

CLOSED,1983-PLAN,CASREF,ECF,RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-05843-RWS**

Lawler v. The City of New York et al
Assigned to: Judge Robert W. Sweet
Referred to: Magistrate Judge Michael H. Dolinger (Settlement)
Related Case: 1:12-cv-00992-RWS
Cause: 42:1983 Civil Rights Act

Date Filed: 07/31/2012
Date Terminated: 07/23/2015
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Julie Lawler

represented by **David Bruce Rankin**
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V.

Defendant

The City of New York

represented by **Andrew Joseph Lucas**
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Defendant

NYC Pol Dept Chief Joseph Esposito

Defendant

**NYC Po Dep Inspector Anthony
Bologna**

represented by **Louis C. Lapietra**
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ATTORNEY TO BE NOTICED

Defendant

Officer John Doe 1 through Officer John Doe 43

(the names John Doe being fictitious, as the true names and shield numbers are presently unknown); in their individual capacities

Defendant

Officer John Doe 1 through Officer John Doe 43

(the names John Doe being fictitious, as the true names and shield numbers are presently unknown); in their official capacities

Cross Claimant

NYC Po Dep Inspector Anthony Bologna

represented by **Louis C. Lapietra**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

NYC Po Dep Inspector Anthony Bologna

represented by **Louis C. Lapietra**
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ATTORNEY TO BE NOTICED

Cross Claimant

NYC Po Dep Inspector Anthony Bologna

represented by **Louis C. Lapietra**
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V.

Cross Defendant

The City of New York

represented by **Andrew Joseph Lucas**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dara Lynn Weiss
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/31/2012	<u>1</u>	COMPLAINT against Anthony Bologna, Joseph Esposito, Officer John Doe 1 through Officer John Doe 43((the names John Doe being fictitious, as the true names and shield numbers are presently unknown); in their individual capacities), Officer John Doe 1 through Officer John Doe 43((the names John Doe being fictitious, as the true names and shield numbers are presently unknown); in their official capacities), The City of New York. (Filing Fee \$ 350.00, Receipt Number

		1045087)Document filed by Julie Lawler.(mro) (Entered: 08/03/2012)
07/31/2012		SUMMONS ISSUED as to Anthony Bologna, Joseph Esposito, Officer John Doe 1 through Officer John Doe 43((the names John Doe being fictitious, as the true names and shield numbers are presently unknown); in their individual capacities), Officer John Doe 1 through Officer John Doe 43((the names John Doe being fictitious, as the true names and shield numbers are presently unknown); in their official capacities), The City of New York. (mro) (Entered: 08/03/2012)
07/31/2012		CASE REFERRED TO Judge Robert W. Sweet as possibly related to 1:12-cv-00992-RWS. (mro) (Entered: 08/03/2012)
07/31/2012		Case Designated ECF. (mro) (Entered: 08/03/2012)
07/31/2012		NOTICE OF PARTICIPATION IN SECTION 1983 PLAN: Unless otherwise ordered, this case shall participate in the Southern District of New York's Plan for Certain Section 1983 Cases against The City of New York (the "Section 1983 Plan"). Please reference the Court's website to review the Section 1983 Plan for important information.(jge) (Entered: 08/06/2012)
08/14/2012		CASE ACCEPTED AS RELATED. Create association to 1:12-cv-00992-RWS. Notice of Assignment to follow. (pgu) (Entered: 08/14/2012)
08/14/2012	<u>2</u>	NOTICE OF CASE ASSIGNMENT to Judge Robert W. Sweet. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 08/14/2012)
08/14/2012		Magistrate Judge Debra C. Freeman is so designated. (pgu) (Entered: 08/14/2012)
08/14/2012	<u>3</u>	NOTICE OF APPEARANCE by Andrew Joseph Lucas on behalf of The City of New York (Lucas, Andrew) (Entered: 08/14/2012)
08/15/2012	<u>4</u>	NOTICE OF APPEARANCE by Dara Lynn Weiss on behalf of The City of New York (Weiss, Dara) (Entered: 08/15/2012)
09/06/2012	<u>5</u>	SUMMONS RETURNED EXECUTED. The City of New York served on 8/3/2012, answer due 8/24/2012. Service was accepted by Dmitry Aronov. Document filed by Julie Lawler. (Quackenbush, Robert) (Entered: 09/06/2012)
09/06/2012	<u>6</u>	SUMMONS RETURNED EXECUTED. Joseph Esposito served on 8/15/2012, answer due 9/5/2012. Service was made by Mail. Document filed by Julie Lawler. (Quackenbush, Robert) (Entered: 09/06/2012)
09/10/2012	<u>7</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from David B. Rankin dated 9/04/2012 re: We understand there is a preliminary conference scheduled in those cases on October 3, 2012 at 4:30 p.m. Plaintiffs respectfully request to have our preliminary conferences scheduled at or around that time and date and to have this case be designated as a non-Plan matter.ENDORSEMENT: SO ORDERED. (Signed by Judge Robert W. Sweet on 9/07/2012) (ama) (Entered: 09/10/2012)
09/14/2012	<u>8</u>	NOTICE OF APPEARANCE by Louis C. Lapietra on behalf of Anthony Bologna (Lapietra, Louis) (Entered: 09/14/2012)
09/14/2012	<u>9</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,, Anthony Bologna served on 8/22/2012, answer due 9/12/2012. Service was accepted by PO Payne. Service was made by Mail. Document filed by Julie Lawler. (Rankin, David) (Entered: 09/14/2012)
09/17/2012	<u>10</u>	ANSWER to <u>1</u> Complaint,, CROSSCLAIM against Anthony Bologna. Document filed by Anthony Bologna.(Lapietra, Louis) (Entered: 09/17/2012)
09/17/2012	<u>11</u>	ANSWER to <u>10</u> Crossclaim., CROSSCLAIM against The City of New York. Document filed by Anthony Bologna.(Lapietra, Louis) (Entered: 09/17/2012)
09/17/2012		NOTICE OF SELECTION FOR MEDIATION: This case has been selected for participation in the Southern District of New York's mediation program.(jge) (Entered: 09/18/2012)
09/17/2012		SECTION 1983 PLAN 100-DAY REVIEW: The mediator shall be available to the parties throughout the discovery phase of the Plan and shall schedule and hold

