/01/2003	14	CERTIFICATE OF SERVICE of admission to practice pro hac vice of Ira Burnim and Jennifer Mathis served to all parties on 7/31/2003. (Lee, Tiffeny) (Entered: 08/21/2003)
08/01/2003	15	Consent to Electronic Case Filing by William G. Lienhard, counsel to plaintiff. (Lee, Tiffeny) (Entered: 08/22/2003)
08/11/2003	<u>11</u>	Consent to Electronic Case Filing filed by Amelia A. Cottrell, counsel for pltf. Disability Advocates, Inc. (Vaughn, Terry) Modified on 8/11/2003 to include that Ms. Cottrell's ECF Registration form was included. (Vaughn, Terry). (Entered: 08/11/2003)
08/11/2003	<u>12</u>	Consent to Electronic Case Filing filed by Mr. Johnson counsel for Pltf. Enclosed was Mr. Johnson's ECF Registration form. (Vaughn, Terry) (Entered: 08/11/2003)
08/11/2003	<u>13</u>	Consent to Electronic Case Filing filed by Joshua Paul Groban, counsel for Pltf. Enclosed was Mr. Groban's ECF Registration form. (Vaughn, Terry) (Entered: 08/11/2003)
08/18/2003	18	Consent to Electronic Case Filing by Cliff Zucker and Timothy Clune, counsel for plaintiff. (Lee, Tiffeny) (Entered: 08/27/2003)
08/19/2003	16	Consent to Electronic Case Filing filed by Jennifer Mathis, counsel for pltf. (DiLorenzo, Krista) (Entered: 08/26/2003)
08/19/2003	17	Consent to Electronic Case Filing filed by Ira A. Burnim, counsel for pltf. (DiLorenzo, Krista) (Entered: 08/26/2003)
10/01/2003	<u>19</u>	ANSWER to Complaint by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone.(Hathaway, Barbara) (Entered: 10/01/2003)
10/14/2003	<u>20</u>	NOTICE of Appearance by Cliff Zucker on behalf of Disability Advocates, Inc. (Zucker, Cliff) (Entered: 10/14/2003)
10/16/2003	21	NOTICE of Appearance by Lycette Nelson on behalf of Disability Advocates, Inc. (Lee, Tiffeny) (Entered: 10/27/2003)
11/14/2003		Minute Entry for proceedings held before Robert M. Levy :Cliff Zucker for plaintiff Disability Advocates, Inc.(tel) by Amelia Cottrell, (Paul Weiss), John Gresham (NYLPI), Jennifer Mathis (Bazelon Center), Bill Lienhard, Heather Barr (Urban Justice Center), Jeanette Zelhot (MFY Legal Services); Barbara K. Hathaway, (AAG),Amy Held (AAG), Pam Tindall-O'Brien (OMH Counsel), Joe Reilly (OMH adult home project director) for defendants. Confidential settlement explorations held. The parties shall provide a settlement status report within 4 weeks. Scheduling order entered: Service of document requests by 12/12/03; service of interrogatories by 1/30/04; rolling responses to document requests; responses to interrogatories by 3/15/04, with extension for good cause where appropriate; fact discovery deadline 12/31/04, with leave to extend for good cause. Next conference: 2/24/04 at 1:00 pm. In preparation for the conference, the parties shall submit a status report to chambers by 2/17/04. At the 2/24 conference, the court will consider when depositions should begin. Any requests for recusal shall be made by 11/21/04. Initial Conference Hearing held on 11/14/2003. (Levy, Robert) (Entered: 11/14/2003)
11/18/2003	22	Letter dated 10/2/03 from Barbara Hathaway to Judge Garaufis, advising that this office represents dfts Pataki, Novello, Stone, the NYS Dept of Health, and the NYS State Office of Mental Health. (Piper, Francine) (Entered: 11/18/2003)

11/25/2003	44	Letter dated 11/24/03 from Joshua Groban Esq, to USMJ Levy submitted on behalf of the plaintiff, in response to defendants' letter dated 11/21/03. Plaintiff opposes defendants' request for recusal and is unaware of any legitimate basis for such recusal. (Williams-Jackson, Sandy) (Entered: 06/24/2004)
12/01/2003		Minute Entry AMENDED ORDER: The Court's Order of November 14, 2003 is amended as follows: The deadline for requests for recusal is November 21, 2003. The next conference is scheduled for March 2, 2004 at 1:00 pm. Any party wishing to appear by telephone may do so. Status reports due February 24, 2004. Entered: December 1, 2003. (Levy, Robert) (Entered: 12/01/2003)
12/03/2003	28	ORDER: The parties are correct. The requests for recusal were to be made by 11/21/2003. The next conference will be held on 3/2/2004 @ 1:00 pm. Status reports due 2/24/2004. Signed by Judge Robert M. Levy on 11/26/2003. Endorsed on 11/18 letter from Amelia Cottrell, Esq. to MJ Levy.(Lee, Tiffeny) (Entered: 01/12/2004)
12/05/2003	29	ORDER : Application granted. Defendant may move by letter motion, supported by authority. The deadline to submit the motion, in view of counsel's schedule, is 1/7/2004. So Ordered. Signed by Judge Robert M. Levy on 12/5/2003. Endorsed on 12/5/2003 letter from AAG Hathaway to MJ Levy requesting extension of time to submit papers re: recusal.(Lee, Tiffeny) (Entered: 01/12/2004)
12/12/2003	25	SETTLEMENT STATUS REPORT by Disability Advocates, Inc. (Lee, Tiffeny) (Entered: 12/18/2003)
12/17/2003	23	Letter dated 11/25/2003 from AAG Hathaway to MJ Levy requesting until December 8, 2003 to file a formal motion of recusal, should the Court require one. (Lee, Tiffeny) (Entered: 12/17/2003)
12/17/2003	<u>24</u>	ORDER granting plaintiff's request to have until 1/28/2004 to respond to defendants' motion on the issue of recusal. Signed by Judge Robert M. Levy on 12/10/2003. Endorsed on 12/9/2003 letter from Joshua Groban, Esq. to MJ Levy.(Lee, Tiffeny) (Entered: 12/17/2003)
12/18/2003	26	SETTLEMENT STATUS REPORT by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Lee, Tiffeny) (Entered: 12/18/2003)
01/07/2004	<u>27</u>	Letter from Barbara K. Hathaway to M.J. Levy Regarding Recusal of M.J. Levy. (Attachments: # <u>1</u> Exhibit A to C)(Hathaway, Barbara) (Entered: 01/07/2004)
02/02/2004	<u>30</u>	Letter from Barbara K. Hathaway, AAG to Hon. Robert M. Levy Regarding Hon. Robert M. Levy's Recusal. (Hathaway, Barbara) (Entered: 02/02/2004)
02/02/2004	<u>31</u>	Letter from Barbara K. Hathaway, AAG to Hon. Robert M. Levy, US Magistrate Judge Regarding Hon. Robert M. Levy's Recusal (With OAG Letterhead and Signed by AAG Barbara K. Hathaway). (Hathaway, Barbara) (Entered: 02/02/2004)
02/19/2004	<u>32</u>	Letter from Barbara K. Hathaway, Assistant Attorney General to Hon. Robert M. Levy, US Magistrate Judge Regarding Defendants' Response to Plaintiff's Letter, dated February 17, 2004, re A Proposed Protective Order. (Hathaway, Barbara) (Entered: 02/19/2004)
02/24/2004	<u>33</u>	Letter from John A. Gresham to The Honorable Robert M. Levy Regarding Attached Proposed Protective Order. (Groban, Joshua) (Entered: 02/24/2004)
02/24/2004	<u>34</u>	Letter from Joshua Groban to The Honorable Robert M. Levy Regarding Case Status. (Groban, Joshua) (Entered: 02/24/2004)
02/24/2004	<u>35</u>	Letter from Barbara K. Hathaway, Assistant Attorney General to Hon. Robert M. Levy, US Magistrate Judge Regarding Defendants' Status Report re Discovery and Settlement, pursuant to the Court's Scheduling Order. (Hathaway, Barbara) (Entered: 02/24/2004)
02/24/2004	45	Letter dated 2/24/04 from Joshua Groban Esq, to USMJ Levy reporting on the status of the above captioned matter. (Williams-Jackson, Sandy) (Entered: 06/28/2004)
02/25/2004	<u>36</u>	AFFIDAVIT OF CLIFF ZUCKER by Disability Advocates, Inc.. (Zucker, Cliff) (Entered: 02/25/2004)

02/27/2004	<u>37</u>	Letter from Barbara K. Hathaway, Assistant Attorney General to Hon. Robert M. Levy, US Magistrate Judge Regarding Defendants' Response to John Gresham's Letter and Cliff Zucker's Affidavit re Plaintiff's Proposed Protective Order. (Hathaway, Barbara) (Entered: 02/27/2004)
03/02/2004	39	Minute Entry for proceedings held before Robert M. Levy: Status Conference held on 3/2/2004. Argument heard on request for protective order. Decision reserved pending receipt of advisory opinion of Committee on Codes of Conduct regarding recusal issues. Tape #: 04/11: 1041-4964 (Lee, Tiffeny) (Entered: 03/08/2004)
03/03/2004	<u>38</u>	Letter from John A. Gresham to The Honorable Robert M. Levy Regarding Proposed Protective Order. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Groban, Joshua) (Entered: 03/03/2004)
03/18/2004	40	TRANSCRIPT of Pre-Trial Conference held on Mar. 2, 2004 before Judge Robert M. Levy; Joseph C. Williams, (917) 435-3737. (Lee, Tiffeny) (Entered: 03/19/2004)
04/29/2004	<u>41</u>	MEMORANDUM AND OPINION Pending before the court is defendants' motion for recusal pursuant to 28 U.S.C. Section 455(a), which provides that "[a]ny justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Accordingly, under the unique circumstances of this case, defendants' motion is granted. SEE M&O Signed by Judge Robert M. Levy on 4/29/04. (Marino, Janine) (Entered: 04/29/2004)
04/30/2004		Pursuant to the recusal e'mail from M.J. Levy's chambers: Mag. Judge Marilyn D. Go added. Mag. Judge Robert M. Levy no longer assigned to case. Chambers advised by e'mail. (Vaughn, Terry) (Entered: 04/30/2004)
05/11/2004	42	TRANSCRIPT of Civil Cause for Pre-Trial Proceedings conference held on 3/2/04 before Judge Magistrate Robert M. Levy. (Drayton, Lorraine) (Entered: 05/11/2004)
05/19/2004	<u>43</u>	ORDER granting <u>33</u> Letter application for protective order and release of unredacted confidential information. A status conference will be held on May 25, 2004 at 10:30 a.m. Signed by Judge Marilyn D. Go on 5/19/04. (Go, Marilyn) (Entered: 05/19/2004)
05/19/2004	<u>46</u>	PROTECTIVE ORDER; Signed by Judge Marilyn D. Go on 5/19/2004. (Lee, Tiffeny) (Entered: 06/28/2004)
05/25/2004		Minute Entry for proceedings held before Marilyn D. Go on 5/25/2004. Appearances by Cliff Zucker, Joshua Groban, Heather Barr, Jeanette Zelhof, John Gresham, Lycette Nelson, Barbara Hathaway, Amy Abramowitz, Lorelei Boylan. Defendants must respond to plaintiff's document requests as follows: complete initial production of 40 boxes documents on a rolling basis by 7/26/04, with an indication of what categories of documents and/or remaining agencies to be produced; produce recent assessments by Columbia Presbyterian by 6/8/04; and complete production by 10/25/04. Fact discovery is extended to 1/31/05. Next conference scheduled for Sept. 14, 2004 at 11:30 a.m. (DeVeaux, Yvonne) (Entered: 05/25/2004)
08/04/2004	47	Letter dtd 1/28/2004 to Magistrate Judge Robert M. Levy from Joshua Groban, counsel for the plaintiff, requesting that Your Honor deny defendant's request for recusal. (Schillat, Louise) (Entered: 08/04/2004)
08/04/2004	48	Letter dtd Feb. 2, 2004 to Magistrate Judge Robert M. Levy from Barbara K. Hathaway, requesting that Your Honor recuse himself. (Schillat, Louise) (Entered: 08/04/2004)
08/04/2004	49	Letter dtd Feb. 25, 2004 to Magistrate Judge Robert M. Levy from John A. Gresham, in support of plaintiff's proposed protective order. (Affirmation of Cliff Zucker attached.) (Schillat, Louise) (Entered: 08/04/2004)
09/01/2004	<u>50</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (Eastern District of New York) Regarding Discovery Dispute. (Hathaway, Barbara) (Entered: 09/01/2004)
09/07/2004	<u>51</u>	Letter from Counsel for Plaintiff to Hon. Marilyn D. Go Regarding Defendants' letter dated September 1, 2004. (Groban, Joshua) (Entered: 09/07/2004)
09/15/2004		Minute Entry for proceedings held before Marilyn D. Go : Interim Pretrial Conference held on 9/15/2004. Appearances by Joshua Groban, Amelia Cotrell, Bill Lienhard, Lycette Nelson, Barbara Hathaway, Amy Held. Unless otherwise directed by the court, plaintiff

		must supplement interrogatory responses by 10/15/04, as discussed. No depositions of residents shall be conducted until authorized by the Court. Next conference scheduled for Nov. 10, 2004 at 10:00 a.m. (ESR 04/87 0-3315) (Go, Marilyn) (Entered: 09/15/2004)
09/30/2004	<u>52</u>	Letter from Amelia A. Cottrell of Paul, Weiss, Rifkind, Wharton & Garrison LLP to Magistrate Judge Marilyn D. Go Regarding response to request for the parties' positions concerning the confidentiality regulations of 42 C.F.R. Sec. 51.45(a)(3). (Attachments: # <u>1</u> Text of Proposed Order)(Groban, Joshua) (Entered: 09/30/2004)
09/30/2004	<u>53</u>	Letter from Amy Held, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (Eastern District Court of New York) Regarding 42 C.F.R. Sec. 51.45, Submitted in Accordance with the Court's Oral Directive of 09/14/04. (Hathaway, Barbara) (Entered: 09/30/2004)
10/20/2004	<u>54</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (Eastern District of New York) Regarding Extension of Document Production Deadline. (Hathaway, Barbara) (Entered: 10/20/2004)
10/20/2004		ORDER granting <u>54</u> Letter request. Signed by Judge Marilyn D. Go on 10/20/04. (Go, Marilyn) (Entered: 10/20/2004)
10/20/2004	<u>55</u>	Letter from Joshua Groban to Judge Go Regarding request for adjournment of deadline.. (Groban, Joshua) (Entered: 10/20/2004)
11/01/2004	<u>56</u>	Letter from Cliff Zucker to The Honorable Marilyn Dolan Go Regarding Discovery Issue.. (Groban, Joshua) (Entered: 11/01/2004)
11/05/2004	<u>57</u>	Letter from Amy Held, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (Eastern District of New York) Regarding Response of Non-Party OTDA and of Defendants to Plaintiff's November 1, 2004 Letter re: Discovery, Exhibits 1 to 6. (Hathaway, Barbara) (Entered: 11/05/2004)
11/09/2004	<u>58</u>	Letter from Cliff Zucker, Esq. to The Honorable Marilyn Dolan Go Regarding defendants' and OTDA's joint letter dated November 5, 2004. (Groban, Joshua) (Entered: 11/09/2004)
11/12/2004		Minute Entry for Status Conference held before Marilyn D. Go on 11/10/2004: Appearances by Cliff Zucker, Joshua Groban, John Gresham, Bill Lienhard, Lycette Nelson, Claudia Wilner, Barbara Hathaway, Amy Held. Plaintiff must provide the names of residents in response to discovery requests, subject to terms of protective order. Prior to the next conference, counsel must confer w/ knowledgeable employees of def. regarding accessibility of data. Next conference scheduled for Nov. 18, 2004 at 9:30 a.m.(Tape #ESR 04/108 0-2891.) (DeVeaux, Yvonne) (Entered: 11/12/2004)
11/19/2004		Minute Entry for proceedings held before Marilyn D. Go on 11/18/2004. Appearances by Joshua Groban, John Gresham, Cliff Zucker, Barbara Hathaway, Amy Held, Lorelei Boylan. Fact discovery must be completed by 7/1/05. Defendant DOH must produce resident information from a latitude database search by 12/15/4 and from other search by 1/10/05. Next conference scheduled for Feb. 4, 2005 at 10:30 a.m. (Tape # 04/111 0-2278.) (DeVeaux, Yvonne) (Entered: 11/19/2004)
12/06/2004	<u>59</u>	NOTICE of Appearance by Beth Susan Frank on behalf of Disability Advocates, Inc. (Frank, Beth) (Entered: 12/06/2004)
12/09/2004	64	TRANSCRIPT of Civil Cause for Conference held on 11/18/04 before Judge Marilyn D. Go. Court Reporter: Elizabeth Barron. (Drayton, Lorraine) (Entered: 01/13/2005)
12/27/2004	<u>60</u>	Letter from Joshua Paul Groban to Magistrate Judge Marilyn D. Go Regarding Court's assistance in resolving another outstanding discovery dispute about access to a database. (Groban, Joshua) (Entered: 12/27/2004)
12/29/2004	<u>61</u>	Letter from Amy L. Abramowitz, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding a request for an extension to respond to Plaintiff's letter dated December 27, 2004, concerning a discovery matter. (Hathaway, Barbara) (Entered: 12/29/2004)
12/29/2004		ORDER granting <u>61</u> Letter request extending to 1/10/05 the defendants' time to respond to plaintiff's application to compel. There will be no further extension. Signed by Judge Marilyn D. Go on 12/29/04. (Go, Marilyn) (Entered: 12/29/2004)

12/30/2004	<u>62</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Document Production. (Hathaway, Barbara) (Entered: 12/30/2004)
01/10/2005	<u>63</u>	Letter from Amy L. Abramowitz, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding resolution of discovery dispute raised in Plaintiff's letter dated December 27, 2004. (Hathaway, Barbara) (Entered: 01/10/2005)
01/13/2005	<u>180</u>	TRANSCRIPT of Conference held on November 10, 2004 before Judge Marilyn D. Go. Transcription Plus II, 9516) 358-7352. (Lee, Tiffeny) (Entered: 08/24/2007)
02/07/2005		Minute Entry for status conference held before Marilyn D. Go on 2/4/2005. Appearances by J. Groban, L. Nelson, B. Frank, B. Hathaway and A. Held. Fact discovery must be completed by 7/29/05. The parties should work to see if information regarding the organizational and administrative structure, etc. can be exchanged informally and embodied in an affidavit, stipulation, or "interrogatory response," rather than obtained through depositions. Any responses will not be included in the 40 interrogatory limit. The parties should work on a system to identify of residents and institutions other than by their names to protect against premature disclosure of the identities of residents who may provide information in this case. PLEASE NOTE THE TIME FORTHE NEXT CONFERENCE IS July 29, 2005 at 10:30 a.m. (DeVeaux, Yvonne) (Entered: 02/07/2005)
05/09/2005	65	TRANSCRIPT of Civil Cause for Status held on 9/15/04 before Judge Marilyn D. Go. Official Transcriber: Rosalie Lombardi. L.F. (Drayton, Lorraine) (Entered: 05/10/2005)
05/20/2005	<u>66</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Request to Lift the Stay of Discovery. (Hathaway, Barbara) (Entered: 05/20/2005)
05/23/2005		ORDER granting <u>66</u> Letter Request to Lift the Stay of deposition of residents at the adult homes at issue. Ordered by Judge Marilyn D. Go on 5/23/05. (Go, Marilyn) (Entered: 05/23/2005)
05/25/2005	<u>67</u>	Letter MOTION to Compel <i>Response to Interrogatory No. 1 by a date certain</i> by all defendants. (Attachments: # <u>1</u> Exhibit ExhsA-IandK-MtoDefendants'5.25.ltr)(Held, Amy) (Entered: 05/25/2005)
06/07/2005	<u>68</u>	RESPONSE in Opposition re <u>67</u> Letter MOTION to Compel <i>Response to Interrogatory No. 1 by a date certain</i> filed by Disability Advocates, Inc.. (Groban, Joshua) (Entered: 06/07/2005)
06/08/2005	<u>69</u>	Letter from Joshua Paul Groban to Judge Marilyn D. Go Regarding inspection of Brooklyn Manor. (Groban, Joshua) (Entered: 06/08/2005)
06/09/2005	<u>70</u>	REPLY to Response to Motion re <u>67</u> Letter MOTION to Compel <i>Response to Interrogatory No. 1 by a date certain</i> filed by all defendants. (Held, Amy) (Entered: 06/09/2005)
07/08/2005	<u>71</u>	Letter from Barbara K. Hathaway to Hon. Marilyn D. Go Regarding Request, Upon Consent, for Extension of Discovery Deadline. (Hathaway, Barbara) (Entered: 07/08/2005)
08/01/2005		Minute Entry for status conference held before Marilyn D. Go on 7/29/2005. Appearances by Andrew Gordon, Cliff Zucker, Amy held, Barbara Hathaway. Plaintiff must identify the residents it intends to call as witnesses at trial by 9/30/05 and defendants must make such disclosures by 11/29/05. Failure to identify any resident may result in preclusion. Fact discovery is extended to 10/31/05, except the deadline for discovery regarding residents is 12/19/05. Any party intending to call an expert, other than in rebuttal, must give notice by 10/17/05 of the type of expert to be retained, areas of expertise and general subject matter to be addressed by the expert. Plaintiff's expert reports and disclosures are due 11/18/05; expert disclosures and reports of defendants' experts and any rebuttal experts of plaintiffs must be served by 12/10/05; reply expert reports are due 1/19/06. Next conference scheduled for Nov. 2, 2005 at 10:00 a.m.(Tape #ESR 05/80 0-3536.) (DeVeaux, Yvonne) (Entered: 08/01/2005)
08/01/2005		Motions terminated: <u>67</u> Letter MOTION to Compel <i>Response to Interrogatory No. 1 by a date certain</i> filed by George Pataki,, James Stone,, New York State Department of Health,, Antonia C. Novello,, New York State Office of Mental Health,. Ordered by Judge Marilyn

