

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:15-cv-03849-AKH

Jane Doe 1 et al v. The City of New York et al
Assigned to: Judge Alvin K. Hellerstein
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/19/2015
Date Terminated: 05/08/2017
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Jane Doe 1

*on behalf of themselves and all similarly
situated women*

represented by **Mitchell A. Lowenthal**
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Plaintiff

Jane Doe 2

*on behalf of themselves and all similarly
situated women*

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V.

Defendant

The City of New York
TERMINATED: 05/26/2017

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Defendant

Benny Santiago
TERMINATED: 05/25/2017

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Interested Party

The Moss Group, Inc.

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Cross Claimant

Benny Santiago
TERMINATED: 05/25/2017

represented by **Joey Jackson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Julie Ann Ortiz
(See above for address)
TERMINATED: 12/06/2016

Liam Louis Castro
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ATTORNEY TO BE NOTICED

V.

Cross Defendant

The City of New York
TERMINATED: 05/26/2017

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Arthur Gabriel Larkin , III
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Peter William Brocker
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/19/2015	<u>1</u>	COMPLAINT against Benny Santiago, The City of New York. (Filing Fee \$ 350.00, Receipt Number 465401125691)Document filed by Jane Doe 2, Jane Doe 1.(rdz) (mps). (Entered: 05/20/2015)
05/19/2015		SUMMONS ISSUED as to Benny Santiago, The City of New York. (rdz) (Entered: 05/20/2015)
05/19/2015		Magistrate Judge Kevin Nathaniel Fox is so designated. (rdz) (Entered: 05/20/2015)
05/19/2015		Case Designated ECF. (rdz) (Entered: 05/20/2015)
05/19/2015	<u>2</u>	CIVIL COVER SHEET filed. (rdz) (mps). (Entered: 05/20/2015)
05/20/2015	<u>3</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. The City of New York served on 5/19/2015, answer due 6/9/2015. Service was accepted by The City of New York Law Department, by Betty Mazyck, Service Window Clerk. Document filed by Jane Doe 2; Jane Doe 1. (Lowenthal, Mitchell) (Entered: 05/20/2015)
05/21/2015	<u>4</u>	NOTICE OF APPEARANCE by Marlen Suyapa Bodden on behalf of Jane Doe 1. (Bodden, Marlen) (Entered: 05/21/2015)
05/27/2015	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Benny Santiago served on 5/26/2015, answer due 6/16/2015. Service was accepted by Jazmin Santiago, served in