		the first mediation session in the case within ten (10) days of the close of the discovery period. In the event that the mediation cannot begin within the time set forth herein, the assigned mediator shall promptly notify the Mediation Supervisor of the date by which the mediation will begin and the reason for the delay. The mediator shall correspond with the Mediation Office to arrange a mutually convenient date and time to hold the first session. 1983-Plan Review due by 12/26/2012. Mediator to be Assigned by 9/27/2012.(jge) (Entered: 09/18/2012)
09/20/2012		NOTICE OF MEDIATOR ASSIGNMENT – Notice of assignment of mediator.(ms) (Entered: 09/20/2012)
10/03/2012		Minute Entry for proceedings held before Judge Robert W. Sweet: Interim Pretrial Conference held on 10/3/2012. (lmb) (Entered: 10/18/2012)
10/26/2012	<u>12</u>	ANSWER to <u>1</u> Complaint,, <u>11</u> Answer to Crossclaim, with JURY DEMAND., ANSWER to <u>1</u> , <u>11</u> Crossclaim. Document filed by The City of New York.(Lucas, Andrew) (Entered: 10/26/2012)
11/13/2012	<u>13</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet, from Dara L. Weiss, dated 11/7/2012, re: I write at the Court's direction to communicate the City's suggestion on how the Court should handle certain cases arising out of the Occupy Wall Street movement. The cases identified herein all stem from an incident on September 24, 2011 wherein the plaintiffs allege they were pepper-sprayed/and or arrested by a member of the NYC Police Department. The City believes that all of the cases arising from the September 24, 2011 incident should be accepted by Your Honor as cases related to the Elliot matter, and should further be consolidated for discovery, much the same as the cases arising out of the 2003 anti-war demonstration. ENDORSEMENT: So ordered. (Signed by Judge Robert W. Sweet on 11/7/2012) (ja) (Entered: 11/13/2012)
11/14/2012		Minute Entry for proceedings held before Judge Robert W. Sweet: Interim Pretrial Conference held on 11/14/2012. Next PTC set for Feb. 6, 2013 at 4:30 p.m. (djc) (Entered: 11/27/2012)
11/14/2012		Set/Reset Hearings: Pretrial Conference set for 2/6/2013 at 04:30 PM before Judge Robert W. Sweet. (djc) (Entered: 11/27/2012)
11/16/2012	<u>14</u>	ORDER: Plaintiffs' letters dated November 9, 2012 and November 13, 2012 will be treated as motions to deconsolidate, and will be heard at noon on Wednesday, November 28, 2012, in courtroom 18C. Any opposition papers must be filed by November 21, 2012, and any reply papers must be filed by November 26, 2012. (Responses due by 11/21/2012, Replies due by 11/26/2012.) (Signed by Judge Robert W. Sweet on 11/15/2012) (cd) (Entered: 11/19/2012)
11/30/2012	<u>15</u>	ORDER: The above captioned cases are hereby consolidated for discovery purposes with all non-Monell fact discovery to be given priority over discovery related to Monell claims. The Section 1983 Plan will not be applied to the above-captioned cases. A pretrial conference will be held February 6, 2013, at 4:30 P.M. with respect to further scheduling. (Signed by Judge Robert W. Sweet on 11/30/2012) (djc) (Entered: 11/30/2012)
11/30/2012		Set/Reset Hearings: Pretrial Conference set for 2/6/2013 at 04:30 PM before Judge Robert W. Sweet. (djc) (Entered: 11/30/2012)
12/17/2012		Terminate Mediation Case Tracking Deadlines: 1983-Plan Review Deadline. (jge) (Entered: 12/17/2012)
12/31/2012	<u>16</u>	NOTICE OF CHANGE OF ADDRESS by David Bruce Rankin on behalf of Julie Lawler. New Address: Rankin & Taylor, PLLC, 11 Park Place, Suite 914, New York, NY, USA 10007, 212-226-4507. (Rankin, David) (Entered: 12/31/2012)
02/06/2013	<u>17</u>	NOTICE OF APPEARANCE by Jane Leanne Moisan on behalf of Julie Lawler (Moisan, Jane) (Entered: 02/06/2013)
02/06/2013		Minute Entry for proceedings held before Judge Robert W. Sweet: Interim Pretrial Conference held on 2/6/2013. Next PTC set for 5/22/2013 @ 4:30 p.m. (Pretrial Conference set for 5/22/2013 at 04:30 PM before Judge Robert W. Sweet.). (ja) (Entered: 02/08/2013)