		D. Go on 8/1/5. (Lee, Tiffeny) (Entered: 01/24/2006)
08/08/2005	<u>72</u>	Letter from Barbara K. Hathaway, Assistant Attorney General to Hon. Marilyn D. Go, US Magistrate Judge, EDNY Regarding Request for the Clarification of the Scheduling Order. (Hathaway, Barbara) (Entered: 08/08/2005)
08/08/2005		ORDER re <u>72</u> Letter. The deadline for defendants' expert report and disclosures is 12/19/05. Ordered by Judge Marilyn D. Go on 8/8/05. (Go, Marilyn) (Entered: 08/08/2005)
08/09/2005	<u>73</u>	TRANSCRIPT of Proceedings held on 07/29/2005 before Judge MDG. Court Reporter: Elizabeth Barron. (Clark, Shawn) (Entered: 08/09/2005)
10/05/2005	<u>74</u>	Letter from Assistant Attorney General Amy H. Held to Hon. Marilyn D. Go, Magistrate Judge, EDNY Regarding Confidentiality Concerns with Respect to Document Production in Response to a Subpoena. (Hathaway, Barbara) (Entered: 10/05/2005)
10/07/2005	<u>75</u>	Letter from Assistant Attorney General Barbara K. Hathaway to Hon. Marilyn D. Go, Magistrate Judge (EDNY) Regarding Request for Extension of the Fact Discovery Deadline. (Hathaway, Barbara) (Entered: 10/07/2005)
10/12/2005	<u>76</u>	Letter from Defendants to Hon. Marilyn D. Go, U.S.M.J. Regarding Defendants' Request, With Plaintiff's Consent, to Extension of Fact Discovery Period, and to Adjournment of Dates Regarding Expert Disclosures. (Held, Amy) (Entered: 10/12/2005)
10/12/2005		ORDER re <u>76</u> Letter. The scheduling order is extended as follows: discovery requests directed to another party must be served by 10/13/05 and to non-parties by 10/31/05; fact discovery must be completed by 12/30/05; notice of expert to be retained must be given by 12/9/05; plaintiff's expert reports and disclosures must be served by 1/31/06; defendants' expert disclosures and reports must be served by 2/3/06; reply expert reports are due 3/20/06. The next conference is adjourned to Jan. 6, 2006 at 10:00 a.m. The parties must be prepared to discuss settlement at the next conference and should call for an earlier conference if they feel one would be productive. Ordered by Judge Marilyn D. Go on 10/12/05. (Go, Marilyn) (Entered: 10/12/2005)
10/18/2005	<u>77</u>	NOTICE of Appearance by Anne Skeels Raish on behalf of Disability Advocates, Inc. (Raish, Anne) (Entered: 10/18/2005)
10/21/2005	<u>78</u>	Letter from Anne S. Raish to Magistrate Judge Go Regarding Discovery. (Raish, Anne) (Entered: 10/21/2005)
10/24/2005	<u>79</u>	Letter from Amy M. Held, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Plaintiff's consent to extension of Defendants' time to respond to Plaintiff's 10/21/05 letter to 10/31/05. (Hathaway, Barbara) (Entered: 10/24/2005)
10/24/2005		ORDER re <u>79</u> Letter. The time for defendants to respond to Plaintiff's 10/21/05 letter discovery application is extended to 10/31/05. Ordered by Judge Marilyn D. Go on 10/24/05. (Go, Marilyn) (Entered: 10/24/2005)
10/31/2005	<u>80</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Opposition to Motion to Compel. (Hathaway, Barbara) (Entered: 10/31/2005)
11/01/2005	<u>81</u>	MOTION for Extension of Time to Complete Discovery by Disability Advocates, Inc.. (Raish, Anne) (Entered: 11/01/2005)
11/01/2005		ORDER granting <u>81</u> Motion for a Two-Day Extension of Time to serve non-party deposition subpoenas. Ordered by Judge Marilyn D. Go on 11/1/05. (Go, Marilyn) (Entered: 11/01/2005)
11/03/2005	<u>82</u>	Letter from Anne S. Raish to Honorable Marilyn D. Go Regarding Further Support of Motion to Compel. (Raish, Anne) (Entered: 11/03/2005)
11/04/2005	<u>83</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Request for Extension of Time to Serve Subpoena. (Hathaway, Barbara) (Entered: 11/04/2005)

11/04/2005		ORDER re <u>83</u> Letter. Defendants are granted an extension of time to 11/21/05 to serve a subpoena on Walter Saurack. Ordered by Judge Marilyn D. Go on 11/4/05. (Go, Marilyn) (Entered: 11/04/2005)
11/09/2005	<u>84</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of Attorney General to Honorable Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Letter requesting conference regarding discovery dispute. (Hathaway, Barbara) (Entered: 11/09/2005)
11/10/2005	<u>85</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Opposition to Motion to Compel. (Hathaway, Barbara) (Entered: 11/10/2005)
11/14/2005	<u>86</u>	Letter from Beth S. Frank to Hon. Marilyn D. Go Regarding Defendants' November 10, 2005 letter. (Frank, Beth) (Entered: 11/14/2005)
11/23/2005	<u>87</u>	Letter from Scott J. Spiegelman to Hon. Marilyn D. Go, US Magistrate Judge (EDNY) Regarding Qualified Protective Order. (Spiegelman, Scott) (Entered: 11/23/2005)
12/15/2005	<u>88</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Non-party Discovery Issue. (Hathaway, Barbara) (Entered: 12/15/2005)
12/28/2005	<u>89</u>	Letter from Barbara K. Hathaway, Assistant Attorney General, NYS Office of the Attorney General to Hon. Marilyn D. Go, Magistrate Judge, US District Court (EDNY) Regarding Discovery Issues. (Hathaway, Barbara) (Entered: 12/28/2005)
12/28/2005		ORDER endorsed on <u>89</u> Letter. The discovery dispute concerning HRA raised in <u>84</u> Letter will be discussed at the next scheduled conference on Jan. 6, 2006. Counsel for defendatns is directed to notify counsel for HRA. An extension of the discovery deadline and remaining discovery disputes will also be discussed. Ordered by Judge Marilyn D. Go on 12/28/05. (Go, Marilyn) (Entered: 12/28/2005)
01/05/2006	<u>90</u>	Letter to <i>The Honorable Marilyn D. Go in reponse to defendants' January 4,2006 letter</i> by Disability Advocates, Inc.. (Raish, Anne) (Entered: 01/05/2006)
01/05/2006	<u>91</u>	Letter <i>re Request for Subpoenas</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 01/05/2006)
01/09/2006		Minute Entry for status conference held before Marilyn D. Go on 1/6/2006. Appearances by Anne Raish, Beth Frank, Barbara Hathaway, Scott Spiegelman, David Locke. HRA must respond to plaintiff's subpoena on a rolling basis every two weeks until 2/16/06. By 1/20/06, defendants must (1) describe New York State's "Olmstead plan" or "Olmstead planning," or the activities, programs, practices and/or all components of the existing system or procedures that provide the community-based services for persons with mental disabilities residing in adult homes, that defendants contend would constitute an "Olmstead plan" should defendants be subject to requirements for such a plan; (2) the persons having knowledge of each aspect of the "Olmstead plan" or "Olmstead planning" described whom defendants designate under Fed. R. Civ. P. 30(b)(6); (3) application for a protective order as to re-examination of any person identified in (2). Any application for a protective order must indicate whether defendants agree that any pertinent prior deposition testimony of a witness would constitute testimony under Rule 30(b)(6). Plaintiff's opposition must be filed by 1/24/06. Fact discovery is extended to 2/9/06. Next conference scheduled for Feb. 10, 2006 at 11:00 a.m.NOTICE: Effective Jan. 20, 2006, Judge Go's chambers will be in Room 1214 in the new wing of the Courthouse, her courtroom will be 11C, the telephone number for chambers will be 718-613-2550 and the fax number will be 718-613-2555. (DeVeaux, Yvonne) (Entered: 01/09/2006)
01/09/2006	<u>92</u>	ORDER re <u>84</u> Letter application. As discussed at a conference on 1/6/09, the New York City Human Resources Administration must comply with two subpoenas by February 16, 2006. The ruling is without prejudice to the right of HRA to object to disclosure of specific records. Ordered by Judge Marilyn D. Go on 1/9/06. (Go, Marilyn) (Entered: 01/09/2006)
01/09/2006	<u>93</u>	ORDER attached per docket entry 92. Ordered by Judge Marilyn D. Go on 1/9/06. (Go, Marilyn) (Entered: 01/09/2006)

01/20/2006	<u>94</u>	Letter MOTION for Protective Order <i>Precluding 30(b)(6) Deposition</i> by all defendants. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G# <u>8</u> Exhibit Exhibit H# <u>9</u> Exhibit Exhibit I# <u>10</u> Exhibit Exhibit J# <u>11</u> Exhibit Exhibit K# <u>12</u> Exhibit Exhibit L# <u>13</u> Exhibit Exhibit M# <u>14</u> Exhibit Exhibit N)(Hathaway, Barbara) (Entered: 01/20/2006)
01/24/2006	<u>95</u>	RESPONSE in Opposition re <u>94</u> Letter MOTION for Protective Order <i>Precluding 30(b)(6) Deposition</i> filed by Disability Advocates, Inc.. (Raish, Anne) (Entered: 01/24/2006)
01/25/2006	<u>96</u>	Letter <i>Reply in Support of Application for Protective Order</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 01/25/2006)
02/07/2006		Minute Entry for proceedings held before Marilyn D. Go : Discovery Hearing held on 2/6/2006. Appearances by telephone by Anne Raisch, Cliff Zucker, Barbara Hathaway. Defendants' motion for a protective order is denied. Plaintiff may depose Mr. Myers for an additional 4 hours and the other two OMH employees who have not yet been deposed. Parties should confer before the next conference re the scope of the Rule 30(b)(6) deposition. (Tape #ESR 06/05 2270-6000.) (Go, Marilyn) (Entered: 02/07/2006)
02/08/2006	<u>97</u>	Letter <i>Re Discovery Request to HRA</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 02/08/2006)
02/09/2006	<u>98</u>	Letter <i>To Judge Go in Advance of February 10, 2006 Court Conference</i> by Disability Advocates, Inc.. (Raish, Anne) (Entered: 02/09/2006)
02/13/2006	<u>104</u>	TRANSCRIPT of Civil Cause for Conference held on February 6, 2006 before Judge Marilyn D Go. Aria Transcriptions, (718) 522-2335. (Lee, Tiffeny) (Entered: 03/21/2006)
02/14/2006		Minute Entry for status conference held before Marilyn D. Go on 2/10/2006. Appearances by counsel of record and for HRA. Defendants' motion to compel HRA to disclose records granted. Separate order to issue. Fact discovery is extended to 4/28/06 to conduct Rule 30(b)(6) depositions and complete discovery discussed on the record. Defendants must provide supplemental affidavit regarding certain issues listed in the deposition notice of Myers. Expert discovery is extended to 6/30/06 and disclosures and reports must be served as follows: plaintiff's expert reports -- 3/24/06; defendants' expert reports re affirmative defense -- 4/7/06; rebuttal expert reports 4/21/06; replies report by plaintiff's expert and defendants' expert re affirmative defense -- 5/5/06; expert depositions -- 6/30/06. Next conference scheduled for July 6, 2006 at 10:00 a.m. (by tel) (Tape #FTR 11:16 - 12:24..) (DeVeaux, Yvonne) (Entered: 02/14/2006)
02/22/2006	<u>99</u>	TRANSCRIPT of Proceedings for date of February 10, 2006 before Judge Marilyn D. Go. Transcript produced by transcription service. (Williams-Jackson, Sandy) (Entered: 02/23/2006)
02/28/2006	<u>100</u>	ORDER granting motion to compel re <u>97</u> Letter filed by George Pataki,, James Stone,, New York State Department of Health,, Antonia C. Novello,, New York State Office of Mental Health. The HRA must promptly produce the HRA 2000 applications. Ordered by Judge Marilyn D. Go on 02/28/06. (Proujansky, Josh) (Entered: 02/28/2006)
03/14/2006	<u>101</u>	Letter <i>To The Honorable Marilyn D. Go From Anne Raish Regarding Discovery</i> by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit A-F)(Raish, Anne) (Entered: 03/14/2006)
03/17/2006	<u>102</u>	Letter <i>Dated March 17, 2006 To the Honorable Marilyn D. Go For A Two-Week Extension Of Time</i> by Disability Advocates, Inc.. (Raish, Anne) (Entered: 03/17/2006)
03/17/2006	<u>103</u>	Letter <i>Regarding Defendants' Response to Plaintiff's Letter Regarding Discovery</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 03/17/2006)
03/22/2006	<u>105</u>	Letter <i>To The Honorable Marilyn D. Go Dated March 22, 2006 In Further Support Of Plaintiff's Application For An Order Requiring Defendants To Designate A Witness</i> by Disability Advocates, Inc.. (Raish, Anne) (Entered: 03/22/2006)

03/23/2006	<u>106</u>	Letter <i>Regarding Discovery Dispute</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 03/23/2006)
03/23/2006		ORDER endorsed on <u>102</u> Letter filed by Disability Advocates, Inc. Expert discovery is extended to 6/30/06 and disclosures and reports must be served as follows: plaintiff's expert reports -- 4/7/06; defendants' initial expert reports -- 4/21/06; rebuttal expert reports -- 5/5/06; reply expert reports by -- 5/19/06; expert depositions -- 7/14/06. The next conference is adjourned to July 19, 2006 at 9:45 a.m. (by tel) Ordered by Judge Marilyn D. Go on 3/23/06. (Go, Marilyn) (Entered: 03/23/2006)
03/28/2006	<u>107</u>	Letter <i>to the Honorable Marilyn D. Go from Anne Raish re: Defendants' Letter Dated March 23, 2006</i> by Disability Advocates, Inc.. (Raish, Anne) (Entered: 03/28/2006)
03/31/2006	<u>108</u>	Letter <i>in Reply re Discovery Dispute</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 03/31/2006)
04/26/2006	<u>109</u>	Letter <i>to the Hon. Marilyn D. Go regarding the Deposition of Robert Myers</i> by Disability Advocates, Inc.. (Raish, Anne) (Entered: 04/26/2006)
04/26/2006		ORDER: a telephone conference will be held on April 28, 2006 at 12:00 p.m. to discuss outstanding discovery issues. Ordered by Judge Marilyn D. Go on 4/26/06. (Go, Marilyn) (Entered: 04/26/2006)
04/27/2006	<u>110</u>	NOTICE of Appearance by Alissa Belkin Bauer on behalf of Disability Advocates, Inc. (Bauer, Alissa) (Entered: 04/27/2006)
04/27/2006	<u>111</u>	Letter <i>Concerning Discovery Dispute</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 04/27/2006)
04/27/2006	<u>112</u>	NOTICE of Appearance by Tania Claudine Brief on behalf of Disability Advocates, Inc. (Brief, Tania) (Entered: 04/27/2006)
04/27/2006	<u>113</u>	Letter <i>ADDRESSED TO THE HONORABLE MARILYN D. GO, DATED APRIL 27, 2006, informing the Court of an outstanding discovery request to which the defendants have failed to respond</i> by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit A-B# <u>2</u> Exhibit C-E)(Brief, Tania) (Entered: 04/27/2006)
04/27/2006	<u>114</u>	Letter <i>ADDRESSED TO THE HONORABLE MARILYN D. GO, DATED APRIL 27, 2006, in response to defendants' letter concerning the list of residents contained in the "Groves Report"</i> by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit A-E)(Brief, Tania) (Entered: 04/27/2006)
04/28/2006	115	Minute Entry: Tel. Discovery Hearing held on 4/28/2006 before MJ Marilyn D. Go. Appearances by Tanya Brief, Cliff Zucker, Barbara Hathaway and Amy Held. Rulings made on the record regarding various letter applications of both sides. By 5/5/06, plaintiff must serve supplemental interrogatory responses to defendants' fourth set of interrogatories and defendants' counsel must serve a letter identifying the evidence describing all the components that the State contends constitutes its Olmstead plan. Defendants will provided amended interrogatory response by 5/12/06. Fact discovery is extended to 6/28/06 solely to permit discovery by defendants on the adult home residents newly identified by plaintiff's expert. Expert discovery is extended as follows: rebuttal expert reports -- 5/19/06; reply expert reports -- 6/2/06; defendants' supplemental expert report concerning the newly identified adult home residents; expert depositions -- 7/28/06. Next conference will be held on July 31, 2006 at 2:00 p.m. (by tel). (Capobianco, Jean) (Entered: 04/28/2006)
05/01/2006	<u>116</u>	Letter <i>Requesting Amendment of Minute Entry</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 05/01/2006)
05/01/2006		Email Notification Test – DO NOT REPLY (Lee, Tiffeny) (Entered: 05/01/2006)
05/01/2006		Email Notification Test – DO NOT REPLY (Lee, Tiffeny) (Entered: 05/01/2006)
05/01/2006		ORDER endorsed on <u>116</u> Letter filed by defendants. The minute entry for the 4/28/06 conference is amended to reflect that the deadline for defendants to submit supplemental expert report concerning the newly identified adult home residents is July 17, 2006.