		person, a person of suitable age and discretion, on May 23, 2015 and an additional service upon defendant was made by FIRST CLASS MAIL on May 26, 2015. Document filed by Jane Doe 2; Jane Doe 1. (Lowenthal, Mitchell) (Entered: 05/27/2015)
06/05/2015	<u>6</u>	NOTICE OF APPEARANCE by Danielle Posen Mindlin on behalf of Jane Doe 1, Jane Doe 2. (Mindlin, Danielle) (Entered: 06/05/2015)
06/05/2015	<u>7</u>	FIRST LETTER MOTION for Extension of Time to File Answer <i>or otherwise respond to the complaint</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated June 5, 2015. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 06/05/2015)
06/08/2015	<u>8</u>	LETTER addressed to Judge Alvin K. Hellerstein from Danielle P. Mindlin dated June 8, 2015 re: in response to defendant the City of New York's June 6th letter concerning its time to respond to Plaintiffs complaint, etc.. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1 and 2)(Mindlin, Danielle) (Entered: 06/08/2015)
06/09/2015	<u>9</u>	ORDER granting in part <u>7</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. A status conf. will be held July 10, 2015, 10:30 a.m. Time of def's to plead is enlarged until then, and as much further time as I then may order. The City of New York answer due 7/10/2015. (Signed by Judge Alvin K. Hellerstein on 6/9/2015) (kko) Modified on 6/12/2015 (kko). (Entered: 06/09/2015)
06/09/2015		Set/Reset Hearings: Status Conference set for 7/10/2015 at 10:30 AM before Judge Alvin K. Hellerstein. (kko) (Entered: 06/09/2015)
06/19/2015	<u>10</u>	NOTICE OF APPEARANCE by Barbara Patricia Hamilton on behalf of Jane Doe 1, Jane Doe 2. (Hamilton, Barbara) (Entered: 06/19/2015)
06/29/2015	<u>11</u>	NOTICE OF APPEARANCE by Julie Ann Ortiz on behalf of Benny Santiago. (Ortiz, Julie) (Entered: 06/29/2015)
06/29/2015	<u>12</u>	FIRST LETTER MOTION for Extension of Time to File Answer addressed to Judge Alvin K. Hellerstein from Julie A. Ortiz dated June 29, 2015. Document filed by Benny Santiago.(Ortiz, Julie) (Entered: 06/29/2015)
06/30/2015	<u>13</u>	LETTER addressed to Judge Alvin K. Hellerstein from Danielle P. Mindlin dated June 30, 2015 re: in response to the letter filed June 29, 2015 by Defendant Benny Santiago concerning his time to respond to Plaintiffs' Complaint. Document filed by Jane Doe 1, Jane Doe 2.(Mindlin, Danielle) (Entered: 06/30/2015)
07/01/2015	<u>14</u>	LETTER addressed to Judge Alvin K. Hellerstein from Julie A. Ortiz dated July 1, 2015 re: Response to Plaintiffs' Letter dated June 30, 2015. Document filed by Benny Santiago.(Ortiz, Julie) (Entered: 07/01/2015)
07/02/2015	<u>15</u>	ORDER granting <u>12</u> Letter Motion for Extension of Time to Answer: The time of all def'ts to Answer is enlarged to July 17, 2015. The status conference set for July 10, 2015 is postponed to July 24, 2015, at 10:00 a.m. Counsel shall present at the conf. a discovery plan. All required disclosures shall have been produced before the conference. Benny Santiago answer due 7/17/2015; The City of New York answer due 7/17/2015. (Signed by Judge Alvin K. Hellerstein on 7/2/2015) (tn) (Entered: 07/02/2015)
07/16/2015	<u>16</u>	NOTICE OF APPEARANCE by Josh Edward Anderson on behalf of Jane Doe 1, Jane Doe 2. (Anderson, Josh) (Entered: 07/16/2015)
07/17/2015	<u>17</u>	ANSWER to <u>1</u> Complaint with JURY DEMAND. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 07/17/2015)
07/17/2015	<u>18</u>	ANSWER to <u>1</u> Complaint., CROSSCLAIM against The City of New York. Document filed by Benny Santiago.(Ortiz, Julie) (Entered: 07/17/2015)
07/20/2015	<u>19</u>	JOINT MOTION for Protective Order . Document filed by Jane Doe 1, Jane Doe 2, Benny Santiago, The City of New York.(Lowenthal, Mitchell) (Entered: 07/20/2015)
07/20/2015	<u>20</u>	DECLARATION of Danielle P. Mindlin, dated July 20, 2015 in Support re: <u>19</u> JOINT MOTION for Protective Order .. Document filed by Jane Doe 1, Jane Doe 2, Benny Santiago, The City of New York. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u>

