

REOPEN

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:96-cv-06161-GBD-JCF

Handberry, et al v. Thompson, et al
Assigned to: Judge George B. Daniels
Referred to: Magistrate Judge James C. Francis
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/14/1996
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Zakunda-Ze Handberry**

represented by **Dori A. Lewis**
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Plaintiff**Marlon Coleman**

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Plaintiff**Jose Colon**

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

Anthony Wager
individually and on behalf of all other
persons similarly situated

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V.

Defendant

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*LEAD ATTORNEY***Defendant****Ninfa Segarra**

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Defendant**Rudolph Crew**

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Defendant**Richard Mills**

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Defendant**Eric Taylor**

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Defendant

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Defendant

**The Board of Education of the City of
 New York**

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Defendant

The City of New York

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Date Filed	#	Docket Text
08/14/1996	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 120.00 RECEIPT # 268801 (ricm) (Entered: 08/15/1996)
08/14/1996		Magistrate Judge Francis is so Designated. (ricm) (Entered: 08/15/1996)
08/20/1996	2	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Gen. Pretrial/Including Initial Case Managment Conference....Dispositive Motion (signed by Judge Kimba M. Wood) Referred to Magistrate Judge James C. Francis IV (kg) (Entered: 08/20/1996)
09/04/1996	3	RETURN OF SERVICE executed as to William C. Thompson Jr. by personal service, leaving with deflt on 8/21/96. Answer due on 9/10/96 for William C. Thompson Jr. (lam) (Entered: 09/06/1996)

09/04/1996	3	RETURN OF SERVICE executed as to Jerry Cammarata by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Jerry Cammarata (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Carol Gresser by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Carol Gresser. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Irene Impellizzeri by personal service, leaving deft with on 8/21/96. Answer due on 9/10/96 for Irene Impellizzeri (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Sandra Lerner by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Sandra Lerner. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Luis Reyes by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Luis Reyes. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Ninfa Segarra by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Ninfa Segarra. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Rudolph Crew by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Rudolph Crew. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Richard Mills by personal service, leaving with deft on 8/23/96. Answer due on 9/12/96 for Richard Mills. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Michael Jacobson by personal service, leaving with deft on 8/21/96 . Answer due on 9/10/96 for Michael Jacobson. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Eric Taylor by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Eric Taylor. (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Frederick Patrick by personal service, leaving with deft on 8/21/96. Answer due on 9/10/96 for Frederick Patrick (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to Board of Education by personal service, leaving with deft on 8/27/96. Answer due on 9/16/96 for Board of Education (lam) (Entered: 09/06/1996)
09/04/1996	3	RETURN OF SERVICE executed as to The City of New York by personal service, leaving with the NYC Dept. of Law on 8/21/96. Answer due on 9/10/96 for The City of New York (lam) (Entered: 09/06/1996)
09/11/1996	4	Filed Memo_Endorsement on letter to Judge Wood from Dori A. Lewis dated 09/03/96, .. requests that Your Honor waive the requirement in

		your court rules that a conference among the parties be held before any motion can be filed and instead grant us permission to file our class certification motion without delay. PERMISSION TO MOVE FOR CLASS CERTIFICATION WITHOUT A PREMOTION CONFERENCE IS GRANTED. SO ORDERED. (signed by Judge Kimba M. Wood) (djc) (Entered: 09/11/1996)
09/17/1996	5	Filed Memo-Endorsement on letter to Judge Wood from Stephen Jacoby, Asst. Atty General dated 9/16/96, requesting an extension of the time for deft Commissioner Mills to move or answerTHE DEADLINE FOR DEFT MILLS TO ANSWER OR MOVE IS HELD IN ABEYANCE PENDING THE PRETRIAL CONFERENCE TO BE SCHEDULED PROMPTLY. SO ORDERED 9/17/96. MAGISTRATE JUDGE FRANCIS (signed by Magistrate Judge James C. Francis IV) (lam) (Entered: 09/18/1996)
09/24/1996	6	ORDER, Plaintiffs' counsel shall draft and circulate a stipulation providing for provisional class certification. Set defendant Mills' motion to dismiss to filing deadline for 10/21/96. Plaintiffs shall answer the motion by 11/11/96. Defendant Mills shall reply by 11/25/96 , Set discovery due for 4/30/97 , Set pretrial order due for 5/30/97. SO ORDERED: (signed by Magistrate Judge James C. Francis IV) (ae) (Entered: 09/25/1996)
09/25/1996	7	ORDER, for Moshe Benjamin to appear pro hac vice upon condition that he make formal application for admission pursuant to General Rule 2 of the local rules within 30 days. (signed by Magistrate Judge James C. Francis IV); (ae) (Entered: 09/25/1996)
10/21/1996	8	NOTICE OF MOTION by Richard Mills to dismiss the complaint , Return date 12/16/96; attached are papers in support (cd) (Entered: 10/22/1996)
10/21/1996	9	MEMORANDUM by Richard Mills in support of [8-1] motion to dismiss the complaint (cd) (Entered: 10/22/1996)
10/22/1996	10	ANSWER to Complaint by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York (Attorney Georgia Pestana) (kw) (Entered: 10/23/1996)
11/08/1996	11	MEMORANDUM OF LAW by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Wager in opposition to Dismiss. (djc) (Entered: 11/12/1996)
11/08/1996	12	DECLARATION of Marta E. Nelson (djc) (Entered: 11/12/1996)
11/12/1996	13	MEMORANDUM OF LAW by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New

		York in opposition to [8-1] motion to dismiss the complaint (dj) (Entered: 11/14/1996)
11/20/1996	14	STIPULATION and ORDERFOR PROVISIONAL CLASS CERTIFICATION AND NOTICE TO THE CLASS, This action is provisionally certified as a class action for the plttf. class, purs. to F.R.C.P. 23(a) and (b)(2), subject to the following two provisions... see doc. ...SO ORDERED... (signed by Judge Kimba M. Wood). (ls) (Entered: 11/21/1996)
11/26/1996	15	REPLY MEMORANDUM OF LAW IN SUPPORT by Richard Mills re: [8-1] motion to dismiss the complaint (dj) (Entered: 11/29/1996)
12/10/1996	16	REPORT AND RECOMMENDATIONS of Magistrate Judge James C. Francis IV Re: [8-1] motion to dismiss the complaint ; ...FOR THE REASONS SET FORTH ABOVE, I RECOMMEND THAT COMMISSIONER MILLS' MOTION TO DISMISS THE COMPLT. BE DENIED. PURS. TO RULE 72 OF THE FRCP, THE PARTIES SHALL HAVE TEN (10) DAYS TO FILE WRITTEN OBJECTIONS TO THIS REPORT AND RECOMMENDATION.... Objections to R and R due by 12/24/96 (ls) (Entered: 12/11/1996)
12/18/1996	17	Filed Memo_Endorsement on letter from Dori A. Lewis dated 12/16/96, I respectfully ask that the scheduled prescribed by Rule 72 be extended. Since I will be out of the country, I agree to an extension of objections until my return on 1/13/97, and ask that I be given until 1/27/97, to respond to any objections fld. by the State deft. ...SO ORDERED... (signed by Judge Kimba M. Wood) (ls) (Entered: 12/18/1996)
04/14/1997	18	Filed Memo_Endorsement on letter dated 4/10/97, pretrial order due for 11/28/97 , dispositive motion filing deadline for 11/28/97 (signed by Magistrate Judge James C. Francis IV) (cd) (Entered: 04/15/1997)
05/28/1997	19	ORDER denying [8-1] motion to dismiss the complaint. (signed by Judge Kimba M. Wood); Copies mailed (ae) (Entered: 05/29/1997)
06/06/1997	20	ANSWER to Complaint by Richard Mills (Attorney Moshe Benjamin),; jury demand; Firm of: Attny. Gen. of the State of NY by attorney Moshe Benjamin for defendant Richard Mills (ls) (Entered: 06/10/1997)
12/04/1997	21	ORDER; reset any motion by defts addressing the impact of amendments to IDEA filing deadline for 1/9/98 ; plttf shall answer the motion by 2/6/98, and defts shall submit any reply by 2/13/98 ; reset all discovery due for 6/30/98 ; reset the pretrial order due for 7/31/98, unless any dispositive motion is fld. by that date; if such a motion is fld., the pretrial order shall be due thirty days after the motion is decided ; (signed by Magistrate Judge James C. Francis IV Copies mailed (ls) (Entered: 12/05/1997)
01/21/1998	22	NOTICE OF MOTION by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York; pursuant