		Ordered by Judge Marilyn D. Go on 5/1/06. (Go, Marilyn) (Entered: 05/01/2006)
05/03/2006	<u>117</u>	NOTICE of Appearance by Roger A. Bearden on behalf of Disability Advocates, Inc. (Bearden, Roger) (Entered: 05/03/2006)
05/03/2006	<u>119</u>	TRANSCRIPT of Conference held on April 28, 2006 before Judge Marilyn D. Go; Aria Transcriptions, (718) 522-2335. (Lee, Tiffeny) (Entered: 05/09/2006)
05/05/2006	<u>118</u>	Letter <i>Regarding Courtesy Copy of Letter re: Omlstead Plan</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 05/05/2006)
05/09/2006	<u>120</u>	Letter <i>Requesting Extension of Time for Defendants to Submit Rebuttal Expert Reports</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 05/09/2006)
05/11/2006	<u>121</u>	NOTICE of Appearance by Dawn Elizabeth Barker on behalf of Disability Advocates, Inc. (Barker, Dawn) (Entered: 05/11/2006)
05/11/2006	<u>122</u>	Letter <i>Addressed to The HONORABLE MARILYN D. GO, dated May 11, 2006, REQUESTING THREE-DAY EXTENSION TO SUBMIT OPPOSITION TO DEFENDANTS' MAY 9, 2006 LETTER</i> by Disability Advocates, Inc.. (Brief, Tania) (Entered: 05/11/2006)
05/11/2006		ORDER endorsed on <u>122</u> Letter filed by Disability Advocates, Inc. The three day extension to 5/17/06 to file opposition is granted. Ordered by Judge Marilyn D. Go on 5/11/06. (Go, Marilyn) (Entered: 05/11/2006)
05/15/2006	<u>123</u>	Letter <i>Addressed to Barbara K. Hathaway, Esq., dated May 15, 2006, in response to defendants' May 5, 2006 letter</i> by Disability Advocates, Inc.. (Brief, Tania) (Entered: 05/15/2006)
05/16/2006	<u>124</u>	Letter <i>to the Honorable Marilyn D. Go Requesting an Additional One-day Extension to Submit Opposition to Defendants' May 9, 2006 Letter</i> by Disability Advocates, Inc.. (Brief, Tania) (Entered: 05/16/2006)
05/16/2006	<u>125</u>	Letter <i>in Reply to Plaintiff's Letter of May 15, 2006</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 05/16/2006)
05/16/2006		ORDER endorsed on <u>124</u> Letter filed by Disability Advocates, Inc. The request for an Additional One-day Extension to Submit Opposition to Defendants' May 9, 2006 Letter is granted. Ordered by Judge Marilyn D. Go on 5/16/06. (Go, Marilyn) (Entered: 05/16/2006)
05/18/2006	<u>126</u>	Letter <i>ADDRESSED TO THE HONORABLE MARILYN D. GO, dated May 18, 2006, in opposition to defendants' request for further extension of expert discovery</i> by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit A-D)(Raish, Anne) (Entered: 05/18/2006)
05/19/2006	<u>127</u>	Letter <i>in Reply to Plaintiff's May 18, 2006 Letter</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 05/19/2006)
05/22/2006	<u>128</u>	Letter <i>in Response to Defendants' May 19, 2006 Letter</i> by Disability Advocates, Inc.. (Brief, Tania) (Entered: 05/22/2006)
06/05/2006		Minute Entry for status conference held before Marilyn D. Go on 6/5/2006. Appearances by counsel of record. Defendants' application for an extension of time to submit expert reports is granted as follows: rebuttal expert reports of Dr. Geller and Dr. Kipper are due 9/15/06 and plaintiff's expert replies are due 10/6/06. Expert depositions must be completed by 10/31/06. Next conference scheduled for November 1, 2006 at 10:00 a.m. (Tape #FTR: 10:02:01 -- 10:45:22.) (DeVeaux, Yvonne) (Entered: 06/05/2006)
06/07/2006	<u>129</u>	TRANSCRIPT of Civil Conference held on June 5, 2006 before Judge Marilyn D. Go; Transcription Plus II, (516) 358-7352. (Lee, Tiffeny) (Entered: 06/08/2006)
06/15/2006	<u>130</u>	TRANSCRIPT of Status Conference held on June 5, 2006 before Judge Marilyn D. Go; Court Reporter: Holly Driscoll. (Lee, Tiffeny) (Entered: 06/15/2006)

07/18/2006	<u>131</u>	MOTION for Extension of Time to Complete Discovery [<i>LETTER Addressed to Judge Go, dated July 18, 2006, Requesting a brief Extension of Expert Discovery</i>] by Disability Advocates, Inc.. (Brief, Tania) (Entered: 07/18/2006)
07/18/2006		ORDER granting <u>131</u> Motion for Extension of Time to Complete Discovery. The schedule for expert reports is extended as follows: rebuttal expert reports of Dr. Geller and Dr. Kipper are due 9/22/06 and plaintiff's expert replies are due 10/13/06. Expert depositions must be completed by 11/10/06. The next conference is adjourned to November 14, 2006 at 10:00 a.m. Ordered by JudgeMarilyn D. Go on 7/18/06. (Go, Marilyn) (Entered: 07/18/2006)
08/14/2006		ORDER terminating <u>94</u> Motion for Protective Order pursuant to rulings made at 2/6/06 and 2/10/06 conferences. Ordered by JudgeMarilyn D. Go on 08/14/06. (Proujansky, Josh) (Entered: 08/14/2006)
09/22/2006	<u>132</u>	Letter <i>Requesting Extension of Time for Final Expert Reports</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 09/22/2006)
09/22/2006		ORDER endorsed on <u>132</u> Letter filed by defendants granting request for an extension. Defendants' rebuttal expert reports are due 9/26/06 and plaintiff's expert replies are due 10/17/06. Ordered by Judge Marilyn D. Go on 9/22/06. (Go, Marilyn) (Entered: 09/22/2006)
11/14/2006		Minute Entry: Stat. conf. before MJ Marilyn D. Go held on 11/14/2006. Appearances by counsel of record. Discovery is completed. Preliminary settlement discussions held. The parties should further exchange settlement positions prior to the next conference. A schedule for pre-motion submissions will be set at the next conference scheduled for Dec. 19, 2006 at 11:30 a.m.(Capobianco, Jean) (Entered: 11/14/2006)
12/13/2006	<u>133</u>	Letter <i>to Judge Go Regarding Rescheduling Conference For December 19, 2006</i> by Disability Advocates, Inc.. (Brief, Tania) (Entered: 12/13/2006)
12/13/2006		ORDER endorsed on <u>133</u> Letter filed by Disability Advocates, Inc. The time of the conference on 12/19/06 is changed to 3:00 p.m. Ordered by Judge Marilyn D. Go on 12/13/06. (Go, Marilyn) (Entered: 12/13/2006)
12/19/2006		Minute Entry: Settlement Conference held on 12/19/2006 before MJ Marilyn D. Go. Appearances by counsel of record. Preliminary settlement discussions held. Pre-motion letters must be filed by 1/10/07. (Capobianco, Jean) (Entered: 12/19/2006)
01/10/2007	<u>134</u>	Letter <i>Requesting a Pre-Motion Conference on Defendants' Proposed Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 01/10/2007)
01/10/2007	<u>135</u>	Letter <i>TO JUDGE GARAUFIS REQUESTING A PRE-MOTION CONFERENCE IN WHICH WE ANTICIPATE SEEKING PERMISSION TO FILE A MOTION FOR SUMMARY JUDGEMENT</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 01/10/2007)
02/21/2007		SCHEDULING ORDER:Pre Motion Hearing set for 3/6/2007 12:00 PM in 4D South before Judge Nicholas G. Garaufis. Parties are directed to contact Courtroom Deputy Joseph Reccoppa at 718.613.2545 to address any scheduling concerns. So Ordered by Judge Nicholas G. Garaufis on 2/21/07. (Garaufis, Nicholas) (Entered: 02/21/2007)
02/27/2007	<u>136</u>	Letter <i>Requesting Adjournment</i> by Disability Advocates, Inc. (Brief, Tania) (Entered: 02/27/2007)
03/22/2007	<u>137</u>	Letter <i>withdrawing appearance and requesting to be removed from the ECF notification list</i> by Disability Advocates, Inc. (Brief, Tania) (Entered: 03/22/2007)
03/22/2007	<u>138</u>	Minute Entry for proceedings held before Nicholas G. Garaufis: Pre Motion Conference held on 3/22/2007. Motion schedule set. (DiLorenzo, Krista) (Entered: 04/02/2007)
04/13/2007	<u>139</u>	Letter <i>requesting an extension of the Court's page limits for memoranda of law</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 04/13/2007)

04/19/2007	<u>140</u>	ORDER re <u>139</u> Letter requesting an extension of the Court's page limits for memoranda of law. Application Granted. Ordered by Judge Nicholas G. Garaufis on 4/16/2007. (c/m-ecf) (Lee, Tiffeny) (Entered: 04/19/2007)
05/30/2007	<u>141</u>	Letter re <i>withdrawal of appearance of Timothy A. Clune, formerly an attorney at DAI, as co-counsel for the plaintiff</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 05/30/2007)
08/01/2007	<u>142</u>	Letter <i>Requesting an Extension of Time to File the Original Exhibits to Defendants' Motion for Summary Judgment to Redact Certain Confidential Information Therefrom</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/01/2007)
08/06/2007	<u>143</u>	Letter to Judge Garaufis regarding <i>modification of the schedule for summary judgment briefing</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> [Proposed] Revised Scheduling Order) (Raish, Anne) (Entered: 08/06/2007)
08/06/2007	<u>144</u>	ORDER re <u>142</u> Letter Requesting an Extension of Time to File the Original Exhibits to Defendants' Motion for Summary Judgment to Redact Certain Confidential Information Therefrom. Application Granted. Ordered by Judge Nicholas G. Garaufis on 8/2/2007. (c/m-ecf) (Lee, Tiffeny) (Entered: 08/07/2007)
08/10/2007	<u>145</u>	Notice of MOTION for Summary Judgment by all defendants. (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>146</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Flora Bienstock in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>147</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Lewis Campbell in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>148</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Jeffrey L. Geller in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>149</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Mary Hart in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>150</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Barbara Hathaway in support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>151</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Leon Hofman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>152</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Alan Kaufman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>153</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of R. Gregory Kipper in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>154</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Christine Madan in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)

08/10/2007	<u>155</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of James McQuide in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>156</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Robert Myers in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>157</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Michael Newman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>158</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Joseph Reilly in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>159</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Martha Schaefer Hayes in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>160</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Keith Simons in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>161</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>162</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Jan Tacoronti in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>163</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of Jonas Waizer in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>164</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Affidavit of David Wollner in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>165</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>166</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>167</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>168</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New

		York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>169</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>170</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>171</u>	RULE 56.1 STATEMENT re <u>145</u> Notice of MOTION for Summary Judgment by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>172</u>	MEMORANDUM in Support re <u>145</u> Notice of MOTION for Summary Judgment by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>173</u>	Notice of MOTION in <i>Limine to Exclude Testimony, Reports and Opinions of Plaintiff's Expert Witnesses</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>174</u>	MEMORANDUM in Support re <u>173</u> Notice of MOTION in <i>Limine to Exclude Testimony, Reports and Opinions of Plaintiff's Expert Witnesses</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>175</u>	AFFIDAVIT/AFFIRMATION re <u>145</u> Notice of MOTION for Summary Judgment <i>Declaration of Scott Spiegelman in Support of Motion for Summary Judgment</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/10/2007)
08/10/2007	<u>176</u>	MOTION for Partial Summary Judgment by Disability Advocates, Inc.. (Attachments: # <u>1</u> Memorandum of Law in Support of Disability Advocates, Inc.'s Motion for Partial Summary Judgment# <u>2</u> Declaration of Anne S. Raish# <u>3</u> Affidavit of Service) (Raish, Anne) Additional attachment(s) added on 8/15/2007 (Lee, Tiffeny). Additional attachment(s) added on 8/15/2007 (Lee, Tiffeny). (Entered: 08/10/2007)
08/10/2007	<u>177</u>	RULE 56.1 STATEMENT by Disability Advocates, Inc.. (Raish, Anne) (Entered: 08/10/2007)
08/13/2007	<u>178</u>	Letter to the Honorable Nicholas G. Garaufis by Disability Advocates, Inc. (Attachments: # <u>1</u> REDACTED DECLARATION OF ANNE S. RAISH IN SUPPORT OF DISABILITY ADVOCATES, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT) (Raish, Anne) (Entered: 08/13/2007)
08/14/2007		ORDER re <u>178</u> Letter filed by Disability Advocates, Inc. Exhibit 2 to Docket Entry #176, the Declaration of Anne S. Raish in Support of Disability Advocates, Inc.'s Motion for Partial Summary Judgment, was inadvertently filed in unredacted form in violation of Judge Go's protective order. The Clerk of Court is directed to remove the Declaration of Anne S. Raish filed as Exhibit 2 to Docket Entry #176 and replace it with the redacted version attached to Docket Entry #178. So Ordered by Judge Nicholas G. Garaufis on 8/14/07. (Garaufis, Nicholas) (Entered: 08/14/2007)
08/21/2007	<u>179</u>	REVISED SCHEDULING ORDER: Motions for summary judgment due by 8/10/2007; Opposition due 10/26/2007; Reply due 11/09/2007. Oral argument is scheduled for 11/16/2007. Ordered by Judge Nicholas G. Garaufis on 8/7/2007. (Lee, Tiffeny) (Entered: 08/21/2007)
08/30/2007	<u>181</u>	Letter requesting an extension of the schedule for submitting reply papers by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 08/30/2007)
08/31/2007	<u>182</u>	AFFIDAVIT in Support re <u>176</u> MOTION for Partial Summary Judgment / <i>Declaration of Anne S. Raish in Support of Disability Advocates, Inc.'s Motion For Partial Judgment</i>

		<i>VOL. I</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibits 1–3# <u>2</u> Exhibits 4–6# <u>3</u> Exhibit 7# <u>4</u> Exhibits 8–12# <u>5</u> Exhibits 13–17# <u>6</u> Exhibits 18–21# <u>7</u> Exhibits 22–26# <u>8</u> Exhibits 27–30# <u>9</u> Exhibit 31# <u>10</u> Exhibits 32–36# <u>11</u> Exhibits 37–40# <u>12</u> Exhibits 41–49) (Raish, Anne) (Entered: 08/31/2007)
08/31/2007	<u>183</u>	AFFIDAVIT in Support re <u>176</u> MOTION for Partial Summary Judgment <i>Declaration of Anne S. Raish in Support of Disability Advocates, Inc.'s Motion For Partial Judgment VOL. II</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibits 50–51# <u>2</u> Exhibits 52–55# <u>3</u> Exhibit 56–A# <u>4</u> Exhibit 56–B# <u>5</u> Exhibit 56–C# <u>6</u> Exhibit 56–D# <u>7</u> Exhibit 56–E# <u>8</u> Exhibit 57–A# <u>9</u> Exhibit 57–B# <u>10</u> Exhibits 58–59# <u>11</u> Exhibits 60–61# <u>12</u> Exhibit 62–A# <u>13</u> Exhibit 62–B# <u>14</u> Exhibit 62–C) (Raish, Anne) (Entered: 08/31/2007)
09/11/2007	<u>184</u>	Letter to <i>The Honorable Nicholas G. Garaufis</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 09/11/2007)
09/13/2007	<u>185</u>	ENDORSED ORDER re <u>184</u> Letter requesting to file a memorandum of law of up to 85 pages in support of DAI's opposition to the defendants' motion for summary judgment by Disability Advocates, Inc.: Application GRANTED. Ordered by Judge Nicholas G. Garaufis on 9/12/2007. (Abdallah, Fida) (Entered: 09/13/2007)
09/18/2007	<u>186</u>	REVISED SCHEDULING ORDER: Motions for summary judgment no later than 8/10/2007; Opposition to motion no later than 10/26/2007; Reply no later than 12/10/2007; Oral argument shall be on 12/17/2007. Ordered by Judge Nicholas G. Garaufis on 9/14/2007. (Lee, Tiffeny) (Entered: 09/18/2007)
09/24/2007	<u>187</u>	Letter to <i>the Honorable Nicholas G. Garaufis</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 09/24/2007)
09/26/2007	<u>188</u>	ORDER re <u>187</u> Letter request that the Court order that the briefing schedule for Defendants' Daubert motion be governed by the Court's 9/14/2007 Revised Scheduling Order. Application Granted. So Ordered by Judge Nicholas G. Garaufis on 9/25/2007. (Lee, Tiffeny) (Entered: 09/26/2007)
10/11/2007	<u>189</u>	Letter MOTION for Extension of Time to File Response/Reply to <i>Defendants' pending motions</i> by Disability Advocates, Inc.. (Attachments: # <u>1</u> Text of Proposed Order [PROPOSED] REVISED SCHEDULING ORDER) (Zucker, Cliff) (Entered: 10/11/2007)
10/15/2007	<u>190</u>	Letter <i>withdrawing defendants' motion for summary judgment filed on August 10, 2007</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 10/15/2007)
10/15/2007	<u>191</u>	Letter <i>withdrawing DAI's motion for partial summary judgment</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 10/15/2007)
10/15/2007	<u>192</u>	Letter <i>withdrawing defendants' motion to exclude testimony, reports and opinions of plaintiffs' expert witnesses filed on August 10, 2007</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 10/15/2007)
10/15/2007	<u>193</u>	ORDER withdrawing <u>145</u> Motion for Summary Judgment. Ordered by Judge Nicholas G. Garaufis on 10/15/2007. (Brucella, Michelle) (Entered: 10/15/2007)
10/16/2007		Motions terminated: <u>176</u> MOTION for Partial Summary Judgment filed by Disability Advocates, Inc., and <u>173</u> Notice of MOTION in Limine to <i>Exclude Testimony, Reports and Opinions of Plaintiff's Expert Witnesses</i> filed by James Stone, New York State Department of Health, George Pataki, Antonia C. Novello, New York State Office of Mental Health have been withdrawn as requested, as per documents <u>191</u> and <u>192</u> . <u>189</u> Letter MOTION for Extension of Time to File Response/Reply to <i>Defendants' pending motions</i> filed by Disability Advocates, Inc., terminated as motions are no longer pending. Ordered by Clerk of Court on 10/16/7. (Lee, Tiffeny) (Entered: 10/16/2007)
11/08/2007	<u>194</u>	Letter <i>requesting resubmission of Motion for Summary Judgment and Motion to Exclude Testimony, Reports and Opinions of Plaintiffs' Expert Witnesses, filed August 10, 2007</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 11/08/2007)
11/08/2007	<u>195</u>	Letter to <i>Robert C. Heinemann, Clerk of the Court</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 11/08/2007)

11/08/2007	<u>196</u>	Letter to Judge Garaufis by Disability Advocates, Inc. (Attachments: # <u>1</u> Exhibits) (Raish, Anne) (Entered: 11/08/2007)
11/14/2007	<u>197</u>	ORDER re <u>194</u> Letter requesting resubmission of Motion for Summary Judgment and Motion to Exclude Testimony, Reports and Opinions of Plaintiffs' Expert Witnesses, filed by James Stone, New York State Department of Health, George Pataki, Antonia C. Novello, New York State Office of Mental Health. Application Granted. Ordered by Judge Nicholas G. Garaufis on 11/12/2007. (Lee, Tiffeny) (Entered: 11/14/2007)
11/16/2007	<u>198</u>	REVISED SCHEDULING ORDER regarding motions for summary judgment. Oral argument set for 2/7/2008 @ 10:00 a.m. Ordered by Judge Nicholas G. Garaufis on 11/12/2007. (Lee, Tiffeny) (Entered: 11/16/2007)
12/03/2007	<u>199</u>	AFFIDAVIT in Opposition re <u>176</u> MOTION for Partial Summary Judgment (<i>Declaration of Barbara K. Hathaway</i>) filed by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 12/03/2007)
12/03/2007	<u>200</u>	RESPONSE in Opposition re <u>176</u> MOTION for Partial Summary Judgment (<i>Defendants' Memorandum of Law in Opposition to Plaintiff's Motion for Partial Summary Judgment</i>) filed by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 12/03/2007)
12/03/2007	<u>201</u>	RESPONSE in Opposition re <u>176</u> MOTION for Partial Summary Judgment (<i>Defendants' Response to Plaintiff's Statement Pursuant to Local Civil Rule 56.1</i>) filed by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 12/03/2007)
12/03/2007	<u>202</u>	RESPONSE in Opposition re <u>145</u> Notice of MOTION for Summary Judgment filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Memorandum of Law in Opposition to the Defendants' Motion for Summary Judgment pt 2) (Raish, Anne) (Entered: 12/03/2007)
12/03/2007	<u>203</u>	RESPONSE in Opposition re <u>173</u> Notice of MOTION in Limine to Exclude Testimony, Reports and Opinions of Plaintiff's Expert Witnesses filed by Disability Advocates, Inc.. (Raish, Anne) (Entered: 12/03/2007)
12/03/2007	<u>204</u>	RULE 56.1 STATEMENT by Disability Advocates, Inc.. (Attachments: # <u>1</u> RESPONSES TO DEFENDANT'S STATMENT PURSUANT TO LOCAL CIVIL RULE 56.1) (Raish, Anne) (Entered: 12/03/2007)
12/03/2007	<u>205</u>	AFFIDAVIT/AFFIRMATION <i>CLIFF ZUCKER</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 12/03/2007)
12/03/2007	<u>206</u>	AFFIDAVIT/AFFIRMATION <i>LINDA ROSENBERG</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 12/03/2007)
12/03/2007	<u>207</u>	AFFIDAVIT/AFFIRMATION <i>OF DENNIS JONES</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> Affidavit DENNIS JONES, # <u>2</u> Affidavit DENNIS JONES) (Raish, Anne) (Entered: 12/03/2007)
12/03/2007	<u>208</u>	AFFIDAVIT/AFFIRMATION <i>ELIZABETH JONES</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> Affidavit ELIZABETH JONES) (Raish, Anne) (Entered: 12/03/2007)
12/03/2007	<u>209</u>	AFFIDAVIT/AFFIRMATION <i>KENNETH DUCKWORTH</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> Affidavit KENNETH DUCKWORTH PT 1-2, # <u>2</u> Affidavit KENNETH DUCKWORTH PT 3) (Raish, Anne) (Entered: 12/03/2007)
12/04/2007	<u>210</u>	AFFIDAVIT/AFFIRMATION <i>OF IVOR GROVES</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> Affidavit IVOR GROVES 1-2, # <u>2</u> Affidavit IVOR GROVES 3, # <u>3</u> Affidavit IVOR GROVES 3.1) (Raish, Anne) (Entered: 12/04/2007)
12/04/2007	<u>211</u>	AFFIDAVIT/AFFIRMATION <i>OF CLARENCE SUNDRAM</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 12/04/2007)
12/04/2007	<u>212</u>	AFFIDAVIT/AFFIRMATION <i>OF GEOFFREY LIEBERMAN</i> by Disability Advocates, Inc. (Raish, Anne) (Entered: 12/04/2007)