		Exhibit 3)(Lowenthal, Mitchell) (Entered: 07/20/2015)
07/20/2015	<u>21</u>	MEMORANDUM OF LAW in Support re: <u>19</u> JOINT MOTION for Protective Order . . Document filed by Jane Doe 1, Jane Doe 2, Benny Santiago, The City of New York. (Lowenthal, Mitchell) (Entered: 07/20/2015)
07/28/2015	<u>22</u>	ANSWER to <u>18</u> Crossclaim. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 07/28/2015)
07/30/2015	<u>23</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 07/30/2015)
07/30/2015	<u>24</u>	PROTECTIVE ORDER CONCERNING CONFIDENTIAL INFORMATION...regarding procedures to be followed that shall govern the handling of confidential material... Motions terminated: <u>19</u> JOINT MOTION for Protective Order filed by The City of New York, Benny Santiago, Jane Doe 1, Jane Doe 2. (Signed by Judge Alvin K. Hellerstein on 7/30/2015) (kko) (Entered: 07/30/2015)
07/30/2015	<u>25</u>	CIVIL CASE MANAGEMENT PLAN: After consultation with counsel for the parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure. The case is to be tried to a jury. Amended Pleadings due by 4/1/2016. Joinder of Parties due by 4/1/2016. Deposition due by 7/1/2016. Non-Expert Discovery due by 7/1/2016. Case Management Conference set for 7/14/2016 at 10:00 AM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 7/30/2015) (kko) Modified on 7/30/2015 (kko). (Entered: 07/30/2015)
08/20/2015	<u>26</u>	SEALED DOCUMENT placed in vault.(rz) (Entered: 08/20/2015)
10/09/2015	<u>27</u>	MOTION to Certify Class <i>and Appoint Class Counsel</i> . Document filed by Jane Doe 1.(Lowenthal, Mitchell) (Entered: 10/09/2015)
10/09/2015	<u>28</u>	MEMORANDUM OF LAW in Support re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> . . Document filed by Jane Doe 1. (Lowenthal, Mitchell) (Entered: 10/09/2015)
10/09/2015	<u>29</u>	DECLARATION of Jane Doe 1, dated October 9, 2015, in Support re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> .. Document filed by Jane Doe 1. (Lowenthal, Mitchell) (Entered: 10/09/2015)
10/09/2015	<u>30</u>	DECLARATION of Jane Doe 2, dated October 6, 2015, in Support re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> .. Document filed by Jane Doe 1. (Lowenthal, Mitchell) (Entered: 10/09/2015)
10/09/2015	<u>31</u>	DECLARATION of Marlen S. Bodden, dated October 5, 2015, in Support re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> .. Document filed by Jane Doe 1. (Lowenthal, Mitchell) (Entered: 10/09/2015)
10/09/2015	<u>32</u>	DECLARATION of Letitia James, Public Advocate for the City of New York in Support re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> .. Document filed by Jane Doe 1. (Attachments: # <u>1</u> Exhibits 1-5)(Lowenthal, Mitchell) (Entered: 10/09/2015)
10/09/2015	<u>33</u>	DECLARATION of Danielle P. Mindlin, dated October 9, 2015, in Support re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> .. Document filed by Jane Doe 1. (Attachments: # <u>1</u> Exhibit 6, # <u>2</u> Exhibits 7-8)(Lowenthal, Mitchell) (Entered: 10/09/2015)
10/23/2015	<u>34</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> . <i>on Consent</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated October 23, 2015. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 10/23/2015)
11/04/2015	<u>35</u>	ORDER granting <u>34</u> Letter Motion for Extension of Time to File Response/Reply re <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> : So Ordered. Responses due by 11/23/2015. (Signed by Judge Alvin K. Hellerstein on 11/4/2015) (tm) (Entered: 11/04/2015)
11/23/2015	<u>36</u>	DECLARATION of Kimberly M. Joyce in Opposition re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> .. Document filed by The City of New York.

		(Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Joyce, Kimberly) (Entered: 11/23/2015)
11/23/2015	<u>37</u>	MEMORANDUM OF LAW in Opposition re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> . . Document filed by The City of New York. (Joyce, Kimberly) (Entered: 11/23/2015)
11/24/2015	<u>38</u>	MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> . Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 11/24/2015)
11/24/2015	<u>39</u>	DECLARATION of Josh E. Anderson, dated November 23, 2015 in Support re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1–5 [REDACTED])(Lowenthal, Mitchell) (Entered: 11/24/2015)
11/24/2015	<u>40</u>	MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> . . Document filed by Jane Doe 1, Jane Doe 2. (Lowenthal, Mitchell) (Entered: 11/24/2015)
11/24/2015	<u>41</u>	MOTION to Seal Document / <i>Notice of Motion to Seal Exhibit 5 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the Production of Documents Relating to Class Certification, dated November 23, 2015</i> . Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Text of Proposed Order)(Lowenthal, Mitchell) (Entered: 11/24/2015)
11/24/2015	<u>42</u>	MEMORANDUM OF LAW in Support re: <u>41</u> MOTION to Seal Document / <i>Notice of Motion to Seal Exhibit 5 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the Production of Documents Relating to Class Certification, dated November 23, 2015</i> . . Document filed by Jane Doe 1, Jane Doe 2. (Lowenthal, Mitchell) (Entered: 11/24/2015)
12/01/2015	<u>43</u>	MEMORANDUM OF LAW in Opposition re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> . . Document filed by The City of New York. (Joyce, Kimberly) (Entered: 12/01/2015)
12/01/2015	<u>44</u>	DECLARATION of Sean Cussen in Opposition re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> .. Document filed by The City of New York. (Joyce, Kimberly) (Entered: 12/01/2015)
12/01/2015	<u>45</u>	DECLARATION of Jennifer Sculco in Opposition re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> .. Document filed by The City of New York. (Joyce, Kimberly) (Entered: 12/01/2015)
12/01/2015	<u>46</u>	LETTER RESPONSE to Motion addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated December 1, 2015 re: <u>41</u> MOTION to Seal Document / <i>Notice of Motion to Seal Exhibit 5 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the Production of Documents Relating to Class Certification, dated November 23, 2015</i> . . Document filed by The City of New York. (Joyce, Kimberly) (Entered: 12/01/2015)
12/02/2015	<u>47</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Josh E. Anderson dated 12/2/2015 re: Plaintiffs respectfully request that this Court direct the Clerk of Court to freeze from public view the document currently available at ECF No. 39–1, and grant leave for Plaintiffs to re–file the Anderson Declaration with additional redactions. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 12/2/2015) (tn) (Entered: 12/02/2015)
12/02/2015		Transmission to Sealed Records Clerk. Transmitted re: <u>47</u> Endorsed Letter, to the Sealed Records Clerk for the sealing or unsealing of document or case. (tn) (Entered: 12/02/2015)