		to Rule 56 of the FRCP, for partial summary judgment ; pursuant to Rule 57 of the FRCP, for declaratory judgment on plaintiffs' claims under the Individuals with Disabilities Education Act ; with Civil Rule 56.1 Statement and Declaration(s) in support attached.. (ae) (Entered: 01/23/1998)
01/21/1998	23	MEMORANDUM OF LAW by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York in support of [22-1] pursuant to Rule 56 of the FRCP, for partial summary judgment; [22-2] motion pursuant to Rule 57 of the FRCP, for declaratory judgment on plaintiffs' claims under the Individuals with Disabilities Education Act (ae) (Entered: 01/23/1998)
02/06/1998	24	MEMORANDUM by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager in opposition to [22-1] motion pursuant to Rule 56 of the FRCP, for partial summary judgment, [22-2] motion pursuant to Rule 57 of the FRCP, for declaratory judgment on plaintiffs' claims under the Individuals with Disabilities Education Act (cd) (Entered: 02/09/1998)
02/06/1998	25	DECLARATION in opposition by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager [22-1] motion pursuant to Rule 56 of the FRCP, for partial summary judgment, [22-2] motion pursuant to Rule 57 of the FRCP, for declaratory judgment on plaintiffs' claims under the Individuals with Disabilities Education Act (cd) (Entered: 02/09/1998)
02/13/1998	27	Amended Rule 56.1 Statement filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager (ls) (Entered: 02/18/1998)
02/17/1998	26	Filed Memo-Endorsement on letter dated 2/12/98 from Georgia Pestana, granting Municipal Defendants' request for an extension until 2/17/98 to serve their reply to plaintiffs' opposition to their motion for partial summary judgment (signed by Magistrate Judge James C. Francis IV) (kw) Modified on 02/19/1998 (Entered: 02/18/1998)
02/18/1998	28	REPLY MEMORANDUM by The City of New York in support of re: [22-1] motion pursuant to Rule 56 of the FRCP, for partial summary judgment. (kw) (Entered: 02/20/1998)
04/22/1998	29	REPORT AND RECOMMENDATION; of Magistrate Judge James C. Francis IV Re: [22-1] motion pursuant to Rule 56 of the FRCP, for partial summary judgment, [22-2] motion pursuant to Rule 57 of the FRCP, for declaratory judgment on plaintiffs' claims under the Individuals with Disabilities Education Act; I recommend that the City depts' motion for summary jdgmt. as to the applicability of the IDEA be denied, that the

		motion for partial summary jdgmt. relating to the amendments to the IDEA be denied w/o prejudice to renew following submission of an amended complt. by the plttfs, and that declaratory relief be denied; Objections to R and R due by 5/6/98 (ls) (Entered: 04/23/1998)
05/12/1998	30	Filed Memo Endorsement on letter to Judge Francis from Dori Lewis and Heidi Grossman, dated 5/7/98, reset discovery due for 12/15/98 (signed by Magistrate Judge James C. Francis IV) (cd) (Entered: 05/13/1998)
06/10/1998	31	ORDER denying [22-1] motion pursuant to Rule 56 of the FRCP, for partial summary judgment; denying [22-2] motion pursuant to Rule 57 of the FRCP, for declaratory judgment on plaintiffs' claims under the Individuals with Disabilities Education Act, the City defts' other motion for partial summary judgment is dismissed without prejudice. The parties are directed to contact Mag. Judge Francis's Chambers to schedule further proceedings in this matter (signed by Judge Kimba M. Wood); Copies mailed (cd) (Entered: 06/12/1998)
09/29/1998	32	NOTICE of change of address by Carlos Rivera (jp) (Entered: 09/29/1998)
03/22/1999	33	ORDER, by April 9, 1999, the City defendants shall complete their responses to all outstanding discovery requests and shall submit a privilege log. By April 23, 1999, plaintiffs shall submit their revised discovery responses ; set plaintiff's motion to compel filing deadline for 4/23/99 ; set all fact discovery due for 7/31/99 ; Any tours of correctional facilities by plaintiffs' experts shall be completed by October 15, 1999. Plaintiffs shall submit expert reports by October 29, 1999 Defendants shall submit expert reports by November 12, 1999. All expert discovery shall be completed by November 30, 1999. The pretrial order shall be submitted by December 31, 1999 unless any dispositive motion is filed by that date. If such a motion is filed, the pretrial order shall be due thirty days after the motion is decided. (signed by Magistrate Judge James C. Francis IV); Copies mailed (djc) (Entered: 03/25/1999)
03/22/1999		Pre-trial conference held before Mag. Judge Francis. (emil) (Entered: 03/26/1999)
04/22/1999	34	Filed Memo-Endorsement on letter to Mag Judge Francis from Dori Lewis and Janice Birnbaum, dated 4/20/99, motion filing deadline set for 4/30/99 with respect to plntfs motions to compel outstanding discovery (signed by Magistrate Judge James C. Francis IV). (cd) Modified on 04/23/1999 (Entered: 04/22/1999)
05/11/1999	35	Filed Memo-Endorsement on letter by Janice L. Birnbaum to Magistrate Judge Francis dated 5/11/99; granting the parties request that the City Defendant shall submit their opposition to plaintiffs' motion to compel discovery and for a protective order on or before 5/13/99, and that plaintiffs shall submit their reply 4 business days later (signed by Magistrate Judge James C. Francis IV) (pl) (Entered: 05/12/1999)
05/14/1999	36	Filed Memo-Endorsement on letter to Mag. Judge Francis from Janice L. Birnbaum dated 5/13/99; granting counsel for City defts request for a 1-

		day extension of the submission date for the City Defts opposition to plttf's pending application to compel discovery and for a protective order, and for the submission of plttf's reply papers as follows: ; the City Defts will submit their opposition to plttfs' motion on or before 5/14/99, and plttfs will submit their reply 4 business days later ; (signed by Magistrate Judge James C. Francis IV) (ls) (Entered: 05/17/1999)
05/24/1999	37	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager dated 5/20/99 re in response to the letter submitted by the City defendants' dated 5/14/99. (ri) (Entered: 05/25/1999)
05/24/1999	38	SEALED DOCUMENT placed in vault (af) (Entered: 05/26/1999)
07/06/1999	39	SEALED DOCUMENT placed in vault (kb) (Entered: 07/06/1999)
07/06/1999	40	Memo endorsed on plttfs' request to file document under seal; Application granted ; (signed by Magistrate Judge James C. Francis IV); Copies mailed. (ls) (Entered: 07/06/1999)
07/06/1999	41	ORDER; with respect to plans for program or policy changes that have not yet been implemented, the City defts' assertion of the privilege is upheld; until a change is implemented the City defts have no argument that plttfs' request for injunctive relief is moot, and it would therefore be premature to breach the privilege. By 7/6/99, the City defts shall submit for my in camera inspection the documents as to which they assert the atty-client privilege and which are listed in Exhibit A to the letter of Dori A. Lewis and Mary Lynne Werlwas dated 4/30/99. By 7/6/99, the City defts shall submit a formal response to the five documents requests identified on page 2 of the letter of Dori A. Lewis and Mary Lynne Werlwas dated 5/20/99 ; by 7/30/99, the City defts shall produce the requested correctional and educational records for the members of the plttf class, including blind and deaf inmates, as well as the requested housing plans, subject to the protective order agreed to by the parties ; 30-days prior to the close of fact discovery, the City defts shall make a final designation of those witnesses who will actually testify at trial. The Court will not impose any arbitrary limitation on the duration of depositions in this case. However, if any deposition is unjustifiably prolonged, the party defending the deposition may seek an order requiring the shifting of costs, including attys' fees ; the deadline for completion of fact discovery is extended to 10/15/99. (signed by Magistrate Judge James C. Francis IV); Copies mailed. (sac) (Entered: 07/06/1999)
07/06/1999	42	Filed Memo-Endorsement on letter addressed to Judge Francis from Blanch Greenfield, dated 7/6/99, granting defendants request for an enlargement of time, until 7/9/99, for the City defendants to produce to the Court certain documents for in camera inspection (signed by Magistrate Judge James C. Francis IV); copies mailed. (ri) (Entered: 07/07/1999)