12/04/2007	<u>213</u>	AFFIDAVIT/AFFIRMATION OF JOHN GRESHAM by Disability Advocates, Inc. (Raish, Anne) (Entered: 12/04/2007)
12/04/2007	<u>214</u>	AFFIDAVIT in Opposition re <u>145</u> Notice of MOTION for Summary Judgment filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit 1-18, # <u>2</u> Exhibit 19-20, # <u>3</u> Exhibit 21a, # <u>4</u> Exhibit 21b, # <u>5</u> Exhibit 22, # <u>6</u> Exhibit 23a, # <u>7</u> Exhibit 23b, # <u>8</u> Exhibit 24, # <u>9</u> Exhibit 25, # <u>10</u> Exhibit 26-27, # <u>11</u> Exhibit 27b, # <u>12</u> Exhibit 28a, # <u>13</u> Exhibit 28b, # <u>14</u> Exhibit 29-37, # <u>15</u> Exhibit 32-34a, # <u>16</u> Exhibit 34b-35a, # <u>17</u> Exhibit 35b-36, # <u>18</u> Exhibit 37-38, # <u>19</u> Exhibit 39-41, # <u>20</u> Exhibit 42a, # <u>21</u> Exhibit 42b, # <u>22</u> Exhibit 43-44a, # <u>23</u> Exhibit 44b, # <u>24</u> Exhibit 45-46a, # <u>25</u> Exhibit 46b-49, # <u>26</u> Exhibit 50-51, # <u>27</u> Exhibit 52-53, # <u>28</u> Exhibit 54a, # <u>29</u> Exhibit 54b, # <u>30</u> Exhibit 54c, # <u>31</u> Exhibit 54d, # <u>32</u> Exhibit 55, # <u>33</u> Exhibit 56a, # <u>34</u> Exhibit 56b, # <u>35</u> Exhibit 57a, # <u>36</u> Exhibit 57b, # <u>37</u> Exhibit 57c, # <u>38</u> Exhibit 58-60, # <u>39</u> Exhibit 61-63, # <u>40</u> Exhibit 64-66, # <u>41</u> Exhibit 67-68, # <u>42</u> Exhibit 69a, # <u>43</u> Exhibit 69b, # <u>44</u> Exhibit 69c, # <u>45</u> Exhibit 69d, # <u>46</u> Exhibit 69e, # <u>47</u> Exhibit 70, # <u>48</u> Exhibit 71-73, # <u>49</u> Exhibit 74, # <u>50</u> Exhibit 75a, # <u>51</u> Exhibit 75b, # <u>52</u> Exhibit 76-77, # <u>53</u> Exhibit 78, # <u>54</u> Exhibit 79, # <u>55</u> Exhibit 80, # <u>56</u> Exhibit 81-83, # <u>57</u> Exhibit 84, # <u>58</u> Exhibit 85, # <u>59</u> Exhibit 86a, # <u>60</u> Exhibit 86b, # <u>61</u> Exhibit 87, # <u>62</u> Exhibit 88, # <u>63</u> Exhibit 89-90a, # <u>64</u> Exhibit 90b, # <u>65</u> Exhibit 91, # <u>66</u> Exhibit 92a, # <u>67</u> Exhibit 92b, # <u>68</u> Exhibit 92c, # <u>69</u> Exhibit 92d, # <u>70</u> Exhibit 92e, # <u>71</u> Exhibit 92f, # <u>72</u> Exhibit 93-94, # <u>73</u> Exhibit 95, # <u>74</u> Exhibit 96, # <u>75</u> Exhibit 97-102, # <u>76</u> Exhibit 103a, # <u>77</u> Exhibit 103b, # <u>78</u> Exhibit 104, # <u>79</u> Exhibit 105, # <u>80</u> Exhibit 106, # <u>81</u> Exhibit 110-119, # <u>82</u> Exhibit 120-123, # <u>83</u> Exhibit 124-125a, # <u>84</u> Exhibit 125b-127, # <u>85</u> Exhibit 128-131, # <u>86</u> Exhibit 132-137a, # <u>87</u> Exhibit 137b-139, # <u>88</u> Exhibit 140) (Raish, Anne) (Entered: 12/04/2007)
01/16/2008	<u>215</u>	MOTION for Leave to File Excess Pages by New York State Department of Health. (Hathaway, Barbara) (Entered: 01/16/2008)
01/22/2008	<u>216</u>	ORDER granting <u>215</u> Motion for Leave to File Excess Pages. So Ordered by Judge Nicholas G. Garaufis on 1/17/2008. (Lee, Tiffeny) (Entered: 01/22/2008)
01/31/2008	<u>217</u>	AFFIDAVIT/DECLARATION in Support re <u>145</u> Notice of MOTION for Summary Judgment of <i>Barbara K. Hathaway</i> filed by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 01/31/2008)
01/31/2008	<u>218</u>	MEMORANDUM in Support of <i>Motion for Summary Judgment and to Exclude Testimony, Reports and Opinions of Plaintiff's Expert Witnesses</i> filed by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 01/31/2008)
01/31/2008	<u>219</u>	MOTION to Strike <i>Evidence</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 01/31/2008)
01/31/2008	<u>220</u>	MEMORANDUM in Support Of <i>Motion To Strike Evidence</i> filed by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 01/31/2008)
01/31/2008	<u>221</u>	REPLY in Support of <i>DISABILITY ADVOCATES, INC'S MOTION FOR PARTIAL SUMMARY JUDGMENT</i> filed by Disability Advocates, Inc.. (Raish, Anne) (Entered: 01/31/2008)
01/31/2008	<u>222</u>	AFFIDAVIT/DECLARATION in Support re <u>176</u> MOTION for Partial Summary Judgment by ANNE S. RAISH filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit 63, # <u>2</u> Exhibit 64-66, # <u>3</u> Exhibit 67-68) (Raish, Anne) (Entered: 01/31/2008)
01/31/2008	<u>223</u>	NOTICE by Disability Advocates, Inc. (<i>DAI'S REPLY TO DEFENDANTS' RESPONSE TO DAI'S LOCAL RULE 56.1 STATEMENT</i>) (Raish, Anne) (Entered: 01/31/2008)
02/11/2008	<u>224</u>	Letter to the Honorable Nicholas G. Garaufis by Disability Advocates, Inc. (Raish, Anne) (Entered: 02/11/2008)
02/13/2008	<u>225</u>	ORDER re <u>224</u> Letter re: Proposed Briefing Schedule filed by Disability Advocates, Inc. Application Granted. So Ordered by Judge Nicholas G. Garaufis on 2/12/2008. (Lee, Tiffeny) (Entered: 02/13/2008)

02/20/2008	<u>226</u>	AFFIDAVIT/DECLARATION in Opposition re <u>219</u> MOTION to Strike <i>Evidence Declaration of Anne S. Raish</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit 69a, # <u>2</u> Exhibit 69b, # <u>3</u> Exhibit 70 -74) (Raish, Anne) (Entered: 02/20/2008)
02/20/2008	<u>227</u>	MEMORANDUM in Opposition re <u>219</u> MOTION to Strike <i>Evidence</i> by Disability Advocates, Inc. (Raish, Anne) Modified description on 2/21/2008 (Lee, Tiffeny). (Entered: 02/20/2008)
02/29/2008	<u>228</u>	MEMORANDUM in Support <i>Of Motion To Strike Evidence</i> filed by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 02/29/2008)
06/13/2008	<u>229</u>	Letter by Disability Advocates, Inc. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2) (Raish, Anne) (Entered: 06/13/2008)
06/19/2008	<u>230</u>	Letter <i>responding to Plaintiff's letter of June 13, 2008 re Joseph S. v. Hogan</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 06/19/2008)
09/25/2008		ORDER: The State Defendants' <u>173</u> Motion in Limine, <u>219</u> Motion to Strike and <u>145</u> Notice of MOTION for Summary Judgment are considered consolidated and will be ruled upon as such. Ordered by Judge Nicholas G. Garaufis on 9/25/2008. (Lee, Tiffeny) (Entered: 09/25/2008)
12/22/2008	<u>231</u>	MEMORANDUM AND OPINION re (173) Defendants' Motion in Limine to Exclude Experts, Testimony, Reports, and Opinions of DAI's Experts and (219) Defendants' Motion to Strike Evidence. Defendants' Motion in Limine to Exclude Experts is DENIED. Defendants' Motion to Strike Evidence is GRANTED in part and DENIED in part. The pending Motions for Summary Judgment will be addressed in a subsequent memorandum and order. So Ordered by Judge Nicholas G. Garaufis on 12/22/08. (Garaufis, Nicholas) (Entered: 12/22/2008)
02/19/2009	<u>232</u>	MEMORANDUM & ORDER denying Defendants' Motion for Summary Judgment <u>145</u> and Plaintiff's Motion for Partial Summary Judgment <u>176</u> . So ordered by Judge Nicholas G. Garaufis on 2/19/2009. (Garaufis, Nicholas) (Entered: 02/19/2009)
03/06/2009	<u>233</u>	NOTICE by Disability Advocates, Inc. <i>of Withdrawal of Appearance</i> (Bearden, Roger) (Entered: 03/06/2009)
03/12/2009	<u>234</u>	NOTICE of Appearance by Kevin M Cremin on behalf of Disability Advocates, Inc. (aty to be noticed) (Cremin, Kevin) (Entered: 03/12/2009)
03/12/2009	<u>235</u>	Letter <i>re withdrawal of appearance of Lycette Nelson, formerly an attorney at MFY, as co-counsel for the plaintiff</i> by Disability Advocates, Inc. (Cremin, Kevin) (Entered: 03/12/2009)
03/17/2009		SCHEDULING ORDER: Status Conference set for 3/25/2009 02:30 PM before Magistrate Judge Marilyn D. Go to discuss settlement and a schedule for joint pretrial order submissions. Ordered by Magistrate Judge Marilyn D. Go on 3/17/2009. (Go, Marilyn) (Entered: 03/17/2009)
03/19/2009		Minute Entry for status conference held before Judge Nicholas G. Garaufis on 3/19/2009. The final pre-trial conference will be on May 1, 2009 at 12:15 p.m. The trial will begin on May 11, 2009, at 9:30 a.m. So Ordered by Judge Nicholas G. Garaufis on March 19, 2009. (Wilensky, Julie) (Entered: 03/19/2009)
03/20/2009		Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Telephone Status Conference held on 3/20/2009. Appearances by tel. by Anne Raish for plaintiff; Barbara Hathaway for defendants. The parties must submit a proposed schedule for joint PTO submissions, as well as explore settlement, prior to the next conference, which is adjourned to April 7, 2009 at 3:00 p.m. (DeVeaux, Yvonne) (Entered: 03/20/2009)
03/30/2009	<u>236</u>	Letter MOTION for Extension of Time to File <i>Joint Pretrial Order Submissions</i> by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health, Disability Advocates, Inc.. (Raish, Anne) (Entered: 03/30/2009)
03/30/2009		ORDER granting <u>236</u> Motion for Extension of Time to File. The proposed joint PTO shall be submitted by 4/27/09. Ordered by Magistrate Judge Marilyn D. Go on 3/30/2009. (Go,

		Marilyn) (Entered: 03/30/2009)
04/03/2009	<u>237</u>	NOTICE of Consent to Change Attorney by Charlyne M. Brumskine Peay (Brumskine Peay, Charlyne) (Entered: 04/03/2009)
04/03/2009	<u>238</u>	Letter to the Clerk of Court Regarding Withdrawal of Certain Attorneys by Disability Advocates, Inc. (Raish, Anne) Modified on 4/6/2009 (Abdallah, Fida). (Entered: 04/03/2009)
04/08/2009	<u>239</u>	Letter re Minute Order by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 04/08/2009)
04/08/2009	<u>240</u>	Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Scheduling and Settlement Conference held on 4/7/2009. Appearances by Cliff Zucker, Anne Raish, Sandra Shelton, Kevin Cremin, Jota Borgmann for plaintiff; Barbar Hathaway, Scott Spiegelman, Pamela O'Brien (by tel) for defendant. Settlement discussions held, but the parties are far apart. Schedule set for further pretrial disclosures and exchange of proposed joint pretrial order submissions. See attached minute order. The proposed joint PTO must be submitted by 4/29/09. Next conference scheduled for April 22, 2009 at 9:30 a.m. (by tel) (DeVeaux, Yvonne) (Entered: 04/08/2009)
04/13/2009	<u>241</u>	NOTICE of Appearance by Matthew Silverman on behalf of all defendants (aty to be noticed) (Silverman, Matthew) (Entered: 04/13/2009)
04/16/2009	<u>242</u>	NOTICE of Appearance by Sandra Lynn Sheldon on behalf of Disability Advocates, Inc. (aty to be noticed) (Sheldon, Sandra) (Entered: 04/16/2009)
04/16/2009	<u>243</u>	NOTICE of Appearance by Jonathan R. Bolton on behalf of Disability Advocates, Inc. (aty to be noticed) (Bolton, Jonathan) (Entered: 04/16/2009)
04/16/2009	<u>244</u>	NOTICE of Appearance by Francine Nicole Murray on behalf of Disability Advocates, Inc. (aty to be noticed) (Murray, Francine) (Entered: 04/16/2009)
04/21/2009	<u>245</u>	MOTION for Leave to Appear Pro Hac Vice for Gayle Gerson by Disability Advocates, Inc.. (Attachments: # <u>1</u> Affidavit of Gayle Gerson in Support, # <u>2</u> Certificate of Good Standing) (Sheldon, Sandra) (Entered: 04/21/2009)
04/22/2009		Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go:Telephone status conference held on 4/22/2009. Appearances by Anne Raish, Cliff Zucker for plaintiff; Barbara Hathaway for defendants. Since the deposition of Mitchell Dorfman will not be held until 4/30/09, plaintiffs' time to file a motion in limine to exclude the substance of his testimony is extended to 5/4/09. However, if plaintiffs seek to have him excluded as a witness, they must file an in limine motion by the original 4/27/09 deadline set. Defendants must promptly identify the witnesses on their witness list who are not likely to testify and those who are likely to testify. (DeVeaux, Yvonne) (Entered: 04/22/2009)
04/22/2009	<u>246</u>	FILING FEE: \$ 25.00, receipt number 365827 regarding <u>245</u> Motion for Pro Hac Vice Appearance as to Gayle S. Gershon. (Lee, Tiffeny) (Entered: 04/23/2009)
04/23/2009	<u>247</u>	Motion for Extension of Time to File Request for Extension of Time re Motion in limine by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) Modified on 4/24/2009 to correct event, use the appropriate motion event for similar filings in the future(Lee, Tiffeny). (Entered: 04/23/2009)
04/23/2009	<u>248</u>	Letter to the Honorable Nicholas G. Garaufis in Response to Defendants' April 23, 2009 Letter Request for Extension of Time re Motion in Limine by Disability Advocates, Inc. (Raish, Anne) (Entered: 04/23/2009)
04/24/2009	<u>249</u>	ORDER granting <u>247</u> Motion for Extension of Time to File motions in limine and other materials. Ordered by Judge Nicholas G. Garaufis on 4/24/2009. (Lee, Tiffeny) (Entered: 04/24/2009)
04/24/2009		ORDER granting <u>245</u> Motion for Leave to Appear pro hac vice. Gayle Gerson, the admitted attorney is permitted to argue or try this action in whole or in part as counsel or advocate for plaintiff, subject to payment of a \$25.00 admission fee within 10 business days after receipt of this order. When paying the fee by mail or in person, the attorney must present a copy of this electronic Order to the Clerk's Office with the required fee.

		Appearance of counsel in this case will then be entered on the Court's docket and a notation of the attorney's admission pro hac vice will be made on this Court's roll of attorneys. If the attorney admitted pro hac vice is not registered for Electronic Case Filing ("ECF") with this Court, she must register for ECF or submit an application for exemption within two weeks of the date of this order. Ordered by Magistrate Judge Marilyn D. Go on 4/24/2009. (Go, Marilyn) (Entered: 04/24/2009)
04/29/2009	<u>250</u>	TRIAL BRIEF <i>Statement of Elements and Summary of Facts</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 04/29/2009)
04/29/2009	<u>251</u>	NOTICE by Disability Advocates, Inc. / <i>Disability Advocates, Inc.'s Statement of Requested Relief</i> (Bolton, Jonathan) (Entered: 04/29/2009)
04/29/2009	<u>252</u>	MOTION in Limine to <i>Preclude the Trial Testimony of Previously Undisclosed Witnesses</i> by Disability Advocates, Inc.. (Sheldon, Sandra) (Entered: 04/29/2009)
04/29/2009	<u>253</u>	MEMORANDUM in Support re <u>252</u> MOTION in Limine to <i>Preclude the Trial Testimony of Previously Undisclosed Witnesses</i> filed by Disability Advocates, Inc.. (Sheldon, Sandra) (Entered: 04/29/2009)
04/29/2009	<u>254</u>	AFFIDAVIT/DECLARATION in Support re <u>252</u> MOTION in Limine to <i>Preclude the Trial Testimony of Previously Undisclosed Witnesses of Francine N. Murray</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit 1-7) (Sheldon, Sandra) (Entered: 04/29/2009)
04/29/2009	<u>255</u>	MOTION in Limine by New York State Department of Health. (Hathaway, Barbara) (Entered: 04/29/2009)
04/29/2009	<u>256</u>	Notice of MOTION in Limine by New York State Department of Health. (Hathaway, Barbara) (Entered: 04/29/2009)
04/29/2009	<u>257</u>	BRIEF on MOTION in Limine by New York State Department of Health. (Hathaway, Barbara) Modified on 4/30/2009 to correct event(Lee, Tiffeny). (Entered: 04/29/2009)
04/29/2009	<u>258</u>	MOTION in Limine to <i>Exclude from Trial Certain Issues Raised in Defendants' Summary of Claims and Defenses to be Tried</i> by Disability Advocates, Inc.. (Sheldon, Sandra) (Entered: 04/29/2009)
04/29/2009	<u>259</u>	MEMORANDUM in Support re <u>258</u> MOTION in Limine to <i>Exclude from Trial Certain Issues Raised in Defendants' Summary of Claims and Defenses to be Tried</i> filed by Disability Advocates, Inc.. (Sheldon, Sandra) (Entered: 04/29/2009)
04/29/2009	<u>260</u>	Proposed Pretrial Order [<i>Joint</i>] by George Pataki, Antonia C. Novello, James Stone, New York State Department of Health, New York State Office of Mental Health, Disability Advocates, Inc. (Attachments: # <u>1</u> Exhibit 1-3A, # <u>2</u> Exhibit 3B-4C) (Raish, Anne) (Additional attachment(s) added on 5/6/2009: # <u>2</u> Exhibit 3B, # <u>3</u> Exhibit 4A-4C) (Lee, Tiffeny). Modified on 5/6/2009 to include redacted document (Lee, Tiffeny). (Entered: 04/29/2009)
04/29/2009	<u>261</u>	NOTICE by Disability Advocates, Inc. / <i>Disability Advocates, Inc.'s Statement of the Elements of its Claims</i> (Bolton, Jonathan) (Entered: 04/29/2009)
04/29/2009		Motions terminated, docketed incorrectly: <u>255</u> MOTION in Limine filed by New York State Department of Health is a duplicate of <u>256</u> which remains pending before the Court. Document <u>257</u> MOTION in Limine filed by New York State Department of Health is further briefing related to Document <u>256</u> . (Lee, Tiffeny) (Entered: 04/30/2009)
05/01/2009		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Final Pretrial Conference held on 5/1/2009. Responses to the motions in limine shall be filed no later than Tuesday, May 5, 2009. The parties shall indicate which issues, if any, they withdraw from their motions in limine. In particular, the parties are directed to specify which of the proposed "issues for trial" can be addressed solely by post-trial briefing. The court will not revisit prior to trial its Memorandum & Order resolving Defendants' Daubert motion to exclude Plaintiff's experts, or issues resolved in the Memorandum & Order on the motions for summary judgment. The parties may, however, submit post-trial briefing on these issues. The court will provide the parties with a schedule of trial dates and times closer to the start date of the trial. With advance notice, the court can accommodate the schedules of

		expert witnesses. At trial, each side may make a short opening statement. So Ordered by Judge Garaufis on May 1, 2009. (Garaufis, Nicholas) (Entered: 05/01/2009)
05/04/2009	<u>262</u>	ORDER. The attached document sets forth the trial schedule for May. So Ordered by Judge Nicholas G. Garaufis on 5/4/2009. (Wilensky, Julie) (Entered: 05/04/2009)
05/05/2009	<u>263</u>	MEMORANDUM in Opposition re <u>252</u> MOTION in Limine to Preclude the Trial Testimony of Previously Undisclosed Witnesses, <u>258</u> MOTION in Limine to Exclude from Trial Certain Issues Raised in Defendants' Summary of Claims and Defenses to be Tried filed by New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 05/05/2009)
05/05/2009	<u>264</u>	MEMORANDUM in Opposition re <u>256</u> Notice of MOTION in Limine filed by Disability Advocates, Inc.. (Sheldon, Sandra) (Entered: 05/05/2009)
05/05/2009	<u>265</u>	AFFIDAVIT/DECLARATION in Opposition re <u>256</u> Notice of MOTION in Limine filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2-5, # <u>3</u> Exhibit 6-8) (Bolton, Jonathan) (Entered: 05/05/2009)
05/06/2009	<u>266</u>	NOTICE of Appearance by Liad Levinson on behalf of all plaintiffs (aty to be noticed) (Levinson, Liad) (Entered: 05/06/2009)
05/06/2009	<u>267</u>	Letter to the Honorable Nicholas G. Garaufis by Disability Advocates, Inc. (Raish, Anne) (Entered: 05/06/2009)
05/08/2009	<u>268</u>	MEMORANDUM & ORDER. Plaintiff's Motion to exclude issues from trial <u>258</u> is GRANTED in part and DENIED in part, Defendants' Motion <u>256</u> is GRANTED in part and DENIED in part, and Plaintiff's Motion to preclude Defendants' witness <u>252</u> is DENIED. In addition, the court vacates the portion of its May 1, 2009 Order stating that the parties may submit post-trial briefing on issues already resolved by the court. So Ordered by Judge Nicholas G. Garaufis on 5/8/2009. (Garaufis, Nicholas) (Entered: 05/08/2009)
05/08/2009	<u>269</u>	ORDER to Permit Possession and Use of Electronic Devices. Ordered by Judge Nicholas G. Garaufis on 5/08/2009. (Lee, Tiffeny) (Entered: 05/11/2009)
05/11/2009	<u>279</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial begun on 5/11/2009. Opening statements: Witness called. Counsel for both sides present. Trial cont'd. 5/12/2009. (Court Reporter Anthony Frisolone) (Clarke, Melonie) (Entered: 06/22/2009)
05/12/2009	<u>270</u>	NOTICE of Appearance by Scott J. Spiegelman on behalf of all defendants (aty to be noticed) (Spiegelman, Scott) (Entered: 05/12/2009)
05/12/2009	<u>280</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/12/2009. Witness called. Counsel present for both sides. Trial Cont'd 5/13/09. (Court Reporter Anthony Frisolone) (Clarke, Melonie) (Entered: 06/22/2009)
05/13/2009	<u>281</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/13/2009. Witness called. Counsel present for both sides. Cont'd 5/14/09. (Court Reporter Anthony Frisolone) (Clarke, Melonie) (Entered: 06/22/2009)
05/14/2009	<u>271</u>	ORDER. The attached document sets forth the trial schedule for June 1-19, 2009. So Ordered by Judge Nicholas G. Garaufis on 5/14/2009. (Garaufis, Nicholas) (Entered: 05/14/2009)
05/14/2009	<u>282</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/14/2009. Witness called. Counsel present for both sides. Cont'd 5/15/09. (Court Reporter Anthony Frisolone)(Clarke, Melonie) (Entered: 06/22/2009)
05/15/2009	<u>272</u>	EVIDENTIARY ORDER. SO ORDERED by Judge Nicholas G. Garaufis on 5/15/2009. (Entered: 05/15/2009)
05/15/2009	<u>283</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/15/2009. Witness called. Counsel present for both sides. Cont'd 5/18/09. (Court Reporter Anthony Frisolone) (Clarke, Melonie) (Entered: 06/22/2009)
05/18/2009	<u>284</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/18/2009. Witness called. Counsel present for both sides. Cont'd 5/20/09. (Court Reporter