02/08/2013	<u>18</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from David B. Rankin dated 2/6/13 re: Counsel writes to request an extension of time to serve interrogatory and document demands from 1/31/13 to 2/14/13. ENDORSEMENT: So ordered. (Signed by Judge Robert W. Sweet on 2/7/2013) (mro) (Entered: 02/08/2013)
10/29/2013		Minute Entry for proceedings held before Judge Robert W. Sweet: Interim Pretrial Conference held on 10/29/2013, (Pretrial Conference set for 12/9/2013 at 04:00 PM before Judge Robert W. Sweet.). (sc) (Entered: 10/31/2013)
11/04/2013	<u>19</u>	PROTECTIVE ORDER: Regarding procedures to be followed that shall govern the handling of confidential material. SO ORDERED. (Signed by Judge Robert W. Sweet on 11/04/2013) (ama) (Entered: 11/04/2013)
03/21/2014	<u>20</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Dara L. Weiss dated 3/19/2014 re: Request for a further status conference on 5/20/2014, at 4:00 p.m. ENDORSEMENT: So ordered. (Status Conference set for 5/20/2014 at 04:00 PM before Judge Robert W. Sweet). (Signed by Judge Robert W. Sweet on 3/19/2014). Entry in all related cases as per Chambers. (rjm) (Entered: 03/21/2014)
05/23/2014	<u>21</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Samuel B. Cohen dated 5/21/2014 re: Per Your Honor's direction, counsel for all parties have conferred and join with the Dierken Plaintiffs in submitting this joint letter memorializing the understandings reached in our conference before Your Honor yesterday, May 20, 2014, and as further specified in this letter. ENDORSEMENT: So ordered. (Signed by Judge Robert W. Sweet on 5/22/2014) (rjm) (Entered: 05/23/2014)
06/10/2014	<u>22</u>	ORDER: 1. The understanding set forth in the letter of counsel for the plaintiff's in 12 Civ. 07462 dated May 30, 2014 is so ordered. 2. The depositions will be scheduled on an "as available" basis without party priority or time limitation. Any deposition of more than two-day duration will be adjourned to be completed at an agreed upon date. All party depositions will be completed by September 30, 2014. 3. All objections will be preserved and all questions answered other than those objected to on the basis of privilege. It is so ordered., (Deposition due by 9/30/2014.) (Signed by Judge Robert W. Sweet on 6/9/2014) (lmb) (Entered: 06/10/2014)
06/23/2014	<u>23</u>	AMENDMENT: Item 2 in the order issued by the Court on June 9, 2014 is hereby amended as follows: 2. The depositions will be scheduled on an "as available" basis without party priority or time limitation. Any deposition of more than two-day duration will be adjourned to be completed at an agreed upon date. All initial round party depositions will be completed by September 30, 2014. IT IS SO ORDERED. (Deposition due by 9/30/2014.) (Signed by Judge Robert W. Sweet on 6/17/2014) (ama) (Entered: 06/23/2014)
11/07/2014		NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Michael H. Dolinger. Please note that this is a reassignment of the designation only. (pgu) (Entered: 11/07/2014)
11/07/2014	<u>24</u>	ORDER. The Honorable Michael H. Dolinger is designated to the above action. For purpose of judicial efficiency, the above entitled action and nine other related cases are referred to Magistrate Dolinger for Settlement. Please see attached rider. (Signed by Judge Robert W. Sweet on 11/7/2014) (rjm) (Entered: 11/12/2014)
12/15/2014	<u>25</u>	ORDER: It is hereby ORDERED that a settlement conference has been scheduled in the above-captioned actions on TUESDAY, JANUARY 27, 2015 at 2:00 P.M., at which time you are directed to appear in Courtroom 17D, 500 Pearl Street, New York, New York 10007-1312. And as set forth herein. SO ORDERED. (Settlement Conference set for 1/27/2015 at 02:00 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Michael H. Dolinger.) (Signed by Magistrate Judge Michael H. Dolinger on 12/15/2014) Copies Faxed By Chambers. (ama) (Entered: 12/15/2014)
01/29/2015	<u>26</u>	ORDER: It is hereby ORDERED that the settlement conference scheduled for January 27, 2015 has been adjourned to TUESDAY, FEBRUARY 17, 2015 at 1:30 P.M., at which time you are directed to appear in Courtroom 17D, 500 Pearl Street,