07/06/1999	43	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager addressed to Mag. Judge Francis from Dori A. Lewis, Mary Lynne Werlwas, dated 5/20/99, re: plttfs submit this letter in response to the letter submitted by the City Defts' dtd. 5/14/99 (ls) (Entered: 07/07/1999)
07/06/1999	44	Letter filed by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York addressed to Mag. Judge Francis from Janice L. Birnbaum, dated 5/14/99, re: the City defts request entry of an order that limits ea. deposition to one 7-hour day; counsel also writes to respond to plttfs' letter dtd. 4/30/99. (ls) (Entered: 07/07/1999)
07/06/1999	45	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager addressed to Mag. Judge Francis IV from Dori A. Lewis, Mary Lynne Werlwas, dated 4/30/99, re: plttfs seek an order compelling City defts to respond to discovery requests and to provide answers to deposition questions; the plttfs request a conference before the Court to resolve these issues (ls) (Entered: 07/07/1999)
07/20/1999	46	ORDER, regarding resolution of certain documants for in camera review submitted by the City defendants (signed by Magistrate Judge James C. Francis IV); Copies mailed. (djc) Modified on 07/23/1999 (Entered: 07/21/1999)
07/27/1999	47	STIPULATION and PROTECTIVE ORDER, regarding procedures that will govern the handling of "Covered Documents" (signed by Magistrate Judge James C. Francis IV). (cd) Modified on 07/30/1999 (Entered: 07/28/1999)
07/27/1999	48	STIPULATION and ORDER, defendants Board of Education of the City of NY and City of NY shall provide counsel for plaintiffs and defendant Mills with the educational records of members of the plaintiff class who are under 18 at the time they signed releases for such records. The records shall be produced two weeks from the date of mailing of the notice to parents or guardians set forth in this stip and order. Counsel for the City defendants shall send via first class mail copies of the notice annexed hereto. Plaintiffs' counsel shall provide the City defendants' counsel with a complete copy of any written communications received concerning the education records. All verbal inquiries shall be responded to by joint conference call including counsel for plaintiffs and counsel for City defendants. (signed by Magistrate Judge James C. Francis IV). (djc) Modified on 07/29/1999 (Entered: 07/28/1999)
08/25/1999	49	Filed Memo-Endorsement on letter addressed to Mag. Judge Francis from Janice L. Birnbaum, dated 07/27/99, atty for defendants enclose for in camera review copies of the drafts of the Inter-Agency Agreement and related documents. Each of the drafts of the Inter-Agency Agreement and

		the related documents are protected from disclosure by the attorney-client privilege and/or the work product (signed by Magistrate Judge James C. Francis IV); Copies mailed. (djc) Modified on 08/30/1999 (Entered: 08/26/1999)
08/26/1999	50	Notice of reassignment to Judge Constance B. Motley. Copy of notice and judge's rules mailed to Attorney(s) of record: Dori A. Lewis. (em) (Entered: 08/26/1999)
08/31/1999	51	NOTICE of change of address by Carlos Rivera (djc) (Entered: 09/03/1999)
09/02/1999		Received copy of Notice of Re-Assignment which had been sent to Dori A. Lewis, Esq., and returned by the U.S.P.O. stamped: "Returned To Sender, Moved, Not Forwardable". (em) (Entered: 09/03/1999)
09/09/1999	52	Filed Memo-Endorsement on letter addressed to Mag. Judge Francis from Dori A. Lewis, Mary Lynne Werl, dated 9/8/99, re: request that deadlines for both fact and expert discovery be extended for 3 months, respectively. APPLICATION GRANTED. No further extensions . (signed by Magistrate Judge James C. Francis IV); Copies mailed. (sn) (Entered: 09/10/1999)
09/10/1999	53	ORDER, parties are notified that this matter has been reassigned from the Hon. Kimba M. Wood to the Hon. Constance Baker Motley ; set pre-trial conference for 2:00 p.m. on 10/20/99. The parties should be prepared to argue any outstanding motions (signed by Judge Constance B. Motley); Copies mailed. (djc) Modified on 09/13/1999 (Entered: 09/13/1999)
09/27/1999	55	ORDER; Eugene Bailey, DIN 97 A 1420, an inmate currently incarcerated at Greenhaven Correctional Facility, shall appear in the place designated by the Superintendent of GHCF, so that Mr. Bailey's deposition may be taken at GHCF beginning at 10:00 a.m. on Tuesday, 10/19/99, and for so long thereafter as the deposition continues, with the continuation date to be agreed to by counsel for all parties and when feasible as soon after the original deposition date as possible ; the superintendent of other official in charge of the current place of incarceration of the inmates listed below, shall produce and transport these inmates from their present place of incarceration to the Sing Sing Correctional Facility, Ossining, New York, so that they may be prepared for and have their depositions taken on the dates listed below, and for so long thereafter as the deposition continues, with the continuation date to be agreed to by counsel for all parties and when feasible as soon after the original deposition date as possible. Each inmate listed in the above paragraph shall appear in the place designated by the Superintendent or other official in charge of the Sing Sing Correctional Facility so that the inmate may be prepared for and have his deposition taken as set forth in this order . (signed by Magistrate Judge James C. Francis IV); Copies mailed. (pl) (Entered: 09/29/1999)
09/28/1999	54	ORDER, in connection with the inspection of school programs at Rikers Island jail facilities, the City depts shall produce for use only by plntfs'

		counsel and their experts the class attendance list for each class visited, including the name and inmate number of each student, as further set forth in this document. Counsel may suggest questions to their respective experts (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 09/29/1999)
10/08/1999	56	ORDER the Supt. or other official in charge of the current place of incarceration of the following inmates: Michael Johnson, Lamar Jones, Andres Martinez, Kareem Miller, Austin Nunez, Luis Ortiz, Choice Scott, Melissa Wallace, and Jamel White, shall produce and transport the male inmates from their present place of incarceration to the Sing Sing Correctional Facility and the female inmates from their present place of incarceration to Bedford Hills Correctional Facility so that the inmates may be prepared for and have their depositions taken on the dates set forth in this Order, and for so long thereafter as the deposition continues, with the continuation date to be agreed to by counsel for all parties and when feasible as soon after the original deposition date as possible . (signed by Magistrate Judge James C. Francis IV); Copies mailed. (emil) (Entered: 10/08/1999)
10/12/1999	57	ORDER, at the request of the plaintiff the pre-trial conference scheduled for October 20, 1999 is rescheduled ; The parties are notified that a pre-trial conference in this action is scheduled for 10:30 a.m. on Wednesday, November 17, 1999 in courtroom 26-A in the United States Courthouse at 500 Pearl Street. All parties must arrive prepared for hearing on all pending motions ; (signed by Judge Constance B. Motley); Copies mailed. (dj) Modified on 10/13/1999 (Entered: 10/12/1999)
11/19/1999	58	PRE-TRIAL SCHEDULE and ORDER: the next pre-trial conference shall be held in Room 26A on 1/7/00 at 10:00 a.m., at which time the motion will be heard; plttfs are directed to file a motion for declaratory judgment that their rights to education while incarcerated have been violated and for an Order directing defts to file a plan for meeting the educational requirements of plttf on or before 12/1/99; defts will have until 12/15/99 to answer; plttf will have until 12/22/99 to reply. (signed by Judge Constance B. Motley); Copies mailed. (jp) Modified on 11/23/1999 (Entered: 11/22/1999)
11/23/1999	59	ORDER, by order of 11/17/99, plttfs were instructed to file a motion for declaratory judgment by 12/1/99; defts to file an answer by 12/15/99; and plttfs to reply by 12/22/99. The parties joint request to reconsider [58-1] Scheduling order or postpone these filing deadlines is denied . (signed by Judge Constance B. Motley); Copies mailed. (sn) Modified on 11/29/1999 (Entered: 11/29/1999)
12/03/1999	60	SEALED DOCUMENT placed in vault. (af) (Entered: 12/03/1999)
12/03/1999	61	Memo-Endorsement on letter addressed to Mag. Judge Francis from Janice L. Birnbaum, dated 11/29/99. Re: the parties jointly request a brief conference before the Court to discuss the timely completion of discovery in light of the briefing schedule and motion pending before Judge Motley. Application denied; The discovery schedule shall be