		Lisa Schmid)(Clarke, Melonie) (Entered: 06/22/2009)
05/20/2009	<u>285</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/20/2009. Witness called. Counsel present for both sides. Cont'd 5/21/09. (Court Reporter Lisa Schmid)(Clarke, Melonie) (Entered: 06/22/2009)
05/21/2009	<u>286</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/21/2009. Witness called. Counsel present for both sides. Cont'd 5/26/09. (Court Reporter Lisa Schmid) (Clarke, Melonie) (Entered: 06/22/2009)
05/22/2009	<u>273</u>	ORDER setting forth the post-trial briefing schedule. The parties' proposed findings of fact and conclusions of law shall be filed no later than July 13, 2009. Responses shall be filed no later than July 22, 2009. The briefing schedule is predicated on the assumption that the trial will conclude on or about June 19, 2009 and is subject to change in the event that the trial concludes earlier. So Ordered by Judge Nicholas G. Garaufis on 5/22/2009. (Garaufis, Nicholas) (Entered: 05/22/2009)
05/26/2009	<u>287</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/26/2009. Witness called. Counsel present for both sides. Cont'd 5/27/09. (Court Reporter Marie Foley) (Clarke, Melonie) (Entered: 06/22/2009)
05/27/2009	<u>288</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/27/2009. Witness called. Counsel present for both sides. Cont'd 5/28/09. (Clarke, Melonie) (Entered: 06/22/2009)
05/28/2009	<u>289</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/28/2009. Witness called. Counsel present for both sides. Cont'd 5/29/09. (Court Reporter Marie Foley)(Clarke, Melonie) (Entered: 06/22/2009)
05/29/2009	<u>290</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 5/29/2009. Witness called. Counsel present for both sides. Cont'd 6/1/09. (Court Reporter Marie Foley)(Clarke, Melonie) (Entered: 06/22/2009)
06/01/2009	<u>291</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 6/1/2009. Witness called. Counsel present for both sides. Cont'd 6/2/09. (Court Reporter Michele Nardone) (Clarke, Melonie) (Entered: 06/22/2009)
06/02/2009	<u>292</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 6/2/2009. Witness called. Counsel present for both sides. Cont'd 6/3/09. (Court Reporter Michele Nardone)(Clarke, Melonie) (Entered: 06/22/2009)
06/03/2009	<u>293</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 6/3/2009. Witness called. Counsel present for both sides. Cont'd 6/4/09. (Court Reporter Michelle Nardone.) (Clarke, Melonie) (Entered: 06/22/2009)
06/04/2009	<u>294</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 6/4/2009. Witness called. Counsel present for both sides. Cont'd 6/15/09. (Court Reporter Michelle Nardone.) (Clarke, Melonie) (Entered: 06/22/2009)
06/05/2009	<u>274</u>	NOTICE of Appearance by Ankush Khardori on behalf of Disability Advocates, Inc. (aty to be noticed) (Khardori, Ankush) (Entered: 06/05/2009)
06/08/2009	<u>275</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3/19/09, before Judge Garaufis. Court Reporter/Transcriber G. Rudolph, Telephone number 718-613-2538. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/29/2009. Redacted Transcript Deadline set for 7/9/2009. Release of Transcript Restriction set for 9/8/2009. (Rudolph, Gene) (Entered: 06/08/2009)
06/09/2009		Minute Entry for Settlement Conference held before Magistrate Judge Marilyn D. Go on 6/8/2009. Appearances by Cliff Zuckert, Anne Raish, Andrew Gordon for plaintiff; Barbara Hathaway, Amy Held, Scott Spiegelman, Pamela O'Brien (by tel), Peter Durfee (by tel) for defendants. Settlement discussions held. Next conference scheduled for June 11, 2009 at 1:00 p.m. (by tel) (DeVeaux, Yvonne) (Entered: 06/09/2009)
06/11/2009	<u>276</u>	SEALED envelope containing In Camera declaration of Joseph Reilly dated 1/13/2008 placed in vault. (Clarke, Melonie) (Entered: 06/11/2009)

06/15/2009	<u>295</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial held on 6/15/2009. Witness called. Counsel present for both sides. Cont'd 6/16/09. (Court Reporter Shelly Silverman.) (Clarke, Melonie) (Entered: 06/22/2009)
06/16/2009		Minute Entry Telephone Settlement Conference held before Magistrate Judge Marilyn D. Go on 6/11/2009. Appearances by Cliff Zuckert, Anne Raish for plaintiff; Barbara Hathaway for defendants. Settlement discussions continued to follow trial on June 15, 2009 with defendants and June 16, 2009 with plaintiff. The parties should call or report to chambers to set the next settlement conference date (DeVeaux, Yvonne) (Entered: 06/16/2009)
06/16/2009		Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Settlement Conference held on 6/15/2009. Appearances by Barbara Hathaway, Scott Spiegelman, Matthew Silverman for defendants. Settlement discussions held. (DeVeaux, Yvonne) (Entered: 06/16/2009)
06/16/2009	<u>296</u>	Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Bench Trial completed on 6/16/2009. Witness called. Counsel present for both sides. Trial concludes. (Court Reporter Shelly Silverman.) (Clarke, Melonie) (Entered: 06/22/2009)
06/17/2009	<u>277</u>	ORDER. The court directs the parties to compile a complete set of exhibits admitted into evidence, listed and copied in the order that the exhibits were admitted during trial. By July 13, 2009, Plaintiff shall file one copy of this joint submission on ECF, redacted pursuant to Judge Go's protective order dated May 19, 2004. For the redacted exhibits, Plaintiff shall also file unredacted versions under seal with the Clerk's office. In addition, Plaintiff is directed to provide an unredacted courtesy copy of the joint submission to chambers. So Ordered by Judge Nicholas G. Garaufis on 6/17/2009. (Garaufis, Nicholas) (Entered: 06/17/2009)
06/18/2009	278	Sealed letter dated 12/3/07 re Declarations of Adult Home Residents. (Clarke, Melonie) (Entered: 06/18/2009)
06/23/2009		Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Telephone Settlement Conference held on 6/22/2009. Appearances by telephone by Anne Raish, Cliff Zucker, Barbara Hathaway. Next settlement conference to be held on June 26, 2009 at 9:00 a.m. (by tel) (DeVeaux, Yvonne) (Entered: 06/23/2009)
06/26/2009		Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Telephone Settlement Conference held on 6/26/2009. Appearances by Anne Raish, Cliff Zuckert for plaintiff; Barbara Hathaway for defendants. Settlement conference continued to July 2, 2009 at 3:30 p.m. (by tel) (DeVeaux, Yvonne) (Entered: 06/26/2009)
06/26/2009	<u>297</u>	AFFIDAVIT/AFFIRMATION of <i>Patricia Bott</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 06/26/2009)
06/26/2009	<u>298</u>	AFFIDAVIT/AFFIRMATION of <i>Barbara K. Hathaway</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 06/26/2009)
06/26/2009	<u>299</u>	AFFIDAVIT/AFFIRMATION of <i>Amy Held</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 06/26/2009)
06/26/2009	<u>300</u>	AFFIDAVIT/AFFIRMATION of <i>Kevin Cotter</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 06/26/2009)
06/30/2009	<u>301</u>	NOTICE by Disability Advocates, Inc. / <i>Notice of Withdrawal of Notice of Appearance</i> (Khardori, Ankush) (Entered: 06/30/2009)
06/30/2009	<u>302</u>	Letter dated 6/26/09 by defense counsel re: four affidavits electronically filed, doc.#297-300. (Clarke, Melonie) (Entered: 06/30/2009)
07/02/2009	<u>303</u>	Letter Dated 7/2/09 Re: <i>Response to 6/26/09 Letter</i> by Disability Advocates, Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Raish, Anne) (Entered: 07/02/2009)
07/06/2009		Minute Entry for proceedings held before Magistrate Judge Marilyn D. Go. Telephone Settlement Conference held on 7/2/2009. Appearances by Anne Raish and Clifford Zuckert for plaintiff; Barbara Hathaway for defendants. Settlement discussions are at an impasse. (DeVeaux, Yvonne) (Entered: 07/06/2009)

07/10/2009	<u>304</u>	Letter to the Honorable Nicholas G. Garaufis by Disability Advocates, Inc. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit Cross-Reference List of Exhibits, # <u>3</u> Exhibit P-316, # <u>4</u> Exhibit S-62, # <u>5</u> Exhibit S-76, # <u>6</u> Exhibit S-34, # <u>7</u> Exhibit S-151, # <u>8</u> Exhibit S-154, # <u>9</u> Exhibit S-157, # <u>10</u> Exhibit S-158, # <u>11</u> Exhibit S-159, # <u>12</u> Exhibit S-160, # <u>13</u> Exhibit S-161, # <u>14</u> Exhibit S-165, # <u>15</u> Exhibit S-166, # <u>16</u> Exhibit P-372, # <u>17</u> Exhibit S-97, # <u>18</u> Exhibit S-98, # <u>19</u> Exhibit P-525, # <u>20</u> Exhibit P-526, # <u>21</u> Exhibit P-527, # <u>22</u> Exhibit S-141, # <u>23</u> Exhibit P-126 Part 1, # <u>24</u> Exhibit P-126 Part 2, # <u>25</u> Exhibit P-126 Part 3, # <u>26</u> Exhibit P-126 Part 4, # <u>27</u> Exhibit P-130, # <u>28</u> Exhibit P-128, # <u>29</u> Exhibit D-349, # <u>30</u> Exhibit P-166, # <u>31</u> Exhibit P-385, # <u>32</u> Exhibit P-386, # <u>33</u> Exhibit S-33, # <u>34</u> Exhibit S-5 Part 1, # <u>35</u> Exhibit S-5 Part 2, # <u>36</u> Exhibit S-5 Part 3, # <u>37</u> Exhibit S-5 Part 4, # <u>38</u> Exhibit S-5 Part 5, # <u>39</u> Exhibit S-5 Part 6, # <u>40</u> Exhibit D-351) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>305</u>	EXHIBIT D-352 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-534, # <u>2</u> Exhibit P-535, # <u>3</u> Exhibit P-536, # <u>4</u> Exhibit P-538, # <u>5</u> Exhibit P-537, # <u>6</u> Exhibit S-155, # <u>7</u> Exhibit S-152, # <u>8</u> Exhibit P-296, # <u>9</u> Exhibit P-300, # <u>10</u> Exhibit P-303, # <u>11</u> Exhibit P-304, # <u>12</u> Exhibit P-305, # <u>13</u> Exhibit P-571, # <u>14</u> Exhibit P-572, # <u>15</u> Exhibit P-573, # <u>16</u> Exhibit P-357, # <u>17</u> Exhibit P-59, # <u>18</u> Exhibit S-80, # <u>19</u> Exhibit S-149, # <u>20</u> Exhibit D-249, # <u>21</u> Exhibit D-252, # <u>22</u> Exhibit D-324, # <u>23</u> Exhibit D-327, # <u>24</u> Exhibit D-330, # <u>25</u> Exhibit D-336, # <u>26</u> Exhibit D-333, # <u>27</u> Exhibit D-331, # <u>28</u> Exhibit D-247, # <u>29</u> Exhibit D-248) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>306</u>	EXHIBIT D-254 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit S-19, # <u>2</u> Exhibit D-221, # <u>3</u> Exhibit D-222, # <u>4</u> Exhibit S-150 Part 1, # <u>5</u> Exhibit S-150 Part 2, # <u>6</u> Exhibit P-586, # <u>7</u> Exhibit P-55, # <u>8</u> Errata S-17, # <u>9</u> Exhibit P-286, # <u>10</u> Exhibit P-394 Part 1, # <u>11</u> Exhibit P-394 Part 2, # <u>12</u> Exhibit P-394 Part 3, # <u>13</u> Exhibit P-394 Part 4, # <u>14</u> Exhibit P-394 Part 5, # <u>15</u> Exhibit P-394 Part 6, # <u>16</u> Exhibit P-394 Part 7, # <u>17</u> Exhibit P-394 Part 8, # <u>18</u> Exhibit P-395 Part 1, # <u>19</u> Exhibit P-395 Part 2, # <u>20</u> Exhibit P-395 Part 3, # <u>21</u> Exhibit P-395 Part 4, # <u>22</u> Exhibit P-395 Part 5, # <u>23</u> Exhibit P-395 Part 6, # <u>24</u> Exhibit P-395 Part 7) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>307</u>	EXHIBIT P-400 Part 1 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-400 Part 2, # <u>2</u> Exhibit P-400 Part 3, # <u>3</u> Exhibit P-400 Part 4, # <u>4</u> Exhibit P-400 Part 5, # <u>5</u> Exhibit P-400 Part 6, # <u>6</u> Exhibit P-400 Part 7) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>308</u>	EXHIBIT P-400 Part 8 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-400 Part 9, # <u>2</u> Exhibit P-400 Part 10, # <u>3</u> Exhibit P-400 Part 11, # <u>4</u> Exhibit P-400 Part 12, # <u>5</u> Errata P-400 Part 13, # <u>6</u> Exhibit P-400 Part 14) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>309</u>	EXHIBIT P-400 Part 15 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-400 Part 16, # <u>2</u> Exhibit P-400 Part 17, # <u>3</u> Exhibit P-400 Part 18, # <u>4</u> Exhibit P-400 Part 19) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>310</u>	EXHIBIT P-400 Part 20 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-400 Part 21, # <u>2</u> Exhibit P-400 Part 22, # <u>3</u> Exhibit P-401 Part 1, # <u>4</u> Exhibit P-401 Part 2, # <u>5</u> Exhibit P-401 Part 3, # <u>6</u> Exhibit P-401 Part 4, # <u>7</u> Exhibit P-401 Part 5, # <u>8</u> Exhibit P-401 Part 6, # <u>9</u> Exhibit P-404 Part 1, # <u>10</u> Exhibit P-404 Part 2, # <u>11</u> Exhibit P-404 Part 3, # <u>12</u> Exhibit P-404 Part 4, # <u>13</u> Exhibit P-404 Part 5, # <u>14</u> Exhibit P-405 Part 1, # <u>15</u> Exhibit P-405 Part 2, # <u>16</u> Exhibit P-405 Part 3, # <u>17</u> Exhibit P-405 Part 4, # <u>18</u> Exhibit P-405 Part 5, # <u>19</u> Exhibit P-405 Part 6, # <u>20</u> Exhibit P-405 Part 7, # <u>21</u> Exhibit P-405 Part 8) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>311</u>	EXHIBIT P-406 Part 1 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-406 Part 2, # <u>2</u> Exhibit P-406 Part 3, # <u>3</u> Exhibit P-406 Part 4, # <u>4</u> Exhibit P-406 Part 5, # <u>5</u> Exhibit P-406 Part 6, # <u>6</u> Exhibit P-408 Part 1, # <u>7</u> Exhibit P-408 Part 2, # <u>8</u> Exhibit P-408 Part 3, # <u>9</u> Exhibit P-409 Part 1, # <u>10</u> Exhibit P-409 Part 2, # <u>11</u> Exhibit P-409 Part 3, # <u>12</u> Exhibit P-409 Part 4, # <u>13</u> Exhibit P-409 Part 5, # <u>14</u> Exhibit P-439 Part 1, # <u>15</u> Exhibit P-439 Part 2, # <u>16</u> Exhibit P-440 Part 1, # <u>17</u> Exhibit P-440 Part 2, # <u>18</u> Exhibit P-441 Part 1, # <u>19</u> Exhibit P-441 Part 2, # <u>20</u> Exhibit P-442 Part 1, # <u>21</u> Exhibit P-442 Part 2) (Raish, Anne) (Entered: 07/10/2009)