		New York, New York 10007-1312. Any requests for adjournment of this scheduled conference must be in writing, with copies to all other parties, and must be preceded by reasonable efforts by the requesting party to obtain the consent of those parties. The parties are to take note of the following requirements for settlement conferences before the undersigned: 1. The parties are expected to have spoken with each other about their respective settlement positions prior to the settlement conference. Given the complexities presented in the above-captioned matters, the court also expects defendants to have had substantive conversations among themselves regarding the relevant issues and plaintiffs to have similarly conversed among themselves, in addition to plaintiffs and defendants having spoken with each other, by no later than one week prior to this settlement conference. 2. The parties are directed to bring with them any documents (including any deposition transcripts) that they consider pertinent to their position on the settlement value of the case. 3. Clients are expected to either attend the conference or be available via telephone during the conference. SO ORDERED. Settlement Conference set for 2/17/2015 at 01:30 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Michael H. Dolinger. (Signed by Magistrate Judge Michael H. Dolinger on 1/29/2015) (ajs) (Entered: 01/29/2015)
03/19/2015	<u>27</u>	AMENDMENT: The initial designation order referring the above entitled actions to the Honorable Michael H. Dolinger (ECF No. 25) is amended as follows: For the purposes of judicial efficiency, the above entitled actions are referred to the Honorable Michael H. Dolinger for general pretrial matters, including scheduling, discovery, and settlement. IT IS SO ORDERED. (Signed by Judge Robert W. Sweet on 3/19/2015) (ama) (Entered: 03/20/2015)
05/04/2015	<u>28</u>	ORDER: It is hereby ORDERED that a scheduling conference before the undersigned has been scheduled in the above-captioned actions on THURSDAY, MAY 14, 2015 at 2:00 P.M., at which time you are directed to appear in Courtroom 17D, 500 Pearl Street, New York, New York 10007-1312. SO ORDERED. (Status Conference set for 5/14/2015 at 02:00 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Michael H. Dolinger.) (Signed by Magistrate Judge Michael H. Dolinger on 5/04/2015) Copies Faxed By Chambers. (ama) (Entered: 05/04/2015)
05/14/2015	<u>29</u>	ORDER: it is hereby ORDERED: The parties have until June 16, 2015 to confer with each other on a potential settlement of this matter. Should the parties not reach a settlement in principle by that date, they must complete their responses to all outstanding discovery demands by no later than June 30, 2015. Fact Discovery due by 8/31/2015. SO ORDERED. (Signed by Magistrate Judge Michael H. Dolinger on 5/14/2015) Copies Sent By Chambers. (ama) (Entered: 05/15/2015)
06/04/2015	<u>30</u>	ORDER: It is hereby ORDERED that a settlement conference in the above-captioned matter has been scheduled before the undersigned on WEDNESDAY, JUNE 17, 2015 at 2:00 P.M., at which time you are directed to appear in Courtroom 17D, 500 Pearl Street, New York, New York 10007-1312. And as set forth herein. SO ORDERED. (Settlement Conference set for 6/17/2015 at 02:00 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Michael H. Dolinger.) (Signed by Magistrate Judge Michael H. Dolinger on 6/04/2015) (ama) (Entered: 06/04/2015)
07/08/2015	<u>31</u>	NOTICE of Settlement . Document filed by Joseph Esposito, The City of New York. (Attachments: # <u>1</u> Exhibit Stipulation and Order)(Weiss, Dara) (Entered: 07/08/2015)
07/23/2015	<u>32</u>	STIPULATION AND ORDER OF DISMISSAL: The above-referenced action is hereby dismissed with prejudice. (As further set forth in this Order.) (Signed by Judge Robert W. Sweet on 7/18/2015) (tro) (Entered: 07/23/2015)