		adhered to ; (by Magistrate Judge James C. Francis IV); copies mailed. (ls) (Entered: 12/06/1999)
12/15/1999	62	ORDER, the deft's request to postpone the deadline for the opposition brief to plntfs motion for declaratory judgment until 12/17/99 is granted. The plntf's request to postpone the deadline for filing the reply brief until 1/3/00 is granted. All page limits remain in effect (signed by Judge Constance B. Motley); Copies mailed. (cd) Modified on 12/20/1999 (Entered: 12/16/1999)
12/18/1999	65	SEALED DOCUMENT placed in vault. (da) (Entered: 12/28/1999)
12/22/1999	63	NOTICE OF CROSS MOTION by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York; for an order pursuant for summary judgment and dismissing the Complaint ; w/ attch. Rule 56.1stmt., declarations in support by Wagenstein Lisante, Ortiz, Volpini, Ray and Amended Delaration in support by Colon; Return date: 1/7/2000. (pl) (Entered: 12/27/1999)
12/22/1999	64	MEMORANDUM OF LAW by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York in suppoet of re: [63-1] cross motion an order pursuant for summary judgment and dismissing the Complaint and in opposition to plaintiffs' motion for declaratory and parital summary judgment; w/ attch. appendix (pl) Modified on 12/27/1999 (Entered: 12/27/1999)
12/28/1999	66	SEALED DOCUMENT placed in vault. (da) (Entered: 12/28/1999)
01/03/2000	67	MEMORANDUM OF LAW by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager in opposition to [63-1] cross motion for an order pursuant for summary judgment and dismissing the Complaint; and reply memorandum in support of plttfs' motion for declaratory judgment and partial summary judgment. (Rec'd in N.B. 1/3/00 8:50 PM) (sn) Modified on 01/05/2000 (Entered: 01/05/2000)
01/03/2000	68	ANNOTATED RULE 56.1 STATEMENT in support of motion for delcaratory judgment and partial summary judgment filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager. (Rec'd in N.B. 1/3/00 8:51 PM) (sn) (Entered: 01/05/2000)
01/03/2000	69	RESPONSE to City Defts' Rule 56.1 statement of facts in support of their cross-motion for summary judgment by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager. (Rec'd in N.B. 1/3/00 8:51 PM) (sn) Modified on 01/05/2000

		(Entered: 01/05/2000)
01/11/2000	70	ORDER; defts' request to adjourn the conference scheduled for 1/7/00 is denied; all other deadlines remain in effect ; (signed by Judge Constance B. Motley); copies mailed (ls) (Entered: 01/11/2000)
01/13/2000	71	SCHEDULE and ORDER: that the next pre-trial conference shall be held in Room 26A on 6/15/00 at 10:00 a.m., at which time all objections to the defts plan will be heard; the motion for a declaratory judgment by plttf in its favor is granted as to all facilities at Riker's Island ; opinion follows, defts will have until 4/14/00 to serve and file a plan for providing full and complete educational facilities and services to all eligible Riker's Island inmates. Pltffs will have until 6/12/00 to file its objections. There will be no extensions of time granted as to the foregoing schedule . (signed by Judge B. Motley); Copies mailed. (jp) (Entered: 01/14/2000)
01/20/2000	72	Letter filed by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York addressed to Magistrate Judge Francis from Janice L. Birnbaum in support of their request for an order limiting the tours of plttfs' security and educational experts. (sac) (Entered: 01/25/2000)
01/20/2000	73	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager addressed to Magistrate Judge Francis from Dori A. Lewis and Mary Lynne Werlwas, dated 9/27/99; Re: plttfs write to oppose the City defts' motion for a protective order. (sac) (Entered: 01/25/2000)
01/20/2000	74	Letter filed by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York addressed to Magistrate Judge Francis from Georgia Pestana, dated 12/1/97; Re: counsel writes to present the City defts' position with respect to the proposed invocation of the deliberative process privilege in upcoming depositions. (sac) (Entered: 01/25/2000)
01/20/2000	75	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager addressed to Magistrate Judge Francis from Marta Nelson, dated 12/3/97; Re: plttfs write briefly in response to defts' 12/1 letter regarding their assertion of the deliberative process privilege. (sac) (Entered: 01/25/2000)
01/20/2000	76	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager addressed to Magistrate Judge Francis from Dori A. Lewis, dated 12/10/99; Re: plttfs submit this letter brief as a motion purs. to FRCP 26 and 27 to compel the

		City defts to respond to discovery demands. (sac) (Entered: 01/25/2000)
01/20/2000	77	Letter filed by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York addressed to Magistrate Judge Francis from Janice L. Birnbaum, dated 1/2/00; Re: this letter is submitted both (a) as a cross-motion to quash the deposition notices for Deputy Warden Rivituso, Deputy Warden Skinner, and Esteban Colon, to set time limits on 31 other noticed depositions of fact witnesses for the City Defts, and to limit the scope of the documents to be produced under the deposition notices directed to the custodians of records at four of DOC jails, and (b) in response to plttfs' letter to Your Honor dated 12/10/99, to compel certain discovery. (sac) (Entered: 01/25/2000)
01/20/2000	78	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager addressed to Mag. Judge Francis from Marta Nelson, Dori A. Lewis, dated 11/21/97, re: counsel for plttfs write to apprise the Court of a controversey regarding defts' proposed invocation of the deliberative process privilege to stop certain questions plttfs plan to ask of City policymakers during their upcoming depositions. (sn) (Entered: 01/25/2000)
02/10/2000	79	NOTICE of change of office phone number by Board of Education, The City of New York (pl) (Entered: 02/14/2000)
03/07/2000	80	Transcript of record of proceedings before Judge Constance B. Motley for the date(s) of 1/7/00. (cd) (Entered: 03/07/2000)
03/13/2000	81	OPINION GRANTING DECLARATORY JUDGMENT #83619, for the reasons (outlined within this document) the court granted plntfs' motion for declaratory judgment, establishing the City defts' liability for failure to provide adequate general and special educational services to class members at the facilities on Rikers Island (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 03/14/2000)
05/03/2000	82	Education Plan For The Rikers Island Academies by The City Defts. defts (ls) Modified on 05/08/2000 (Entered: 05/08/2000)
05/10/2000	83	ORDER; plttfs' request to postpone the deadline for their response to defts' remedial plan and the hearing thereon is granted; plttfs' response is due by Friday, 6/23/00 ; the hearing on defts' remedial plan will be held on Wednesday, 6/28/00 at 10:00 a.m., in Courtroom 26A at 500 Pearl Street ; (signed by Judge Constance B. Motley); Copies mailed. (lf) (Entered: 05/11/2000)
06/14/2000	84	NOTICE OF MOTION by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager purs. to FRCP 56 for declaratory judgment and partial summary judgment against defts the City of New York, the Board of Education of the City of New

		York, William C. Thompson, Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Michael Jacobson, Eric Taylor and Frederick Patrick . Return date 1/7/00. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) (Entered: 06/15/2000)
06/14/2000	85	MEMORANDUM OF LAW by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager in support of [84-1] motion purs. to FRCP 56 for declaratory judgment and partial summary judgment against defts the City of New York, the Board of Education of the City of New York, William C. Thompson, Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Michael Jacobson, Eric Taylor and Frederick Patrick. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) (Entered: 06/15/2000)
06/14/2000	86	RULE 56.1 STATEMENT filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) (Entered: 06/15/2000)
06/14/2000	87	DECLARATION of Dori A. Lewis by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager in support Re: [84-1] motion purs. to FRCP 56 for declaratory judgment and partial summary judgment against defts the City of New York, the Board of Education of the City of New York, William C. Thompson, Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Michael Jacobson, Eric Taylor and Frederick Patrick. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) (Entered: 06/15/2000)
06/14/2000	88	Exhibits in support of plttfs' motion for declaratory judgment and partial summary judgment - Volume 1. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) Modified on 06/15/2000 (Entered: 06/15/2000)
06/14/2000	89	Exhibits in support of plttfs' motion for declaratory judgment and partial summary judgment - Volume II. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) (Entered: 06/15/2000)
06/14/2000	90	Exhibits in support of plttfs' motion for declaratory judgment and partial summary judgment - Volume III. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) Modified on 06/15/2000 (Entered: 06/15/2000)
06/14/2000	91	Exhibits in support of plttfs' motion for declaratory judgment and partial