07/10/2009	<u>312</u>	EXHIBIT <i>P-445 Part 1</i> by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-445 Part 2, # <u>2</u> Exhibit P-530, # <u>3</u> Exhibit P-531, # <u>4</u> Exhibit P-532, # <u>5</u> Exhibit P-354, # <u>6</u> Exhibit P-355, # <u>7</u> Exhibit P-356, # <u>8</u> Exhibit P-358, # <u>9</u> Exhibit P-359, # <u>10</u> Exhibit P-360, # <u>11</u> Exhibit P-361, # <u>12</u> Exhibit P-362, # <u>13</u> Exhibit P-363, # <u>14</u> Exhibit P-364, # <u>15</u> Exhibit P-365, # <u>16</u> Exhibit P-149, # <u>17</u> Exhibit P-589 Part 1, # <u>18</u> Exhibit P-589 Part 2, # <u>19</u> Exhibit P-589 Part 3, # <u>20</u> Exhibit P-589 Part 4, # <u>21</u> Exhibit P-589 Part 5, # <u>22</u> Exhibit P-589 Part 6, # <u>23</u> Exhibit S-40, # <u>24</u> Exhibit S-70, # <u>25</u> Exhibit S-28, # <u>26</u> Exhibit S-61, # <u>27</u> Exhibit S-59, # <u>28</u> Exhibit S-60, # <u>29</u> Exhibit P-590) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>313</u>	EXHIBIT <i>P-583 Part 1</i> by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-583 Part 2, # <u>2</u> Exhibit P-583 Part 3, # <u>3</u> Exhibit P-540, # <u>4</u> Exhibit P-541, # <u>5</u> Exhibit P-542, # <u>6</u> Exhibit P-543, # <u>7</u> Exhibit P-544, # <u>8</u> Exhibit P-545, # <u>9</u> Exhibit P-546, # <u>10</u> Exhibit P-568, # <u>11</u> Exhibit P-569, # <u>12</u> Exhibit P-553, # <u>13</u> Exhibit P-555 Part 1, # <u>14</u> Exhibit P-555 Part 2, # <u>15</u> Exhibit P-555 Part 3, # <u>16</u> Exhibit P-564 Part 1, # <u>17</u> Exhibit P-564 Part 2, # <u>18</u> Exhibit P-564 Part 3, # <u>19</u> Exhibit P-564 Part 4, # <u>20</u> Exhibit P-566 Part 1, # <u>21</u> Exhibit P-566 Part 2, # <u>22</u> Exhibit P-552 Part 1, # <u>23</u> Exhibit P-552 Part 2, # <u>24</u> Exhibit P-142 Part 1, # <u>25</u> Exhibit P-142 Part 2, # <u>26</u> Exhibit P-142 Part 3, # <u>27</u> Exhibit P-142 Part 4, # <u>28</u> Exhibit P-170, # <u>29</u> Exhibit P-228, # <u>30</u> Exhibit P-229) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>314</u>	EXHIBIT <i>P-62</i> by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit P-68, # <u>2</u> Exhibit P-116, # <u>3</u> Exhibit P-187, # <u>4</u> Exhibit P-283, # <u>5</u> Exhibit P-284, # <u>6</u> Exhibit S-103 Part 1, # <u>7</u> Exhibit S-103 Part 2, # <u>8</u> Exhibit S-103 Part 3, # <u>9</u> Exhibit P-8 Part 1, # <u>10</u> Exhibit P-8 Part 2, # <u>11</u> Exhibit P-93, # <u>12</u> Exhibit P-226 Part 1, # <u>13</u> Exhibit P-226 Part 2, # <u>14</u> Exhibit P-94, # <u>15</u> Exhibit P-591, # <u>16</u> Exhibit S-103, # <u>17</u> Exhibit S-133, # <u>18</u> Exhibit D-360, # <u>19</u> Exhibit S-31, # <u>20</u> Exhibit S-35, # <u>21</u> Exhibit D-107 Part 1, # <u>22</u> Exhibit D-107 Part 2, # <u>23</u> Exhibit S-12 Part 1, # <u>24</u> Exhibit S-12 Part 2, # <u>25</u> Exhibit S-16 Part 1, # <u>26</u> Exhibit S-16 Part 2, # <u>27</u> Exhibit S-32) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>315</u>	EXHIBIT <i>D-64 Part 1</i> by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit D-64 Part 2, # <u>2</u> Exhibit D-65, # <u>3</u> Exhibit S-18, # <u>4</u> Exhibit S-145, # <u>5</u> Exhibit S-147, # <u>6</u> Exhibit P-293, # <u>7</u> Exhibit D-359, # <u>8</u> Exhibit S-1, # <u>9</u> Exhibit D-1, # <u>10</u> Exhibit D-2, # <u>11</u> Exhibit D-3, # <u>12</u> Exhibit D-10, # <u>13</u> Exhibit D-11, # <u>14</u> Exhibit D-12, # <u>15</u> Exhibit S-2, # <u>16</u> Exhibit D-129 Part 1, # <u>17</u> Exhibit D-129 Part 2, # <u>18</u> Exhibit D-129 Part 3, # <u>19</u> Exhibit D-129 Part 4, # <u>20</u> Exhibit D-129 Part 5, # <u>21</u> Exhibit D-128, # <u>22</u> Exhibit D-130, # <u>23</u> Exhibit D-131, # <u>24</u> Exhibit D-133, # <u>25</u> Exhibit D-132, # <u>26</u> Exhibit D-136 Part 1, # <u>27</u> Exhibit D-136 Part 2, # <u>28</u> Exhibit D-139, # <u>29</u> Exhibit D-135, # <u>30</u> Exhibit D-138, # <u>31</u> Exhibit S-49, # <u>32</u> Exhibit S-50 Part 1, # <u>33</u> Exhibit S-50 Part 2, # <u>34</u> Exhibit P-390, # <u>35</u> Exhibit D-361, # <u>36</u> Exhibit D-362, # <u>37</u> Exhibit D-363, # <u>38</u> Exhibit D-364, # <u>39</u> Exhibit D-365, # <u>40</u> Exhibit D-366, # <u>41</u> Exhibit D-367, # <u>42</u> Exhibit D-369, # <u>43</u> Exhibit D-370, # <u>44</u> Exhibit D-371, # <u>45</u> Exhibit D-372, # <u>46</u> Exhibit D-373, # <u>47</u> Exhibit D-374, # <u>48</u> Exhibit P-640, # <u>49</u> Exhibit P-634, # <u>50</u> Exhibit P-644, # <u>51</u> Exhibit p-649, # <u>52</u> Exhibit P-646, # <u>53</u> Exhibit P-653, # <u>54</u> Exhibit P-645, # <u>55</u> Exhibit P-647, # <u>56</u> Exhibit D-271, # <u>57</u> Exhibit D-384, # <u>58</u> Exhibit D-350, # <u>59</u> Exhibit D-98, # <u>60</u> Exhibit S-93 Part 1, # <u>61</u> Exhibit S-93 Part 2, # <u>62</u> Exhibit D-381, # <u>63</u> Exhibit D-376, # <u>64</u> Exhibit S-29, # <u>65</u> Exhibit D-347) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>316</u>	EXHIBIT <i>D-190</i> by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit D-259, # <u>2</u> Exhibit S-27, # <u>3</u> Exhibit S-11, # <u>4</u> Exhibit S-101, # <u>5</u> Exhibit P-673, # <u>6</u> Exhibit P-674, # <u>7</u> Exhibit D-389, # <u>8</u> Exhibit S-52 Part 1, # <u>9</u> Exhibit S-52 Part 2, # <u>10</u> Exhibit S-52 Part 3, # <u>11</u> Exhibit S-52 Part 4, # <u>12</u> Exhibit S-53, # <u>13</u> Exhibit S-71 Part 1, # <u>14</u> Exhibit S-71 Part 2, # <u>15</u> Exhibit S-71 Part 3, # <u>16</u> Exhibit S-71 Part 4, # <u>17</u> Exhibit D-387, # <u>18</u> Exhibit S-57 Part 1, # <u>19</u> Exhibit S-57 Part 2, # <u>20</u> Exhibit S-58, # <u>21</u> Exhibit D-162, # <u>22</u> Exhibit D-386, # <u>23</u> Exhibit D-383, # <u>24</u> Exhibit S-146, # <u>25</u> Exhibit D-90, # <u>26</u> Exhibit D-193, # <u>27</u> Exhibit D-272, # <u>28</u> Exhibit P-706 Part 1, # <u>29</u> Exhibit P-706 Part 2, # <u>30</u> Exhibit S-55, # <u>31</u> Exhibit S-144, # <u>32</u> Exhibit D-395, # <u>33</u> Exhibit D-397, # <u>34</u> Exhibit S-30, # <u>35</u> Exhibit D-398, # <u>36</u> Exhibit D-385, # <u>37</u> Exhibit P-63, # <u>38</u> Exhibit P-724, # <u>39</u> Exhibit P-725, # <u>40</u> Exhibit S-54, # <u>41</u> Exhibit D-404, # <u>42</u> Exhibit D-405, # <u>43</u> Exhibit D-415, # <u>44</u> Exhibit D-402, # <u>45</u> Exhibit D-15) (Raish, Anne) (Entered: 07/10/2009)

07/10/2009	<u>317</u>	EXHIBIT D-28 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit D-29, # <u>2</u> Exhibit D-34, # <u>3</u> Exhibit D-20, # <u>4</u> Exhibit D-51, # <u>5</u> Exhibit D-49, # <u>6</u> Exhibit D-50, # <u>7</u> Exhibit D-57 Part 1, # <u>8</u> Exhibit D-57 Part 2, # <u>9</u> Exhibit D-59, # <u>10</u> Exhibit D-23, # <u>11</u> Exhibit P-743, # <u>12</u> Exhibit P-744, # <u>13</u> Exhibit S-156 Part 1, # <u>14</u> Exhibit S-156 Part 2, # <u>15</u> Exhibit D-391 Part 1, # <u>16</u> Exhibit D-391 Part 2, # <u>17</u> Exhibit D-391 Part 3, # <u>18</u> Exhibit D-392, # <u>19</u> Exhibit D-393, # <u>20</u> Exhibit S-6 Part 1, # <u>21</u> Exhibit S-6 Part 2, # <u>22</u> Exhibit S-6 Part 3, # <u>23</u> Exhibit S-6 Part 4, # <u>24</u> Exhibit S-8 Part 1, # <u>25</u> Exhibit S-8 Part 2, # <u>26</u> Exhibit S-8 Part 3, # <u>27</u> Exhibit S-23, # <u>28</u> Exhibit S-38, # <u>29</u> Exhibit S-39 Part 1, # <u>30</u> Exhibit S-39 Part 2, # <u>31</u> Exhibit S-69 Part 1, # <u>32</u> Exhibit S-69 Part 2, # <u>33</u> Exhibit S-75) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>318</u>	EXHIBIT S-77 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit S-81, # <u>2</u> Exhibit S-88 Part 1, # <u>3</u> Exhibit S-88 Part 2, # <u>4</u> Exhibit D-277, # <u>5</u> Exhibit D-278, # <u>6</u> Exhibit D-279, # <u>7</u> Exhibit D-280, # <u>8</u> Exhibit D-281, # <u>9</u> Exhibit D-399 Part 1, # <u>10</u> Exhibit D-399 Part 2, # <u>11</u> Exhibit D-399 Part 3, # <u>12</u> Exhibit D-399 Part 4, # <u>13</u> Exhibit D-394 Part 1, # <u>14</u> Exhibit D-394 Part 2, # <u>15</u> Exhibit D-394 Part 3, # <u>16</u> Exhibit D-394 Part 4, # <u>17</u> Exhibit D-227, # <u>18</u> Exhibit D-417, # <u>19</u> Exhibit S-72, # <u>20</u> Exhibit D-418, # <u>21</u> Exhibit D-423, # <u>22</u> Exhibit D-424, # <u>23</u> Exhibit D-167, # <u>24</u> Exhibit D-182, # <u>25</u> Exhibit S-25, # <u>26</u> Exhibit S-26, # <u>27</u> Exhibit D-348, # <u>28</u> Exhibit D-441, # <u>29</u> Exhibit D-434) (Raish, Anne) (Entered: 07/10/2009)
07/10/2009	<u>340</u>	Sealed Document (Box) placed in vault. (Lee, Tiffeny) (Entered: 08/27/2009)
07/11/2009	<u>319</u>	EXHIBIT D-433 Part 1 by Disability Advocates, Inc.. Related document: <u>304</u> Letter,,,, filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit D-433 Part 2, # <u>2</u> Exhibit D-442, # <u>3</u> Exhibit D-439, # <u>4</u> Exhibit D-420, # <u>5</u> Exhibit D-421, # <u>6</u> Exhibit D-422, # <u>7</u> Exhibit D-431, # <u>8</u> Exhibit D-440 Part 1, # <u>9</u> Exhibit D-440 Part 2, # <u>10</u> Exhibit D-440 Part 3, # <u>11</u> Exhibit D-440 Part 4, # <u>12</u> Exhibit S-148, # <u>13</u> Exhibit P-771, # <u>14</u> Exhibit P-771A Part 1, # <u>15</u> Exhibit P-771A Part 2, # <u>16</u> Exhibit P-771A Part 3, # <u>17</u> Exhibit P-771A Part 4, # <u>18</u> Exhibit P-771A Part 5, # <u>19</u> Exhibit P-771A Part 6, # <u>20</u> Exhibit P-771A Part 7, # <u>21</u> Exhibit P-771A Part 8, # <u>22</u> Exhibit P-264, # <u>23</u> Exhibit P-630, # <u>24</u> Exhibit P-753, # <u>25</u> Exhibit P-753A Part 1, # <u>26</u> Exhibit P-753A Part 2, # <u>27</u> Exhibit P-753A Part 3, # <u>28</u> Exhibit P-753A Part 4, # <u>29</u> Exhibit P-753A Part 5, # <u>30</u> Exhibit P-753A Part 6, # <u>31</u> Exhibit P-753A Part 7, # <u>32</u> Exhibit P-753A Part 8, # <u>33</u> Exhibit P-753A Part 9, # <u>34</u> Exhibit P-753A Part 10, # <u>35</u> Exhibit P-263, # <u>36</u> Exhibit P-768, # <u>37</u> Exhibit P-719, # <u>38</u> Exhibit P-247, # <u>39</u> Exhibit P-245, # <u>40</u> Exhibit P-244, # <u>41</u> Exhibit S-128, # <u>42</u> Exhibit S-127, # <u>43</u> Exhibit P-756, # <u>44</u> Exhibit P-757, # <u>45</u> Exhibit D-137, # <u>46</u> Exhibit P-722, # <u>47</u> Exhibit P-758, # <u>48</u> Exhibit P-759, # <u>49</u> Exhibit P-723, # <u>50</u> Exhibit P-748, # <u>51</u> Exhibit P-659, # <u>52</u> Exhibit P-754, # <u>53</u> Exhibit P-773, # <u>54</u> Exhibit S-87, # <u>55</u> Exhibit S-67) (Raish, Anne) (Entered: 07/11/2009)
07/13/2009	<u>320</u>	Proposed Findings of Fact by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 07/13/2009)
07/13/2009	<u>321</u>	Proposed Findings of Fact by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 07/13/2009)
07/13/2009	<u>322</u>	MOTION in Limine / <i>Motion to Admit Exhibit P-774 into Evidence</i> by Disability Advocates, Inc.. (Levinson, Liad) (Entered: 07/13/2009)
07/13/2009	<u>323</u>	MEMORANDUM in Support re <u>322</u> MOTION in Limine / <i>Motion to Admit Exhibit P-774 into Evidence</i> filed by Disability Advocates, Inc.. (Levinson, Liad) (Entered: 07/13/2009)
07/13/2009	<u>324</u>	AFFIDAVIT/DECLARATION in Support re <u>322</u> MOTION in Limine / <i>Motion to Admit Exhibit P-774 into Evidence</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Exhibit A-F) (Levinson, Liad) (Entered: 07/13/2009)
07/13/2009	<u>325</u>	Proposed Findings of Fact by Disability Advocates, Inc. (Attachments: # <u>1</u> Cover Letter) (Raish, Anne) (Entered: 07/13/2009)
07/22/2009	<u>326</u>	NOTICE of Appearance by Timothy A. Clune on behalf of Disability Advocates, Inc. (notification declined or already on case) (Clune, Timothy) (Entered: 07/22/2009)

07/22/2009	<u>327</u>	MEMORANDUM in Opposition re <u>322</u> MOTION in Limine / <i>Motion to Admit Exhibit P-774 into Evidence Defendants' Memorandum of Law in Opposition to Plaintiff's Motion to Admit Evidence After Trial</i> filed by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Hathaway, Barbara) (Entered: 07/22/2009)
07/22/2009	<u>328</u>	AFFIDAVIT/DECLARATION in Opposition re <u>322</u> MOTION in Limine / <i>Motion to Admit Exhibit P-774 into Evidence</i> filed by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Hathaway, Barbara) (Entered: 07/22/2009)
07/22/2009	<u>329</u>	Proposed Findings of Fact by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 07/22/2009)
07/22/2009	<u>330</u>	MEMORANDUM in Opposition re <u>320</u> Proposed Findings of Fact filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Cover Letter) (Raish, Anne) (Entered: 07/22/2009)
07/22/2009	<u>331</u>	STIPULATION by Disability Advocates, Inc. (Raish, Anne) (Entered: 07/22/2009)
07/23/2009	<u>334</u>	STIPULATION AND ORDER: Attorneys for the parties in the above-captioned action have reviewed and agreed upon changes to be made to the official trial transcript as directed by the Court on June 16,2009; therefore, the parties, by their undersigned attorneys, hereby stipulate that the changes reflected in the errata sheet attached as Exhibit I will be incorporated into the official trial transcript. Ordered by Judge Nicholas G. Garaufis on 7/23/2009. See order for further detail (Clarke, Melonie) (Entered: 07/28/2009)
07/28/2009	<u>332</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 6-15-09, before Judge Garaufis. Court Reporter/Transcriber S.Silverman, Telephone number 718.613.2537. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/17/2009. Redacted Transcript Deadline set for 8/25/2009. Release of Transcript Restriction set for 10/23/2009. (Silverman, Shelly) (Entered: 07/28/2009)
07/28/2009	<u>333</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 6-16-09, before Judge Garaufis. Court Reporter/Transcriber S.Silverman, Telephone number 718.613.2537. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/17/2009. Redacted Transcript Deadline set for 8/25/2009. Release of Transcript Restriction set for 10/23/2009. (Silverman, Shelly) (Entered: 07/28/2009)
08/11/2009	<u>335</u>	NOTICE of Appearance by Roger A. Bearden on behalf of Disability Advocates, Inc. (notification declined or already on case) (Bearden, Roger) (Entered: 08/11/2009)
08/12/2009		Email Notification Test – DO NOT REPLY. (Abdallah, Fida) (Entered: 08/12/2009)
08/12/2009	<u>336</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5-26-09, before Judge Garaufis. Court Reporter/Transcriber Marie Foley, Telephone number 718-613-2596. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/31/2009. Redacted Transcript Deadline set for 9/9/2009. Release of Transcript Restriction set for 11/9/2009. (Foley, Marie) (Entered: 08/12/2009)
08/12/2009	<u>337</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5-27-09, before Judge Garaufis. Court Reporter/Transcriber Marie Foley, Telephone number 718-613-2596. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/31/2009. Redacted Transcript Deadline set for 9/9/2009. Release of Transcript Restriction set for 11/9/2009. (Foley, Marie) (Entered: 08/12/2009)
08/12/2009	<u>338</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5-28-09, before Judge Garaufis. Court Reporter/Transcriber Marie Foley, Telephone number 718-613-2596. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript

		Restriction. After that date it may be obtained through PACER. Redaction Request due 8/31/2009. Redacted Transcript Deadline set for 9/9/2009. Release of Transcript Restriction set for 11/9/2009. (Foley, Marie) (Entered: 08/12/2009)
08/12/2009	<u>339</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5-29-09, before Judge Garaufis. Court Reporter/Transcriber Marie Foley, Telephone number 718-613-2596. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/31/2009. Redacted Transcript Deadline set for 9/9/2009. Release of Transcript Restriction set for 11/9/2009. (Foley, Marie) (Entered: 08/12/2009)
09/08/2009	<u>341</u>	MEMORANDUM AND ORDER SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS OF LAW. So Ordered by Judge Nicholas G. Garaufis on 9/8/2009.(Garaufis, Nicholas) (Entered: 09/08/2009)
09/24/2009	<u>342</u>	NOTICE of Appearance by Roberta L. Mueller on behalf of Disability Advocates, Inc. (at to be noticed) (Mueller, Roberta) (Entered: 09/24/2009)
09/25/2009	<u>343</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 6-1-2009, before Judge Garaufis. Court Reporter/Transcriber M.Nardone, Telephone number 718-613-2601. Email address: Michele_Nardone@nyed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/13/2009. Redacted Transcript Deadline set for 10/23/2009. Release of Transcript Restriction set for 12/21/2009. (Nardone, Michele) (Entered: 09/25/2009)
09/25/2009	<u>344</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 6-2-2009, before Judge Garaufis. Court Reporter/Transcriber M.Nardone, Telephone number 718-613-2601. Email address: Michele_Nardone@nyed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/13/2009. Redacted Transcript Deadline set for 10/23/2009. Release of Transcript Restriction set for 12/21/2009. (Nardone, Michele) (Entered: 09/25/2009)
09/25/2009	<u>345</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 6-3-2009, before Judge Garaufis. Court Reporter/Transcriber M.Nardone, Telephone number 718-613-2601. Email address: Michele_Nardone@nyed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/13/2009. Redacted Transcript Deadline set for 10/23/2009. Release of Transcript Restriction set for 12/21/2009. (Nardone, Michele) (Entered: 09/25/2009)
09/25/2009	<u>346</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 6-4-2009, before Judge Garaufis. Court Reporter/Transcriber M.Nardone, Telephone number 718-613-2601. Email address: Michele_Nardone@nyed.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/13/2009. Redacted Transcript Deadline set for 10/23/2009. Release of Transcript Restriction set for 12/21/2009. (Nardone, Michele) (Entered: 09/25/2009)
10/07/2009	<u>347</u>	Letter dated 10/5/2009 to Judge Garaufis from Naomi Lehrer regarding the court's ruling pertaining to the violation of Americans with Disabilities Act. (Lee, Tiffeny) (Entered: 10/07/2009)
10/15/2009	<u>348</u>	Letter MOTION for Extension of Time to File <i>A Proposed Remedial Plan</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Hathaway, Barbara) (Entered: 10/15/2009)
10/16/2009	<u>349</u>	Letter to Court by Proposed Intervenor United States of America by United States Of America (Goldberger, Michael) (Entered: 10/16/2009)

10/20/2009	<u>350</u>	ORDER granting <u>348</u> Motion for Extension of Time to File A Proposed Remedial Plan. Ordered by Judge Nicholas G. Garaufis on 10/15/2009. (Abdallah, Fida) (Entered: 10/20/2009)
10/20/2009	<u>351</u>	Letter to Judge Garaufis by New York Coalition for Quality Assisted Living (Sherrin, Jeffrey) (Entered: 10/20/2009)
10/20/2009	<u>352</u>	Letter MOTION for pre motion conference by Empire State Association of Assisted Living. (Luntz, David) (Entered: 10/20/2009)
10/21/2009	<u>353</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5/18/09, before Judge Nicholas Garaufis. Court Reporter/Transcriber Lisa Schmid, Telephone number (718)613-2644. Email address: lisaschmidccr.rmr@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/9/2009. Redacted Transcript Deadline set for 11/18/2009. Release of Transcript Restriction set for 1/18/2010. (Schmid, Lisa) (Entered: 10/21/2009)
10/21/2009	<u>354</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5/20/09, before Judge Nicholas Garaufis. Court Reporter/Transcriber Lisa Schmid, Telephone number (718)613-2644. Email address: lisaschmidccr.rmr@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/9/2009. Redacted Transcript Deadline set for 11/18/2009. Release of Transcript Restriction set for 1/18/2010. (Schmid, Lisa) (Entered: 10/21/2009)
10/21/2009	<u>355</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5/21/09, before Judge Nicholas Garaufis. Court Reporter/Transcriber Lisa Schmid, Telephone number (718)613-2644. Email address: lisaschmidccr.rmr@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/9/2009. Redacted Transcript Deadline set for 11/18/2009. Release of Transcript Restriction set for 1/18/2010. (Schmid, Lisa) (Entered: 10/21/2009)
10/22/2009		Minute Entry for proceedings held before Judge Nicholas G. Garaufis on 10/22/2009: Cliff Zucker for Plaintiff; Barbara Hathaway for Defendants; Amanda Maisels for proposed intervenor United States; Jeffrey Sherrin for proposed intervenor New York Coalition for Quality Assisted Living ("NYCQAL"); David Luntz for proposed intervenor Empire State Association of Assisted Living ("ESAAL"). The United States shall serve its motion to intervene no later than 10/23/2009 and any response by the parties is due no later than 11/13/2009. NYCQAL and ESAAL shall serve their respective motions to intervene no later than 11/4/2009 and any response by the parties is due no later than 11/13/2009. The parties are further directed to advise the court in writing as to the details of their plans to apprise adult home residents of the current status of this litigation and its ramifications for them. This submission should be made no later than 11/5/2009. SO ORDERED by Judge Nicholas G. Garaufis on October 22, 2009. (Court Reporter Vicki Torres-Butler.) (Johnston, Brian) (Entered: 10/22/2009)
10/23/2009	<u>356</u>	NOTICE by United States Of America <i>Notice of Motion</i> (Goldberger, Michael) (Entered: 10/23/2009)
10/23/2009	<u>357</u>	MEMORANDUM in Support filed by United States Of America. (Attachments: # <u>1</u> Complaint) (Goldberger, Michael) (Entered: 10/23/2009)
10/23/2009	<u>358</u>	Amended MOTION to Intervene <i>WITH FULL COPY OF PROPOSED COMPLAINT IN INTERVENTION</i> by United States Of America. (Attachments: # <u>1</u> Exhibit) (Goldberger, Michael) (Entered: 10/23/2009)
10/27/2009	<u>359</u>	NOTICE of Appearance by Jeffrey J. Sherrin on behalf of New York Coalition for Quality Assisted Living (aty to be noticed) (Sherrin, Jeffrey) (Entered: 10/27/2009)
11/04/2009	<u>360</u>	Letter MOTION for Extension of Time to File <i>response to defendants' proposed remedial plan</i> by Disability Advocates, Inc.. (Zucker, Cliff) (Entered: 11/04/2009)

11/04/2009	<u>361</u>	MOTION to Intervene by Empire State Association of Assisted Living. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Affidavit, # <u>3</u> Memorandum in Support, # <u>4</u> Affidavit of Service) (Luntz, David) (Entered: 11/04/2009)
11/04/2009	<u>362</u>	MOTION to Intervene by New York Coalition for Quality Assisted Living. (Attachments: # <u>1</u> Affidavit Francesca Sommer with Exhibits A-B, # <u>2</u> Memorandum in Support, # <u>3</u> Proposed Answer in Intervention, # <u>4</u> Certificate of Service) (Sherrin, Jeffrey) (Entered: 11/04/2009)
11/05/2009		ORDER granting <u>360</u> Motion for Extension of Time to File. Plaintiff shall file its response to Defendants' proposed remedial plan no later than November 24, 2009. SO ORDERED by Judge Nicholas G. Garaufis on 11/5/2009. (Johnston, Brian) (Entered: 11/05/2009)
11/05/2009	<u>363</u>	***This document has been filed incorrectly please disregard. (See doc # 364) Letter to the Honorable Nicholas G. Garaufis by Disability Advocates, Inc., Empire State Association of Assisted Living, New York Coalition for Quality Assisted Living, New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone, United States Of America (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice Concerning the Court's September 8, 2009 Memorandum and Order) (Raish, Anne) (Entered: 11/05/2009)
11/05/2009	<u>364</u>	Letter to the Honorable Nicholas G. Garaufis by Disability Advocates, Inc., New York State Department of Health, New York State Office of Mental Health (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Notice Concerning the Court's September 8, 2009 Memorandum and Order) (Raish, Anne) (Entered: 11/05/2009)
11/06/2009	<u>365</u>	Proposed Pretrial Order <i>Proposed Remedial Plan</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 11/06/2009)
11/06/2009	<u>366</u>	AFFIDAVIT/AFFIRMATION re <u>365</u> Proposed Pretrial Order of <i>Robert Myers in support of Proposed Remedial Plan</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 11/06/2009)
11/06/2009	<u>367</u>	AFFIDAVIT/AFFIRMATION re <u>365</u> Proposed Pretrial Order of <i>Martha Schaeffer Hayes in support of Proposed Remedial Plan</i> by New York State Department of Health, New York State Office of Mental Health (Hathaway, Barbara) (Entered: 11/06/2009)
11/06/2009	<u>368</u>	MEMORANDUM in Support re <u>365</u> Proposed Pretrial Order <i>Proposed Remedial Plan</i> filed by New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 11/06/2009)
11/10/2009	<u>369</u>	ORDER re <u>364</u> Letter, filed by New York State Department of Health, New York State Office of Mental Health, Disability Advocates, Inc.: Defendant, New York State Department of Health, shall provide copies of the annexed notice to each of the adult homes listed below for distribution to every resident in such adult home, See Document. Ordered by Judge Nicholas G. Garaufis on 11/6/2009. (Lee, Tiffeny) (Entered: 11/10/2009)
11/13/2009	<u>370</u>	Letter responding to the United States', the Empire State Association of Assisted Living, Inc.'s, and the New York Coalition for Quality Assisted Living's Motions to Intervene by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 11/13/2009)
11/13/2009	<u>371</u>	MEMORANDUM in Opposition re <u>362</u> MOTION to Intervene, <u>361</u> MOTION to Intervene / <i>Disability Advocates, Inc.'s Memorandum of Law in Opposition to Adult Home Association's Motions to Intervene</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Cover Letter) (Raish, Anne) (Entered: 11/13/2009)
11/13/2009	<u>372</u>	AFFIDAVIT/DECLARATION in Opposition re <u>362</u> MOTION to Intervene, <u>361</u> MOTION to Intervene / <i>Declaration of Anne S. Raish in Support of Disability Advocates, Inc.'s Memorandum of Law in Opposition to Adult Home Associations' Motions to Intervene</i> filed by Disability Advocates, Inc.. (Raish, Anne) (Entered: 11/13/2009)
11/13/2009	<u>373</u>	MEMORANDUM in Support re <u>358</u> Amended MOTION to Intervene <i>WITH FULL COPY OF PROPOSED COMPLAINT IN INTERVENTION / Disability Advocates, Inc.'s Memorandum of Law in Support of the United States' Motion to Intervene</i> filed by Disability Advocates, Inc.. (Raish, Anne) (Entered: 11/13/2009)

11/19/2009	<u>374</u>	Letter <i>regarding United States' Motion to Intervene as Plaintiff</i> by United States Of America (Goldberger, Michael) (Entered: 11/19/2009)
11/19/2009	<u>375</u>	Letter MOTION for Leave to File <i>to Participate as Litigating Amicus</i> by City Of New York. (Grumet, Lisa) (Entered: 11/19/2009)
11/20/2009	<u>376</u>	Letter <i>concerning defendant Department of Health's compliance with the Court's Order of November 6, 2009</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 11/20/2009)
11/20/2009	<u>377</u>	SCHEDULING ORDER directing the parties to submit any response to the City's request <u>375</u> no later than November 23, 2009. SO ORDERED by Judge Nicholas G. Garaufis on 11/20/2009. (Johnston, Brian) (Entered: 11/20/2009)
11/20/2009	<u>378</u>	REPLY in Support <i>Reply Memorandum of Law</i> filed by Empire State Association of Assisted Living. (Luntz, David) (Entered: 11/20/2009)
11/20/2009	<u>379</u>	REPLY in Support re <u>362</u> MOTION to Intervene filed by New York Coalition for Quality Assisted Living. (Attachments: # <u>1</u> Certificate of Service) (Sherrin, Jeffrey) (Entered: 11/20/2009)
11/23/2009	<u>380</u>	CERTIFICATE OF SERVICE by Empire State Association of Assisted Living <i>for Reply Memorandum of Law</i> (Luntz, David) (Entered: 11/23/2009)
11/23/2009	<u>381</u>	RESPONSE in Opposition re <u>375</u> Letter MOTION for Leave to File <i>to Participate as Litigating Amicus</i> filed by Disability Advocates, Inc.. (Raish, Anne) (Entered: 11/23/2009)
11/23/2009	<u>382</u>	REPLY in Support re <u>375</u> Letter MOTION for Leave to File <i>to Participate as Litigating Amicus</i> filed by City Of New York. (Grumet, Lisa) (Entered: 11/23/2009)
11/23/2009	<u>383</u>	Letter <i>responding to the City of New York's request to participate as a litigating amicus</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 11/23/2009)
11/23/2009	<u>384</u>	ORDER granting <u>358</u> Motion to Intervene. SO ORDERED by Judge Nicholas G. Garaufis on 11/23/2009. (Johnston, Brian) (Entered: 11/23/2009)
11/24/2009	<u>385</u>	MEMORANDUM in Support of <i>Plaintiff's Remedial Plan and in Opposition to Defendants' Remedial Plan</i> filed by United States Of America. (Maisels, Amanda) (Entered: 11/24/2009)
11/24/2009	<u>386</u>	Intervenor COMPLAINT, filed by United States Of America. (Maisels, Amanda) (Entered: 11/24/2009)
11/24/2009	<u>387</u>	AFFIDAVIT of Service for Complaint in Intervention served on Barbara Hathaway on November 24, 2009, filed by United States Of America. (Maisels, Amanda) (Entered: 11/24/2009)
11/24/2009	<u>388</u>	ORDER granting in part <u>375</u> Request to Participate as Litigating Amicus. SO ORDERED by Judge Nicholas G. Garaufis on 11/24/2009. (Johnston, Brian) (Entered: 11/24/2009)
11/24/2009	<u>389</u>	ORDER granting <i>amicus curiae</i> status to the Empire State Association of Assisted Living and the New York Coalition for Quality Assisted Living pending resolution of their respective motions to intervene. SO ORDERED by Judge Nicholas G. Garaufis on 11/24/2009. (Johnston, Brian) (Entered: 11/24/2009)
11/24/2009	<u>390</u>	MEMORANDUM in Opposition re <u>365</u> Proposed Pretrial Order / <i>Disability Advocates Inc.'s Memorandum of Law in Opposition to Defendants' Proposed Remedial Plan and in Support of Its Proposed Remedy</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Cover Letter) (Raish, Anne) (Entered: 11/24/2009)
11/25/2009	<u>391</u>	Letter <i>submitting Remedial Plan</i> by New York Coalition for Quality Assisted Living (Attachments: # <u>1</u> Amicus Remedial Plan, # <u>2</u> Certificate of Service) (Sherrin, Jeffrey) (Entered: 11/25/2009)
11/27/2009	<u>392</u>	AFFIDAVIT/AFFIRMATION of <i>Adam Karpati</i> by City Of New York (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C) (Grumet, Lisa) (Entered: 11/27/2009)

11/27/2009	<u>393</u>	Amicus Curiae APPEARANCE entered by Lisa Fleming Grumet on behalf of City Of New York (Grumet, Lisa) (Entered: 11/27/2009)
11/27/2009	<u>394</u>	Amicus Curiae APPEARANCE entered by David T. Luntz on behalf of Empire State Association of Assisted Living (Attachments: # <u>1</u> Certificate of Service) (Luntz, David) (Entered: 11/27/2009)
12/01/2009	<u>395</u>	REPLY in Support re <u>385</u> Memorandum in Support of Proposed Remedial Plan filed by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Hathaway, Barbara) (Entered: 12/01/2009)
12/04/2009	<u>396</u>	MEMORANDUM in Opposition Memorandum in Response to the Memoranda on Proposed Remedy by Amici Empire State Association of Assisted Living, New York Coalition for Quality Assisted Living, and the City of New York filed by United States of America. (Maisels, Amanda) (Entered: 12/04/2009)
12/04/2009	<u>397</u>	MEMORANDUM in Opposition re <u>393</u> Amicus Curiae Appearance, <u>365</u> Proposed Pretrial Order, <u>394</u> Amicus Curiae Appearance / Disability Advocates Inc.'s Memorandum of Law in Response to AMICI's Remedial Proposals and in Further Support of DAI's Proposed Remedy filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Cover Letter) (Raish, Anne) (Entered: 12/04/2009)
12/04/2009	<u>398</u>	MEMORANDUM in Opposition re <u>391</u> Letter, <u>392</u> Affidavit filed by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Spiegelman, Scott) (Entered: 12/04/2009)
12/17/2009	<u>399</u>	Defendants' ANSWER to Complaint in Intervention by the United States by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Hathaway, Barbara) (Entered: 12/17/2009)
12/23/2009	<u>400</u>	ORDER denying <u>361</u> Motion to Intervene by Empire State Association of Assisted Living and denying <u>362</u> Motion to Intervene by New York Coalition for Quality Assisted Living. SO ORDERED by Judge Nicholas G. Garaufis on 12/23/2009. (Johnston, Brian) (Entered: 12/23/2009)
12/30/2009	<u>401</u>	NOTICE by Disability Advocates, Inc. Notice of Withdrawal of Notice of Appearance of Sandra Sheldon (Sheldon, Sandra) (Entered: 12/30/2009)
01/20/2010	<u>402</u>	NOTICE OF APPEAL as to <u>400</u> Order on Motion to Intervene, by New York Coalition for Quality Assisted Living. Filing fee \$ 455.00 Receipt #4653010219. Service done electronically. (McGee, Mary Ann) (Entered: 01/20/2010)
01/21/2010		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>402</u> Notice of Appeal. The documents in this case are online and may be downloaded. The following are not online: 4,6-9,14-18,21-22,25-26,28,29,39,40,42,44-45,47-49,65,73,92,99,65,73,92,99,115,276,278,340. (McGee, Mary Ann) (Entered: 01/21/2010)
01/21/2010	<u>403</u>	NOTICE OF APPEAL by Empire State Association of Assisted Living from Memo and Order dtd 12/23/09 Filing fee \$ 455, receipt number 0207-3944942. Service done electronically. (Luntz, David) Modified on 1/21/10 (McGee, Mary Ann). Modified (Entered: 01/21/2010)
01/21/2010	<u>404</u>	CERTIFICATE OF SERVICE by Empire State Association of Assisted Living re Notice of Appeal (Luntz, David) (Entered: 01/21/2010)
01/21/2010		First Supplemental Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>404</u> Certificate of Service, <u>403</u> Notice of Appeal (McGee, Mary Ann) (Entered: 01/21/2010)
03/01/2010	<u>405</u>	REMEDIAL ORDER AND JUDGMENT. Please see attached. Ordered by Judge Nicholas G. Garaufis on 3/1/2010. (Johnston, Brian) (Entered: 03/01/2010)
03/01/2010	<u>406</u>	MEMORANDUM & ORDER regarding REMEDIAL ORDER AND JUDGMENT. Please see attached. Ordered by Judge Nicholas G. Garaufis on 3/1/2010. (Johnston, Brian) (Entered: 03/01/2010)

03/03/2010	<u>407</u>	NOTICE OF APPEAL as to <u>406</u> Memorandum & Opinion, <u>405</u> Order by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. Filing fee \$ 455.00 Receipt #4653011907. Service done electronically. (McGee, Mary Ann) (Entered: 03/03/2010)
03/04/2010		Electronic Index to Record on Appeal sent to US Court of Appeals <u>407</u> Notice of Appeal. The documents in this case are online and may be downloaded. The following documents were not scanned: 4,6,8,9,14,16-18,21-23,25,26,28,29,39,40,44,47-49,64,65,73,92,99,115,276,278,340. (McGee, Mary Ann) (Entered: 03/04/2010)
03/04/2010	<u>408</u>	Letter <i>motion to stay pending appeal of the Court's Remedial Order and Judgment filed March 1, 2010</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 03/04/2010)
03/04/2010		ORDER: Defendants' unopposed request for a one week extension of time as to the parties' obligations under Paragraph 14 of the Remedial Order and Judgment is granted. Plaintiff and Plaintiff-Intervenor shall respond to Defendants' request for a stay of the court's Remedial Order pending appeal no later than March 8, 2010. SO ORDERED by Judge Nicholas G. Garaufis on 3/4/2010. (Johnston, Brian) (Entered: 03/04/2010)
03/05/2010	<u>409</u>	Letter <i>in support of defendants' motion to stay pending appeal</i> by New York Coalition for Quality Assisted Living (Sherrin, Jeffrey) (Entered: 03/05/2010)
03/08/2010	<u>410</u>	RESPONSE in Opposition re <u>408</u> MOTION to Stay <i>Pending Appeal of the Court's Remedial Order and Judgment filed March 1, 2010</i> filed by Disability Advocates, Inc.. (Raish, Anne) (Entered: 03/08/2010)
03/08/2010	<u>411</u>	RESPONSE in Opposition re <u>408</u> MOTION to Stay filed by United States of America. (Goldberger, Michael) (Entered: 03/08/2010)
03/11/2010	<u>412</u>	ORDER denying <u>408</u> Motion to Stay. SO ORDERED by Judge Nicholas G. Garaufis on 3/11/2010. (Johnston, Brian) (Entered: 03/11/2010)
03/11/2010	<u>413</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 11, 2009, before Judge Garaufis. Court Reporter/Transcriber Anthony D. Frisolone, Telephone number 718 613 2487. Email address: AFrisolone@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/1/2010. Redacted Transcript Deadline set for 4/12/2010. Release of Transcript Restriction set for 6/9/2010. (Frisolone, Anthony) (Entered: 03/11/2010)
03/11/2010	<u>414</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 12, 2009, before Judge Garaufis. Court Reporter/Transcriber Anthony D. Frisolone, Telephone number 7186132487. Email address: afrisolone@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/1/2010. Redacted Transcript Deadline set for 4/12/2010. Release of Transcript Restriction set for 6/9/2010. (Frisolone, Anthony) (Entered: 03/11/2010)
03/11/2010	<u>415</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 13, 2009, before Judge Garaufis. Court Reporter/Transcriber Anthony D. Frisolone, Telephone number 7186132487. Email address: afrisolone@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/1/2010. Redacted Transcript Deadline set for 4/12/2010. Release of Transcript Restriction set for 6/9/2010. (Frisolone, Anthony) (Entered: 03/11/2010)
03/11/2010	<u>416</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 14, 2009, before Judge Garaufis. Court Reporter/Transcriber Anthony D. Frisolone, Telephone number 7186132487. Email address: afrisolone@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/1/2010. Redacted Transcript Deadline set for 4/12/2010.