		summary judgment - Volume IV. (Originally received in Mag. Judge Francis' chambers in Dec. 1999. Received for docketing on 6/14/00) (emil) (Entered: 06/15/2000)
06/23/2000	92	Objection(s) by Zakunda-Ze Handberry, Marlon Coleman et al to City Defts' Education Plan for the Rikers Island Academies (cd) (Entered: 06/27/2000)
06/23/2000	93	DECLARATION of Robert Rutherford by Zakunda-Ze Handberry, Marlon Coleman in support Re: [92-1] miscellaneous . (cd) (Entered: 06/27/2000)
06/23/2000	94	DECLARATION of Robert Sattler by Zakunda-Ze Handberry, Marlon Coleman in support Re: [92-1] miscellaneous . (cd) (Entered: 06/27/2000)
06/23/2000	95	DECLARATION of Patrick McManus by Zakunda-Ze Handberry, Marlon Coleman et al in support Re: [92-1] miscellaneous (cd) (Entered: 06/27/2000)
06/30/2000	96	ORDER; regarding City's proposed plan after the hearings of June 28 and June 29,000, the Court order as set forth in this Order; the next conference in this case will be held on 9/11/00 at 3:30 p.m. in Courtroom 26A . (signed by Judge Constance B. Motley); Copies mailed. (pl) (Entered: 06/30/2000)
09/06/2000	97	Transcript of record of proceedings before Judge Constance B. Motley for the date(s) of 6/29/00. (jp) (Entered: 09/06/2000)
09/12/2000	98	ORDER; the defendants' request for an extension of time is granted. The deadline for submission of the names of three proposed monitors each is extended to 09/15/00 ; At the request of plaintiff, the hearing originally scheduled for Monday, September 11 is rescheduled for Thursday, September 21, 2000 at 2:00 p.m. in courtroom 26A ; (signed by Judge Constance B. Motley); Copies mailed. (dj) (Entered: 09/12/2000)
09/19/2000	99	ORDER; purs. to this Court's Order of 6/29/00, the parties having failed to agree on the appointment of a monitor, this Court now appoints Dr. Sheri Meisel to monitor the State's plan for a period of one year. Dr. Meisel was interviewed by the Court on 9/18/00 and has agreed to accept the appointment. The employment of Dr. Meisel becomes effective 10/1/00. Her report is due by 11/1/01. The monitor may submit interim preliminary quaterly reports with recommendations for improvements. The monitor is directed to prepare and submit a bill, for the court's approval, of her fees and expenses at the time of the submission of her final report to the Court on 11/1/01. The parties will have an opportunity to be heard with respect to the monitor's final report, and requested fee and expenses on 11/30/01 at 10:00 a.m. in Courtroom 26A. The hearing scheduled for Thursday, 9/21/00 is cancelled. (signed by Judge Constance B. Motley); Copies mailed. (sac) (Entered: 09/20/2000)
09/20/2000	100	DECLARATION of Janice L. Birnbaum, Asst Corp by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri,

		Sandra Lerner, Luis Reyes, Ninfa Segarra, Eric Taylor, Frederick Patrick, Board of Education, The City of New York in support the City defts' application to disqualify Dr. Sheri Meisel. (lam) (Entered: 09/21/2000)
09/22/2000	101	ORDER, that on 9/19/00, this court appointed Dr. Sheri Meisel as special monitor. In response to defendants' 9/19/00 objections to Dr. Sheri Meisel, this court now orders plaintiffs to submit a reply to defendants' objections by 9/22/00 . (signed by Judge Constance B. Motley); Copies mailed. (ae) (Entered: 09/25/2000)
10/11/2000	102	ORDER, upon review of the City defts' objections to the appointment of Dr. Sheri Meisel as special monitor in the above matter, the court now overrules those objections. As established purs to this court's order of 9/19/00, the parties may be heard with respect to the monitor's final report, and requested fee and expenses, on 11/30/01 at 10:00 am (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 10/12/2000)
10/31/2000	103	ORDER; upon review of Plaintiff's request that the court enter Plaintiff's proposed order establishing the powers of the monitor, Dr. Sheri Meisel, appointed by the Court's order of September 19, 2000, the court now Denies that request. The parties shall proceed purs to the Court's order of September 19, 2000 ; (signed by Judge Constance B. Motley); Copies mailed. (djc) (Entered: 11/01/2000)
10/02/2001	104	Letter filed by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Joseph Valdez, Eugene Bailey, Anthony Wager addressed to Clerk of the Court from Mary Lynne Werlwas, dated 9/26/01, re: address change. (yv) (Entered: 10/10/2001)
11/30/2001	105	ORDER, the parties shall serve and file written responses to the court-appointed monitor's report on or before 1/4/02, said responses not to exceed 25 pages ; the conference previoulsy scheduled for 11/30/01, is hereby adjourned until 1/17/01, at 10:00 in Courtroom 26A, 500 Pearl St., NY NY (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 12/03/2001)
12/14/2001	106	Final Report of the Monitor by Sheri M. Meisel, Ph.D. (yv) (Entered: 12/19/2001)
12/14/2001	107	First Interim Report of the Court Monitor by Sheri M. Meisel, Ph.D. (yv) (Entered: 12/19/2001)
01/03/2002	108	ORDER, the parties shall serve and file written responses to the court-appointed monitor's final report on or before 2/8/02, said responses not to exceed 25 pages ; the conference previously scheduled for 1/17/02, is hereby adjourned until 4/2/02, at 10:00 am in Courtroom 26A, 500 Pearl St., NY NY (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 01/03/2002)
02/13/2002	109	RESPONSE by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos

		Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager to the reports of the court monitor. (jco) (Entered: 02/14/2002)
02/13/2002	110	RESPONSE by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York to the final report of the Monitor. Received in night deposit on 2/13/02 at 9:21 p.m. (kkc) Modified on 02/15/2002 (Entered: 02/15/2002)
02/13/2002	111	DECLARATIONS of Steven Conry, Marjorie Wiener and Timothy Lisante by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York in support of [110-1] response. Received in night deposit on 2/13/02 at 9:22 p.m. (kkc) (Entered: 02/15/2002)
02/13/2002	112	CORRECTIVE ACTION PLAN by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York. Received in night deposit on 2/13/02 at 9:21 p.m. (kkc) (Entered: 02/15/2002)
02/19/2002	113	Letter filed addressed to Judge Motley from Judith T. Kramer, dated 02/15/02, re: correction of name of AUSA in this action. (djc) (Entered: 02/19/2002)
03/29/2002	114	ORDER, reset 4/2/02 pretrial conference for 10:00 4/12/02 (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 04/02/2002)
04/15/2002	115	SEALED DOCUMENT placed in vault. (js) (Entered: 04/15/2002)
04/15/2002	116	ORDER, Appendix B of the Final Report of the Monitor (Document 106) be removed and fld separately under seal (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 04/16/2002)
04/15/2002	117	SCHEDULING ORDER: that all reply briefs are due 5/18/02. The Court reserves decision. (signed by Judge Constance B. Motley); Copies mailed. (tp) (Entered: 04/16/2002)
04/15/2002		Deadline(s) updated: reply brief due for 5/18/02 . (tp) (Entered: 04/16/2002)
04/16/2002	118	DECLARATION of Majorie Wiener by The City of New York in support Re: deft's response to the final report of monitor Sheri Meisel. (bai) (Entered: 04/22/2002)
04/16/2002	119	SUPPLEMENTAL DECLARATION of Timothy Lisante by Board of Education, The City of New York Re: corrections to 2/13/02 declaration. (bai) (Entered: 04/22/2002)
05/20/2002	120	MEMORANDUM OF LAW by William C. Thompson Jr., Jerry

		Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York concerning the final report of the monitor. Received in night deposit box on 5/20/02 at 8:35 p.m. (db) Modified on 05/23/2002 (Entered: 05/23/2002)
05/20/2002	121	REPLY DECLARATION of Timothy Lisante by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York in support of city defendants response to the final report of the monitor. Received in night deposit box on 5/20/02 at 8:35 p.m. (db) (Entered: 05/23/2002)
06/10/2002	122	Transcript of record of proceedings before Judge Constance B. Motley for the date(s) of 4/12/02 at 10:10 a.m. (ph) (Entered: 06/10/2002)
06/10/2002	123	Transcript of record of proceedings before Judge Constance B. Motley for the date(s) of 4/12/02 at 10:10 a.m. (ph) (Entered: 06/10/2002)
08/29/2002	124	OPINION #87365, the Court will order modification of Education Plan as indicated in this Order . (signed by Judge Constance B. Motley); Copies mailed. (ae) (Entered: 08/30/2002)
08/29/2002	125	ORDER, Any party may move for reconsideration of any part of this Order w/in 30 days of its entry. This Order will remain in full force and effect during the pendency of any motion for reconsideration unless and until the court provides otherwise. Any motion for reconsideration must comply w/ the FRCP, this court's Local Rules, and relevant case law. After 30 days following entry of this Order, any party may seek modification of this Order only if there has been a material change in circumstances or w/in 30 days of issuance of one of the monitor's semi-annual reports. Either party may move to enforce or terminate this Order under the governing legal standards established by the FRCP any relevant statutes, and applicable cas law . (signed by Judge Constance B. Motley); Copies mailed. (ae) (Entered: 08/30/2002)
09/10/2002	126	NOTICE OF APPEAL by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York from [125-1] order Any party may move for reconsideration of any part of this Order w/in 30 days of its entry. This Order will remain in full force and effect during the pendency of any motion for reconsideration unless and until the court provides otherwise. Any motion for reconsideration must comply w/ the FRCP, this court's Local Rules, and relevant case law. After 30 days following entry of this Order, any party may seek modification of this Order only if there has been a material change in circumstances or w/in 30 days of issuance of one of the monitor's semi-annual reports. Either party may move to enforce or terminate this Order under the governing legal standards established by the FRCP any relevant

		statutes, and applicable cas law . Copies of notice of appeal mailed to Attorney(s) of Record: Judith T. Kramer, Dori A. Lewis. \$105.00 APPEAL FILING FEE PAID 9/10/02 ON RECEIPT # E 0449825. (pr) (Entered: 09/11/2002)
09/11/2002		Notice of appeal and certified copy of docket to USCA: [126-1] appeal by The City of New York, Board of Education, Frederick Patrick, Eric Taylor, Michael Jacobson, Richard Mills, Rudolph Crew, Ninfa Segarra, Luis Reyes, Sandra Lerner, Irene Impellizzeri, Carol Gresser, Jerry Cammarata, William C. Thompson Jr.; Copy of notice of appeal sent to District Judge. (pr) (Entered: 09/11/2002)
09/13/2002	129	NOTICE OF MOTION by The City of New York; for an Order pursuant to Rule 59(e), 60(b)(5), 60(b)(6) of the F.R.C.P., Local rule 6.3 of the Local Rules for the Southern and Eastern District Courts of New York, and paragraph 48 of the Injunction Order for reconsideration of [125-1] order Any party may move for reconsideration of any part of this Order w/in 30 days of its entry. This Order will remain in full force and effect during the pendency of any motion for reconsideration and until the court provides otherwise. Any motion for reconsideration must comply w/ the FRCP, this court's Local Rules, and relevant case law. After 30 days following entry of this Order, any party may seek modification of this only if there has been a material change in circumstances w/in 30 days of issuance of one of the monitor's reports. Either party may move to enforce or terminate this Order under the governing legal standards established by FRCP any relevant statutes, and applicable case law, [125-2] relief ; for an Order vacating the following provisions in the Injunction Order as further set forth in this motion . Return Date not indicated. (jco) (Entered: 10/02/2002)
09/13/2002	130	MEMORANDUM OF LAW by The City of New York in support of [129-1] motion for an Order pursuant to Rule 59(e), 60(b)(5), 60(b)(6) of the F.R.C.P., Local rule 6.3 of the Local Rules for the Southern and Eastern District Courts of New York, and paragraph 48 of the Injunction Order for reconsideration of [125-1] order Any party may move for reconsideration of any part of this Order w/in 30 days of its entry. This Order will remain in full force and effect during the pendency of any motion for reconsideration and until the court provides otherwise. Any motion for reconsideration must comply w/ the FRCP, this court's Local Rules, and relevant case law. After 30 days following entry of this Order, any party may seek modification of this only if there has been a material change in circumstances w/in 30 days of issuance of one of the monitor's reports. Either party may move to enforce or terminate this Order under the governing legal standards established by FRCP any relevant statutes, and applicable case law, [125-2] relief, [129-2] motion for an Order vacating the following provisions in the Injunction Order as further set forth in this motion. (jco) (Entered: 10/02/2002)
09/19/2002	127	ORDER; denying City Dfts' motion for Partial Stay pending Appeal ; denying City Dfts' motion for reconsideration, to alter or Amend the Injunction Order entered on 8/29/02 ; denying City Dfts' motion to vacate

		Certain Provisions . (signed by Judge Constance B. Motley); Copies mailed. (pl) (Entered: 09/24/2002)
09/27/2002	128	NOTICE OF APPEAL by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager from [125-1] order Any party may move for reconsideration of any part of this Order w/in 30 days of its entry. This Order will remain in full force and effect during the pendency of any motion for reconsideration unless and until the court provides otherwise. Any motion for reconsideration must comply w/ the FRCP, this court's Local Rules, and relevant case law. After 30 days following entry of this Order, any party may seek modification of this Order only if there has been a material change in circumstances or w/in 30 days of issuance of one of the monitor's semi-annual reports. Either party may move to enforce or terminate this Order under the governing legal standards established by the FRCP any relevant statutes, and applicable cas law . Copies of notice of appeal mailed to Attorney(s) of Record: Judith T. Kramer, and Janice L. Birnbaum. \$105.00 APPEAL FILING FEE PAID 9/27/02. RECEIPT # E 0451976. (pr) (Entered: 09/30/2002)
09/30/2002		Notice of appeal and certified copy of docket to USCA: [128-1] appeal by Anthony Wager, Eugene Bailey, Joseph Valdez, Carlos Rivera, Michael Picart, Carlos Luszcz, Austin Nunez, Irving Nooks, Jose Colon, Marlon Coleman, Zakunda-Ze Handberry ; Copy of notice of appeal sent to District Judge. (pr) (Entered: 09/30/2002)
10/02/2002	131	AMENDED NOTICE OF APPEAL by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York amending [126-1] appeal from [124-1] order the Court will order modification of Education Plan as indicated in this Order, [127-1] order denying City Dfts' motion for Partial Stay pending Appeal . Copies of notice of appeal mailed to Attorney(s) of Record: Judith T. Kramer, Dori A. Lewis, Mary Lynne Werlwas. (pr) Modified on 10/03/2002 (Entered: 10/03/2002)
10/03/2002		Notice of appeal and certified copy of docket to USCA: [0-1] appeal by The City of New York, Board of Education, Frederick Patrick, Eric Taylor, Michael Jacobson, Richard Mills, Rudolph Crew, Ninfa Segarra, Luis Reyes, Sandra Lerner, Irene Impellizzeri, Carol Gresser, Jerry Cammarata, William C. Thompson Jr. ; Copy of notice of appeal sent to District Judge. (pr) (Entered: 10/03/2002)
10/24/2002	131	ORDER; Purs to the Orders dated August 28, 2002 and June 29, 2000, both the City and State will pay the fee and expenses of the monitor ; (signed by Judge Constance B. Motley); (dj) (Entered: 10/28/2002)
10/28/2002	132	SECOND AMENDED NOTICE OF APPEAL by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City

		of New York amending [131-1] appeal from [131-1] order Purs to the Orders dated August 28, 2002 and June 29, 2000, both the City and State will pay the fee and expenses of the monitor . Copies of notice of appeal mailed to Attorney(s) of Record: Dori A. Lewis, Esq., Mary Lynne Werwas, Esq. and Judith T. Kramer. Esq. (dt) (Entered: 10/28/2002)
10/28/2002		Notice of appeal and certified copy of docket to USCA: [132-1] appeal by The City of New York, Board of Education, Frederick Patrick, Eric Taylor, Michael Jacobson, Richard Mills, Rudolph Crew, Ninfa Segarra, Luis Reyes, Sandra Lerner, Irene Impellizzeri, Carol Gresser, Jerry Cammarata, William C. Thompson Jr. ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 10/28/2002)
12/03/2002	133	ORDER, the Court hereby orders the parties to submit briefs addressing the effect of Porter v Nussle on this case. Parties' briefs should directly address the Second Circuit's concern with whether plntfs were required to exhaust administrative remedies and, if so, how the case should proceed. The parties must file their briefs with the court by 12/23/02. Responsive briefs must be fld by 1/8/03. The parties' briefs shall not exceed twelve pages in length. A hearing is scheduled for 1/14/03 at 10:30 am in Courtroom 26A, 500 Pearl St., NY NY (signed by Judge Constance B. Motley); (cd) (Entered: 12/05/2002)
12/20/2002	136	MANDATE OF USCA (certified copy) Re: [128-1] appeal by Anthony Wager, Eugene Bailey, Joseph Valdez, Carlos Rivera, Michael Picart, Carlos Luszcz, Austin Nunez, Irving Nooks, Jose Colon, Marlon Coleman, Zakunda-Ze Handberry, [131-1] appeal by The City of New York, Board of Education, Frederick Patrick, Eric Taylor, Michael Jacobson, Richard Mills, Rudolph Crew, Ninfa Segarra, Luis Reyes, Sandra Lerner, Irene Impellizzeri, Carol Gresser, Jerry Cammarata, William C. Thompson Jr., [132-1] appeal by The City of New York, Board of Education, Frederick Patrick, Eric Taylor, Michael Jacobson, Richard Mills, Rudolph Crew, Ninfa Segarra, Luis Reyes, Sandra Lerner, Irene Impellizzeri, Carol Gresser, Jerry Cammarata, William C. Thompson Jr. Appellants move for a partial stay pending their appeal of the district court's injunction directing them to provide appellees with educational services in accordance with federal and state law. ORDERED that the injunction is vacated and the case is remanded to the district court for consideration of whether under Porter v. Nussle, the plaintiffs were required t exhaust administrative remedies prior to bringing their 42USC 1983 class action in the district court and, if so what further administrative or judicaial proceedings are necessary. This ORDER is without prejudice to a reinstatement of the injunction as appropriate, after such further proceedings. ISSUED AS MANDATE 11/27/02, 02-0251, 02-0279. ROSEANN B. MACKECHNIE, CLERK, USCA. (pr) (Entered: 01/02/2003)
12/23/2002	134	MEMORANDUM OF LAW by Board of Education, The City of New York in support of the City defendants' renewed motion for summary judgment on remand due to plaintiffs' failure to exhaust administrative remedies. (tp) (Entered: 12/26/2002)

12/23/2002	135	DECLARATION of Arthur Harris by City defendants in support of the City defendants' motion for summary judgment following remand. (tp) (Entered: 12/26/2002)
12/23/2002	137	STATE DEFENDANT'S MEMORANDUM OF LAW renewing its motion to dismiss due to plaintiffs' failure to exhaust administrative remedies. (jco) (Entered: 01/03/2003)
12/26/2002	138	MEMORANDUM OF LAW by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon re: exhaustion of administrative remedies under The Prison Litigation Reform Act (cd) (Entered: 01/06/2003)
01/08/2003	139	REPLY MEMORANDUM OF LAW in further support re: City Defendants' renewed motion for summary judgment on remand due to Plaintiffs' failure to exhaust administrative remedies. (pl) (Entered: 01/10/2003)
01/08/2003	140	REPLY BRIEF appendix of Lexis Cases cited by City Defendants in further support of their renewed motion for summary judgment on remand due to plaintiffs' failure to exhaust administrative remedies. (pl) (Entered: 01/10/2003)
01/08/2003	141	REPLY MEMORANDUM by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager in opposition to State dfts renewed motions for summary judgment and/or dismiss. (db) (Entered: 01/16/2003)
01/08/2003	142	REPLY MEMORANDUM by William C. Thompson Jr., Jerry Cammarata, Carol Gresser, Irene Impellizzeri, Sandra Lerner, Luis Reyes, Ninfa Segarra, Rudolph Crew, Richard Mills, Michael Jacobson, Eric Taylor, Frederick Patrick, Board of Education, The City of New York renewing his motion to dismiss due to plttfs' failure to exhaust administrative remedies. (db) (Entered: 01/16/2003)
01/15/2003	143	PRETRIAL SCHEDULE AND ORDER: after oral argument on this date on dfts' motion to dismiss for failure to exhaust administrative remedies, the Court reserves decision . (signed by Judge Constance B. Motley) (db) (Entered: 01/21/2003)
01/28/2003	144	MEMORANDUM OPINION # 88000, In light of the Memorandum Opinion, the court finds that the Supreme Court's decision in Porter v. Nussle, 534 US 516 (2002) does not require plaintiffs in this action to exhaust administrative remedies prior to bringing their 42 USC 1983 class action in district court. The City defendants' motion to dismiss is denied. The State's renewed motion to dismiss is likewise denied. The injunction issued by this court on 8/29/02 is reinstated in full, effective immediately . (signed by Judge Constance B. Motley) (sb) (Entered: 01/29/2003)
02/05/2003	145	NOTICE OF APPEAL by The City defendants from [144-1] order In light of the Memorandum Opinion, the court finds that the Supreme Court's decision in Porter v. Nussle, 534 US 516 (2002) does not require

		<p>plaintiffs in this action to exhaust administrative remedies prior to bringing their 42 USC 1983 class action in district court. The City defendants' motion to dismiss is denied. The State's renewed motion to dismiss is likewise denied. (this order which reinstates a preliminary injunction order entered August 29, 2002 as revised by an order dated October 23, 2002. This appeal is taken from each and every part of said opinion & order (one paper) as well as from the whole thereof.. Copies of notice of appeal mailed to Attorney(s) of Record: Doris A. Lewis, Mary Lynne Werlwas, AAG, Judith T. Kramer. \$105.00 APPEAL FILING FEE PAID ON 2/5/03, RECEIPT # E 0464250. . (pr) (Entered: 02/06/2003)</p>
02/06/2003		<p>Notice of appeal and certified copy of docket to USCA: [145-1] appeal by The City of New York defendants; Copy of notice of appeal sent to District Judge. (pr) (Entered: 02/06/2003)</p>
02/26/2003	146	<p>NOTICE OF APPEAL by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager from [144-1] order In light of the Memorandum Opinion, the court finds that the Supreme Court's decision in Porter v. Nussle, 534 US 516 (2002) does not require plaintiffs in this action to exhaust administrative remedies prior to bringing their 42 USC 1983 class action in district court. The City defendants' motion to dismiss is denied. The State's renewed motion to dismiss is likewise denied. . Copies of notice of appeal mailed to Attorney(s) of Record: Janice Birnbaum, Assistant Corporation Counsel and Judy Kramer Assistant Attorney General. \$105.00 Appeal filing fee paid 2/26/03 on receipt # E 0465672. (dt) (Entered: 02/26/2003)</p>
02/26/2003		<p>Notice of appeal and certified copy of docket to USCA: [146-1] appeal by Anthony Wager, Eugene Bailey, Joseph Valdez, Carlos Rivera, Michael Picart, Carlos Luszcz, Austin Nunez, Irving Nooks, Jose Colon, Marlon Coleman, Zakunda-Ze Handberry ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 02/26/2003)</p>
02/26/2003	147	<p>NOTICE OF APPEAL by Richard Mills from [144-1] order In light of the Memorandum Opinion, the court finds that the Supreme Court's decision in Porter v. Nussle, 534 US 516 (2002) does not require plaintiffs in this action to exhaust administrative remedies prior to bringing their 42 USC 1983 class action in district court. The City defendants' motion to dismiss is denied. The State's renewed motion to dismiss is likewise denied. . Copies of notice of appeal mailed to Attorney(s) of Record: Dori A. Lewis, Mary Lynne Werlwas, Janice L. Birnbaum. \$105.00 APPEAL FILING FEE PAID 2/26/03, RECEIPT # E 0465723. . (pr) (Entered: 02/27/2003)</p>
02/27/2003		<p>Notice of appeal and certified copy of docket to USCA: [147-1] appeal by Richard Mills; Copy of notice of appeal sent to District Judge. (pr) (Entered: 02/27/2003)</p>
03/03/2003	148	<p>PLAINTIFFS' OPPOSITION TO CITY DEFENDANTS' ORDER TO</p>