		Release of Transcript Restriction set for 6/9/2010. (Frisolone, Anthony) (Entered: 03/11/2010)
03/11/2010	<u>417</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 15, 2009, before Judge Garaufis. Court Reporter/Transcriber Anthony D. Frisolone, Telephone number 7186132487. Email address: afrisolone@aol.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/1/2010. Redacted Transcript Deadline set for 4/12/2010. Release of Transcript Restriction set for 6/9/2010. (Frisolone, Anthony) (Entered: 03/11/2010)
03/11/2010	<u>418</u>	AMENDED ORDER denying <u>408</u> Motion to Stay. SO ORDERED by Judge Nicholas G. Garaufis on 3/11/2010. (Johnston, Brian) (Entered: 03/11/2010)
03/15/2010	<u>419</u>	Letter Dated March 15, 2010 to the Honorable Nicholas G. Garaufis Regarding Briefing Schedule for Fee Application by Disability Advocates, Inc. (Raish, Anne) (Entered: 03/15/2010)
03/17/2010	<u>420</u>	ORDER re <u>419</u> Letter filed by Disability Advocates, Inc. Application Granted. Ordered by Judge Nicholas G. Garaufis on 3/2010. (Lee, Tiffeny) (Entered: 03/18/2010)
03/19/2010	<u>421</u>	MOTION for Extension of Time to File <i>Names and Duties of Monitor</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone. (Hathaway, Barbara) (Entered: 03/19/2010)
03/22/2010		ORDER granting <u>421</u> Motion for Extension of Time. Application granted. SO ORDERED by Judge Nicholas G. Garaufis on 3/22/2010. (Johnston, Brian) (Entered: 03/22/2010)
03/24/2010	<u>422</u>	Letter <i>submitting names of potential monitors</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 03/24/2010)
03/24/2010	<u>423</u>	MEMORANDUM in Support of <i>Proposed Monitor Candidates and Joint Proposed Monitor Order</i> filed by Disability Advocates, Inc.. (Attachments: # <u>1</u> Proposed Order / [Joint Proposed] Order Appointing Monitor) (Raish, Anne) (Entered: 03/24/2010)
03/24/2010	<u>424</u>	DECLARATION of <i>Gayle S. Gerson in Support of Disability Advocates, Inc.'s Memorandum of Law in Support of Proposed Monitor Candidates and Proposed Monitor Order</i> by Disability Advocates, Inc. (Gerson, Gayle) (Entered: 03/24/2010)
03/24/2010	<u>425</u>	Letter <i>in Support of Plaintiff's Memorandum in Support of Proposed Monitor Candidates and Proposed Monitor Order</i> by United States of America (Maisels, Amanda) (Entered: 03/24/2010)
03/26/2010	<u>426</u>	Letter <i>attaching an Amended Joint Proposed Order Appointing Monitor</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Attachments: # <u>1</u> Proposed Order Amended Joint Proposed Order Appointing Monitor) (Spiegelman, Scott) (Entered: 03/26/2010)
03/31/2010	<u>427</u>	NOTICE of Appearance by Steven Marc Pesner on behalf of New York Coalition for Quality Assisted Living (aty to be noticed) (Pesner, Steven) (Entered: 03/31/2010)
03/31/2010	<u>428</u>	NOTICE OF APPEAL as to <u>405</u> Order by New York Coalition for Quality Assisted Living. Filing fee \$ 455, receipt number 0207-4067914. (Pesner, Steven) (Entered: 03/31/2010)
03/31/2010		Electronic Index to Record on Appeal sent to US Court of Appeals. For docket entries without a hyperlink, contact the court and we'll arrange for the document(s) to be made available to you. <u>236</u> Motion for Extension of Time to File, <u>362</u> Motion to Intervene, <u>349</u> Letter, <u>178</u> Letter, <u>374</u> Letter, <u>274</u> Notice of Appearance, <u>202</u> Response in Opposition to Motion, <u>302</u> Letter, <u>232</u> Order on Motion for Summary Judgment, Order on Motion for Partial Summary Judgment, <u>218</u> Memorandum in Support, <u>308</u> Exhibit, <u>353</u> Transcript,, <u>119</u> Transcript, <u>414</u> Transcript,, <u>100</u> Order, <u>245</u> Motion for Leave to Appear Pro Hac Vice, <u>203</u> Response in Opposition to Motion, <u>108</u> Letter, <u>150</u> Affidavit, <u>139</u> Letter, <u>357</u> Memorandum in Support, <u>27</u> Letter, <u>368</u> Memorandum in Support, <u>316</u> Exhibit,,, <u>376</u> Letter, <u>323</u> Memorandum in Support, <u>177</u> Rule 56.1 Statement, <u>131</u> Motion for Extension of Time to Complete Discovery, <u>12</u> Consent to Electronic Case Filing, <u>262</u> Order, <u>194</u>

Letter, [314](#) Exhibit,, [391](#) Letter, [187](#) Letter, [145](#) Motion for Summary Judgment, [227](#) Affidavit in Opposition, [163](#) Affidavit, [112](#) Notice of Appearance, [60](#) Letter, [344](#) Transcript,, [206](#) Affidavit, [125](#) Letter, [75](#) Letter, [332](#) Transcript,, [210](#) Affidavit, [135](#) Letter, [249](#) Order on Motion for Extension of Time to File, [216](#) Order on Motion for Leave to File Excess Pages, [103](#) Letter, [214](#) Affidavit in Opposition to Motion,,,,,, [169](#) Affidavit, [355](#) Transcript,, [180](#) Transcript, [80](#) Letter, [91](#) Letter, [382](#) Reply in Support, [189](#) Motion for Extension of Time to File Response/Reply, [157](#) Affidavit, [70](#) Reply to Response to Motion, [240](#) Scheduling Conference, Settlement Conference,,, [197](#) Order, [384](#) Order on Motion to Intervene, [204](#) Rule 56.1 Statement, [13](#) Consent to Electronic Case Filing, [46](#) Protective Order, [155](#) Affidavit, [261](#) Notice(Other), [401](#) Notice(Other), [72](#) Letter, [34](#) Letter, [413](#) Transcript,, [388](#) Order on Motion for Leave to File, [301](#) Notice(Other), [407](#) Notice of Appeal, [188](#) Order, [146](#) Affidavit, [399](#) Answer to Complaint, [284](#) Bench Trial – Held, [235](#) Letter, [120](#) Letter, [251](#) Notice(Other), [271](#) Order, [268](#) Order on Motion in Limine,,,,,,, [253](#) Memorandum in Support, [363](#) Letter,, [297](#) Affidavit, [149](#) Affidavit, [293](#) Bench Trial – Held, [321](#) Proposed Findings of Fact, [231](#) Memorandum & Opinion,, [129](#) Transcript, [298](#) Affidavit, [181](#) Letter, [418](#) Order, [263](#) Memorandum in Opposition, [87](#) Letter, [84](#) Letter, [166](#) Affidavit, [66](#) Letter, [318](#) Exhibit,, [132](#) Letter, [348](#) Motion for Extension of Time to File, [309](#) Exhibit, [409](#) Letter, [183](#) Affidavit in Support of Motion,, [257](#) Motion in Limine, [244](#) Notice of Appearance, [386](#) Intervenor Complaint, [250](#) Trial Brief, [329](#) Proposed Findings of Fact, [118](#) Letter, [74](#) Letter, [389](#) Order, [90](#) Letter, [330](#) Memorandum in Opposition, [361](#) Motion to Intervene, [101](#) Letter, [104](#) Transcript, [273](#) Order, [221](#) Reply in Support, [283](#) Bench Trial – Held, [358](#) Motion to Intervene, [179](#) Stipulation and Order, [219](#) Motion to Strike, [422](#) Letter, [327](#) Memorandum in Opposition, [291](#) Bench Trial – Held, [364](#) Letter, [258](#) Motion in Limine, [114](#) Letter, [24](#) Order, [160](#) Affidavit, [133](#) Letter, [404](#) Certificate of Service, [148](#) Affidavit, [165](#) Affidavit, [54](#) Letter, [89](#) Letter, [270](#) Notice of Appearance, [168](#) Affidavit, [324](#) Affidavit in Support of Motion, [208](#) Affidavit, [255](#) Motion in Limine, [223](#) Notice(Other), [226](#) Affidavit in Opposition to Motion, [161](#) Affidavit, [83](#) Letter, [209](#) Affidavit, [50](#) Letter, [311](#) Exhibit,, [265](#) Affidavit in Opposition to Motion, [337](#) Transcript,, [286](#) Bench Trial – Held, [105](#) Letter, [394](#) Amicus Curiae Appearance, [335](#) Notice of Appearance, [300](#) Affidavit, [199](#) Affidavit in Opposition to Motion, [339](#) Transcript,, [381](#) Response in Opposition to Motion, [428](#) Notice of Appeal, [281](#) Bench Trial – Held, [93](#) Order, [51](#) Letter, [158](#) Affidavit, [328](#) Affidavit in Opposition to Motion, [319](#) Exhibit,,,,, [82](#) Letter, [338](#) Transcript,, [111](#) Letter, [224](#) Letter, [354](#) Transcript,, [269](#) Order, [424](#) Declaration, [347](#) Letter, [229](#) Letter, [397](#) Memorandum in Opposition, [69](#) Letter, [94](#) Motion for Protective Order, [305](#) Exhibit,, [5](#) Order, [56](#) Letter, [38](#) Letter, [390](#) Memorandum in Opposition, [359](#) Notice of Appearance, [342](#) Notice of Appearance, [230](#) Letter, [402](#) Notice of Appeal, [320](#) Proposed Findings of Fact, [403](#) Notice of Appeal, [153](#) Affidavit, [102](#) Letter, [312](#) Exhibit,, [107](#) Letter, [417](#) Transcript,, [225](#) Order, [336](#) Transcript,, [296](#) Bench Trial – Completed, [152](#) Affidavit, [212](#) Affidavit, [427](#) Notice of Appearance, [333](#) Transcript,, [88](#) Letter, [151](#) Affidavit, [411](#) Response in Opposition to Motion, [367](#) Affidavit, [334](#) Stipulation and Order, [195](#) Letter, [370](#) Letter, [113](#) Letter, [416](#) Transcript,, [41](#) Memorandum & Opinion, [67](#) Motion to Compel, [184](#) Letter, [387](#) Affidavit of Service, [86](#) Letter, [304](#) Letter,,,, [294](#) Bench Trial – Held, [85](#) Letter, [176](#) Motion for Partial Summary Judgment, [378](#) Reply in Support, [331](#) Stipulation, [285](#) Bench Trial – Held, [252](#) Motion in Limine, [207](#) Affidavit, [30](#) Letter, [167](#) Affidavit, [220](#) Memorandum in Support, [310](#) Exhibit,, [292](#) Bench Trial – Held, [162](#) Affidavit, [425](#) Letter, [366](#) Affidavit, [322](#) Motion in Limine, [421](#) Motion for Extension of Time to File, [412](#) Order on Motion to Stay, [233](#) Notice(Other), [57](#) Letter, [63](#) Letter, [241](#) Notice of Appearance, [182](#) Affidavit in Support of Motion, [406](#) Memorandum & Opinion, [356](#) Notice(Other), [352](#) Motion for Pre Motion Conference, [81](#) Motion for Extension of Time to Complete Discovery, [96](#) Letter, [76](#) Letter, [420](#) Order, [306](#) Exhibit,, [272](#) Order, [243](#) Notice of Appearance, [53](#) Letter, [396](#) Memorandum in Opposition, [116](#) Letter, [393](#) Amicus Curiae Appearance, [2](#) Disclosure of Interested Parties, [164](#) Affidavit, [55](#) Letter, [380](#) Certificate of Service, [213](#) Affidavit, [345](#) Transcript,, [159](#) Affidavit, [325](#) Proposed Findings of Fact, [78](#) Letter, [123](#) Letter, [175](#) Affidavit, [392](#) Affidavit, [141](#) Letter, [68](#) Response in Opposition to Motion, [405](#) Order, [43](#) Order, [201](#) Response in Opposition to Motion, [143](#) Letter, [122](#) Letter, [172](#) Memorandum in Support, [375](#) Motion for Leave to File, [1](#) Complaint, [371](#) Memorandum in Opposition, [264](#) Memorandum in Opposition, [277](#) Order,, [33](#) Letter, [238](#) Letter, [373](#) Memorandum in Support, [288](#) Bench Trial – Held, [215](#) Motion for Leave to File Excess Pages, [130](#) Transcript, [20](#) Notice of Appearance, [136](#) Letter, [280](#) Bench Trial – Held, [400](#) Order on Motion to Intervene, [124](#) Letter, [211](#) Affidavit, [415](#) Transcript,, [126](#) Letter, [341](#) Memorandum & Opinion, [110](#) Notice of Appearance, [10](#) Consent to Electronic Case Filing, [31](#) Letter, [200](#) Response in Opposition to Motion, [192](#) Letter, [19](#) Answer to Complaint, [242](#) Notice of Appearance, [147](#) Affidavit, [196](#) Letter, [267](#) Letter, [59](#) Notice of

		Appearance, 239 Letter, 186 Scheduling Order, 95 Response in Opposition to Motion, 11 Consent to Electronic Case Filing, 198 Scheduling Order, 58 Letter, 385 Memorandum in Support, 315 Exhibit,,,,, 191 Letter, 351 Letter, 343 Transcript,, 3 Scheduling Order, 61 Letter, 36 Affidavit, 408 Motion to Stay, 156 Affidavit, 295 Bench Trial – Held, 117 Notice of Appearance, 247 Motion for Extension of Time to File, 79 Letter, 190 Letter, 134 Letter, 379 Reply in Support, 350 Order on Motion for Extension of Time to File, 121 Notice of Appearance, 144 Order, 193 Order on Motion for Summary Judgment, 248 Letter, 369 Order, 137 Letter, 185 Order, 426 Letter, 254 Affidavit in Support of Motion, 259 Memorandum in Support, 234 Notice of Appearance, 383 Letter, 289 Bench Trial – Held, 372 Affidavit in Opposition to Motion, 98 Letter, 419 Letter, 266 Notice of Appearance, 170 Affidavit, 290 Bench Trial – Held, 37 Letter, 395 Reply in Support, 205 Affidavit, 360 Motion for Extension of Time to File, 299 Affidavit, 173 Motion in Limine, 256 Motion in Limine, 174 Memorandum in Support, 237 Notice of Consent to Change Attorney, 317 Exhibit,,, 77 Notice of Appearance, 326 Notice of Appearance, 346 Transcript,, 313 Exhibit,,, 97 Letter, 127 Letter, 171 Rule 56.1 Statement, 365 Proposed Pretrial Order, 109 Letter, 62 Letter, 52 Letter, 260 Proposed Pretrial Order, 106 Letter, 246 Filing Fee Received, 32 Letter, 279 Bench Trial – Begun, 287 Bench Trial – Held, 71 Letter, 410 Response in Opposition to Motion, 142 Letter, 275 Transcript,, 217 Affidavit in Support of Motion, 140 Order, 307 Exhibit, 282 Bench Trial – Held, 128 Letter, 138 Pre Motion Conference, 154 Affidavit, 398 Memorandum in Opposition, 303 Letter, 228 Memorandum in Support (Gonzalez, Mary) (Entered: 03/31/2010)
04/05/2010	429	ORDER appointing Monitor. SO ORDERED by Judge Nicholas G. Garaufis on 4/5/2010. (Attachments: # 1 Affidavit of Martha B. Knisley) (Johnston, Brian) (Entered: 04/05/2010)
04/09/2010	430	NOTICE by Disability Advocates, Inc. <i>Notice of Withdrawal of Notice of Appearance of Jonathan R. Bolton</i> (Bolton, Jonathan) (Entered: 04/09/2010)
05/26/2010	431	NOTICE by Disability Advocates, Inc. / <i>Notice of Withdrawal of Appearance of Anne Raish on Behalf of Disability Advocates, Inc.</i> (Raish, Anne) (Entered: 05/26/2010)
06/04/2010	432	NOTICE of Appearance by Jota Lee Borgmann on behalf of Disability Advocates, Inc. (aty to be noticed) (Borgmann, Jota) (Entered: 06/04/2010)
06/24/2010	433	ORDER: See attached. SO ORDERED by Judge Nicholas G. Garaufis on 6/24/2010. (Johnston, Brian) (Entered: 06/24/2010)
07/01/2010	434	MOTION for Extension of Time to File <i>Document Under Remedial Order</i> by New York State Department of Health, New York State Office of Mental Health. (Hathaway, Barbara) (Entered: 07/01/2010)
07/01/2010		ORDER denying 434 Motion for Extension of Time to File. Application denied. SO ORDERED by Judge Nicholas G. Garaufis on 7/1/2010. (Johnston, Brian) (Entered: 07/01/2010)
07/08/2010	435	NOTICE by Disability Advocates, Inc. <i>Notice of Withdrawal of Appearance of Kevin M. Cremin on Behalf of Disability Advocates, Inc.</i> (Cremin, Kevin) (Entered: 07/08/2010)
08/03/2010	436	MOTION for Protective Order <i>Clarification regarding its application to the United States</i> by United States of America. (Attachments: # 1 Protective Order May 19, 2004) (Maisels, Amanda) (Entered: 08/03/2010)
08/11/2010	437	ORDER: The court directs the parties to submit any comments on the Monitor's proposed budget no later than August 18, 2010. SO ORDERED by Judge Nicholas G. Garaufis on 8/11/2010. (Attachments: #(1) Proposed Court Monitor Budget) (Johnston, Brian) (Entered: 08/11/2010)
08/16/2010		Motions terminated, docketed incorrectly: 436 MOTION for Protective Order <i>Clarification regarding its application to the United States</i> filed by United States of America. This is not a motion; it is a letter. (Abdallah, Fida) (Entered: 08/16/2010)
08/16/2010		Clarification of PROTECTIVE ORDER: By letter dated August 3, 2010, counsel for intervenor United States, seeks to clarification from this Court that a Protective Order filed on May 19, 2004 also extends to this intervenor. Ct. doc. 46. No opposition has been has been filed. Ordinarily, an "intervenor is treated as if the intervenor were an original party and has equal standing with the original parties," absent conditions imposed by the Court when intervention is granted. Wright, Miller & Kane, Federal Practice and Procedure: Civil 3d § 1920 at 609 (2007). Judge Garaufis granted permissive intervention to the United

		States to participate in proceedings concerning the appropriate remedy to be rendered by the Court. See ct. doc. 384. Given the purpose of intervention and the lack of restrictions imposed, this Court finds that the United States is entitled to access the confidential documents exchanged in this action. Accordingly, the defendants must promptly produce to the United States the documents containing confidential information and the United States shall be bound by the terms of the Protective Order (ct. doc. 46). Ordered by Magistrate Judge Marilyn D. Go on 8/16/2010. (Go, Marilyn) (Entered: 08/16/2010)
08/16/2010	<u>438</u>	Letter <i>regarding Court Monitor's proposed budget</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 08/16/2010)
08/18/2010	<u>439</u>	Letter <i>Regarding Court Monitor's Proposed Budget</i> by Disability Advocates, Inc. (Gordon, Andrew) (Entered: 08/18/2010)
08/24/2010	<u>440</u>	ORDER re: Court Monitor Budget. Approved. So Ordered by Judge Nicholas G. Garaufis on 8/20/2010. (Lee, Tiffeny) (Entered: 08/26/2010)
09/24/2010	<u>441</u>	NOTICE of Appearance by Aditi Dilip Kothekar on behalf of Disability Advocates, Inc. (aty to be noticed) (Kothekar, Aditi) (Entered: 09/24/2010)
10/19/2010	<u>442</u>	Letter <i>Report regarding implementation of Court Order</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 10/19/2010)
12/21/2010	<u>443</u>	NOTICE by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone <i>Notice of Withdrawal</i> (Silverman, Matthew) (Entered: 12/21/2010)
02/04/2011	<u>445</u>	STATUS REPORT by Court Monitor (Attachments: # <u>1</u> Exhibit A) (Greene, Donna) (Entered: 02/28/2011)
02/18/2011	<u>444</u>	Letter <i>Defendants' Quarterly Report</i> by New York State Department of Health, New York State Office of Mental Health, Antonia C. Novello, George Pataki, James Stone (Hathaway, Barbara) (Entered: 02/18/2011)
03/08/2011	<u>446</u>	Letter <i>Withdrawing Appearance</i> by Disability Advocates, Inc. (Bearden, Roger) (Entered: 03/08/2011)
05/31/2012	<u>447</u>	MANDATE of USCA as to <u>428</u> Notice of Appeal filed by New York Coalition for Quality Assisted Living, <u>407</u> Notice of Appeal, filed by James Stone, New York State Department of Health, George Pataki, Antonia C. Novello, New York State Office of Mental Health. It is Ordered that the judgment of the District Court is VACATED and the action is DISMISSED in accordance with the opinion of this Court. Issued as Mandate: 5/30/12. (Attachments: # <u>1</u> Opinion) (McGee, Mary Ann) Modified on 5/31/2012 (McGee, Mary Ann). (Entered: 05/31/2012)
03/25/2013	<u>448</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 05/18/2009, before Judge Nicholas Garaufis. Court Reporter/Transcriber Lisa Schmid, Telephone number (718)613-2644. Email address: LisaSchmidCCR.RMR@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/15/2013. Redacted Transcript Deadline set for 4/25/2013. Release of Transcript Restriction set for 6/24/2013. (Schmid, Lisa) (Entered: 03/25/2013)
03/25/2013	<u>449</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 05/20/2009, before Judge Nicholas Garaufis. Court Reporter/Transcriber Lisa Schmid, Telephone number (718)613-2644. Email address: LisaSchmidCCR.RMR@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/15/2013. Redacted Transcript Deadline set for 4/25/2013. Release of Transcript Restriction set for 6/24/2013. (Schmid, Lisa) (Entered: 03/25/2013)
03/25/2013	<u>450</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 05/21/2009, before Judge Nicholas Garaufis. Court Reporter/Transcriber Lisa Schmid, Telephone number (718)613-2644. Email address: LisaSchmidCCR.RMR@gmail.com. Transcript

	<p>may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/15/2013. Redacted Transcript Deadline set for 4/25/2013. Release of Transcript Restriction set for 6/24/2013. (Schmid, Lisa) (Entered: 03/25/2013)</p>
--	---