		SHOW CAUSE AND EMERGENCY MOTION FOR A PARTIAL STAY PENDING APPEAL by Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez, Eugene Bailey, Anthony Wager to (laq) (Entered: 03/04/2003)
03/06/2003	149	Reply DECLARATION of Janice Birnbaum by City defendants in further support of their emergency motion for a partial stay pending appeal. (Rec. in the night deposit box). (kw) Modified on 03/11/2003 (Entered: 03/11/2003)
03/06/2003	150	MEMORANDUM OF LAW by City defendants in further support of their emergency motion for a partial stay pending appeal. (Rec. in the night deposit box). (kw) (Entered: 03/11/2003)
03/31/2003	151	ORDER TO SHOW CAUSE by defendants; Show Cause Hearing set for 11:00 a.m. on 4/3/03; for an order staying portions as set forth in this document of the Order Amending the City Defendants' Education Plan entered 8/9/02 . (signed by Judge Constance B. Motley); Annexed Declaration of John Scudiero dated 2/14/03; declaration of Frank Dody dated 2/10/03 and Declartion of Timothy Lisante dated 10/22/02. Reply declaration of Lisante, Birnbaum (kw) (Entered: 04/01/2003)
04/04/2003	152	MEMORANDUM OPINION AND ORDER # 88317: for reasons further set forth in said order, the City'd [151-1] motion for a partial stay pending appeal of these specific poritons of the Injunction Order is hereby GRANTED. The court grantes this stay on the EXPRESS CONDITION that the relevant appeal shall be taken in accordance with applicable time periods and without requests for extensions of time on the part of the dfts. After due consideration, the Court DENIES the City's [129-1], [129-2] motion to modify the Injunction Order with respect to the court-appointed monitor. (signed by Judge Constance B. Motley) (db) (Entered: 04/04/2003)
05/20/2003	153	ORDER: dfts unopposed requested for authorization to access the documents under seal in this action to "ascertain what they are" is hereby GRANTED . (signed by Judge Constance B. Motley) (db) (Entered: 05/21/2003)
06/03/2003	154	Transcript of record of proceedings before Judge Constance B. Motley for the date(s) of 4/3/03. (pr) (Entered: 06/18/2003)
06/20/2003	155	ORDER: parties are ordered to appear for a conference 9/23/03 at 11:30 a.m. in Courtroom 26A of the U.S. Courthouse, 500 Pearl street, New York, New York . (signed by Judge Constance B. Motley) (db) (Entered: 06/20/2003)
06/26/2003		USCA Case Number Re: [145-1] appeal by The City of New York, [146-1] appeal by Anthony Wager, Eugene Bailey, Joseph Valdez, Carlos Rivera, Michael Picart, Carlos Luszcz, Austin Nunez, Irving Nooks, Jose Colon, Marlon Coleman, Zakunda-Ze Handberry, [147-1] appeal by Richard Mills USCA NUMBER: 03-0047(L), 03-0065(Xap) & 03-0067 (Con). (dt) (Entered: 06/26/2003)

06/27/2003	156	MANDATE OF USCA WITHDRAWING APPEAL (certified copy) Re: withdrawing [147-1] appeal by Richard Mills. STIPULATED AND AGREED that the appeal of defendant-appellant Richard Mills ("State defendant-appellant") is WITHDRAWN AS STATED. ISSUED AS MANDATE 6/20/03, 03-0067. MACKECHNIE, CLERK, USCA. (pr) (Entered: 06/27/2003)
01/14/2004	157	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for [145] Notice of Appeal,,, filed by The City of New York, [146] Notice of Appeal,,, filed by Carlos Rivera, Jose Colon, Zakunda-Ze Handberry, Marlon Coleman, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Joseph Valdez, Eugene Bailey, Anthony Wager, [147] Notice of Appeal,, filed by Richard Mills USCA Case Number 03-47(L), 03-65(Xap) & 03-67(Con), 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (dt,) (Entered: 01/15/2004)
01/16/2004		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for [145] Notice of Appeal,,, filed by The City of New York, [146] Notice of Appeal,,, filed by Carlos Rivera, Jose Colon, Zakunda-Ze Handberry, Marlon Coleman, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Joseph Valdez, Eugene Bailey, Anthony Wager, [147] Notice of Appeal,, filed by Richard Mills USCA Case Number 03-47(L), 03-65 (Xap) & 03-67(Con), were transmitted to the U.S. Court of Appeals. (dt,) (Entered: 01/16/2004)
10/07/2005	158	NOTICE OF CASE REASSIGNMENT to Judge Deborah A. Batts. Judge Constance Baker Motley no longer assigned to the case. (jeh,) (Entered: 10/11/2005)
10/07/2005		Mailed notice to the attorney(s) of record. (jeh,) (Entered: 10/11/2005)
11/30/2005	159	MINUTE ORDER PURSUANT TO MEMORANDUM FROM THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS, DATED JUNE 15TH, 1973....Case Closed administratively pursuant to Memorandum from the Administrative Office of the United States Courts dated June 15th, 1973.... (Signed by Judge Michael B. Mukasey on 11/30/2005) (lb,) (Entered: 12/01/2005)
05/05/2006	160	MANDATE of USCA (Certified Copy) as to [146] Notice of Appeal,,, filed by Carlos Rivera,, Jose Colon,, Zakunda-Ze Handberry,, Marlon Coleman,, Irving Nooks,, Austin Nunez,, Carlos Luszcz,, Michael Picart,, Joseph Valdez,, Eugene Bailey,, Anthony Wager,, [145] Notice of Appeal,,, filed by The City of New York, USCA Case Number 03-0047 (L). 03-0065(XAP). Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in part, VACATED in part and REMANDED for further proceedings in accordance with the opinion of this court. Roseann B. Mackechnie, Clerk USCA. Issued As Mandate: 4/28/2006. (nd,) (Entered: 05/08/2006)
05/08/2006		Transmission of USCA Mandate/Order to the District Judge re: [160] USCA Mandate,,. (nd,) (Entered: 05/08/2006)

09/19/2006		Appeal Record Returned. Indexed record on Appeal Files for [147] Notice of Appeal,, filed by Richard Mills, USCA Case Number 03-0047, returned from the U.S. Court of Appeals. (nd,) (Entered: 09/25/2006)
12/15/2006	162	NOTICE OF APPEARANCE by Roberto Finzi on behalf of Eugene Bailey, Anthony Wager, Zakunda-Ze Handberry, Marlon Coleman, Jose Colon, Irving Nooks, Austin Nunez, Carlos Luszcz, Michael Picart, Carlos Rivera, Joseph Valdez (cd,) (Entered: 12/20/2006)
01/26/2007	163	ORDER; The Court is in receipt of the parties' letters in response to my Law Clerk's letter of December 19, 2006. The Court notified the parties of the possible connection in an overabundance of caution. The Court also agrees with Plaintiffs' Counsel's letter of January 19, 2007, which states that the City has not set forth its reasons why it thinks this Court should recuse itself. Accordingly, within ten days of the date of this order, the City shall respond to the Court and all counsel setting forth its reasons why indeed recusal would be appropriate. (Signed by Judge Deborah A. Batts on 1/24/07) (dj) (Entered: 01/29/2007)
02/13/2007	164	ORDER; The Court is in receipt of communications from the parties addressing its questions about recusal; the Court concludes that recusal is the only appropriate action it can take. Accordingly, this case shall be reassigned. (Signed by Judge Deborah A. Batts on 2/9/07) (ae) (Entered: 02/14/2007)
02/14/2007		Transmission to Case Assignment Clerk. Transmitted (COPY) re: [164] Order,, to the Case Assignment Clerk for preparation of notice of case assignment/reassignment. (ae) (Entered: 02/14/2007)
02/16/2007	165	NOTICE OF CASE REASSIGNMENT to Judge George B. Daniels. Judge Deborah A. Batts is no longer assigned to the case due to judge's recusal. (jeh) (Entered: 03/02/2007)
02/16/2007		Mailed notice to the attorney(s) of record. (jeh) (Entered: 03/02/2007)
03/29/2007	166	ENDORSED LETTER addressed to Judge George B. Daniels from Janice Birnbaum dated 3/21/2007 re: to we write to renew the Defendants' request for a conference to address outstanding issues, including plaintiffs' proposed amended injunction. Although we are aware that the Court does not require pre-motion conferences, given the posture of this case and the need, at a minimum, for a briefing schedule, we believed that a conference would be helpful. Initial Conference set for 5/9/2007 09:30 AM before Judge George B. Daniels.ENDORSEMENT: The conference is scheduled for May 9, 2007 at 9:30 a.m. (Signed by Judge George B. Daniels on 3/29/2007) (jmi) (Entered: 04/02/2007)
04/23/2007	167	ORDER that the parties shall proceed purs. to the following briefing schedule with respect to plaintiffs' proposed amended injunction; dfts shall submit their response no later than 7/16/07; plaintiffs shall submit their reply no later than 8/6/07. (Signed by Judge George B. Daniels on 4/23/07) (dle) (Entered: 04/25/2007)
04/23/2007		Set/Reset Deadlines: Replies due by 8/6/2007.,Responses due by

	7/16/2007 (dle) (Entered: 04/25/2007)
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07/10/2007 14:59:05			
PACER Login:	hs0328	Client Code:	eeoc
Description:	Docket Report	Search Criteria:	1:96-cv-06161-GBD-JCF
Billable Pages:	21	Cost:	1.68