12/02/2015	<u>48</u>	DECLARATION of Josh E. Anderson, dated December 2, 2015 in Support re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1 – 5 [REDACTED])(Lowenthal, Mitchell) (Entered: 12/02/2015)
12/02/2015	<u>49</u>	MOTION to Seal Document / <i>Notice of Motion to Seal Exhibits 2, 4 and 5 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the Production of Documents Relating to Class Certification, dated December 2, 2015</i> . Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Text of Proposed Order)(Lowenthal, Mitchell) (Entered: 12/02/2015)
12/02/2015	<u>50</u>	MEMORANDUM OF LAW in Support re: <u>49</u> MOTION to Seal Document / <i>Notice of Motion to Seal Exhibits 2, 4 and 5 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the Production of Documents Relating to Class Certification, dated December 2, 2015</i> . Document filed by Jane Doe 1, Jane Doe 2. (Lowenthal, Mitchell) (Entered: 12/02/2015)
12/03/2015	<u>51</u>	REPLY MEMORANDUM OF LAW in Support re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> . . Document filed by Jane Doe 1, Jane Doe 2. (Lowenthal, Mitchell) (Entered: 12/03/2015)
12/03/2015	<u>52</u>	DECLARATION of Josh E. Anderson in further support of Plaintiffs' Motion to Compel the Production of Documents Relating to Class Certification, dated December 3, 2015 re: <u>38</u> MOTION to Compel Defendant, The City of New York, to produce documents relating to Class Certification, <i>dated November 23, 2015</i> . . Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit 6)(Lowenthal, Mitchell) (Entered: 12/03/2015)
12/04/2015	<u>53</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply as to <u>51</u> Reply Memorandum of Law in Support of Motion, addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated December 4, 2015. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 12/04/2015)
12/04/2015	<u>54</u>	NOTICE OF APPEARANCE by Arthur Gabriel Larkin, III on behalf of The City of New York. (Larkin, Arthur) (Entered: 12/04/2015)
12/11/2015	<u>55</u>	ORDER GRANTING MOTION TO COMPEL granting <u>38</u> Motion to Compel; granting <u>41</u> Motion to Seal Document; granting <u>49</u> Motion to Seal Document; terminating <u>53</u> Motion for Extension of Time to File Response/Reply: The City should produce all outstanding documents by December 23, 2015. The City should produce Mr. Cussen and Ms. Sculco, who appear to be the custodians of directly relevant information, for depositions by the same date. The Plaintiffs' Motions to Seal exhibits to the Motion to Compel are granted. Plaintiffs' Reply to Defendants' Opposition to the Motion for Class Certification will be due January 18, 2016, though they may file sooner, and the Court will be sensitive to their desire to move this litigation forward speedily. The clerk shall mark the motions (Dkt. Nos. 38, 41, 49, and 53) terminated. (Signed by Judge Alvin K. Hellerstein on 12/11/2015) (tn) (Entered: 12/11/2015)
12/14/2015	<u>56</u>	ORDER REGULATING PROCEEDINGS: Plaintiffs' Reply to the motion to certify is due December 22, 2015. I will hear argument of the motion January 4, 2015, 2:30 P.M. Set Deadlines/Hearing as to <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> : Replies due by 12/22/2015. (Oral Argument set for 1/4/2016 at 02:30 PM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 12/14/2015) (tn) (Entered: 12/14/2015)
12/22/2015	<u>57</u>	NOTICE OF APPEARANCE by James L. Bromley on behalf of Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 12/22/2015)
12/22/2015	<u>58</u>	REPLY MEMORANDUM OF LAW in Support re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> . , <i>dated December 22, 2015 (REDACTED)</i> . Document filed by Jane Doe 1. (Lowenthal, Mitchell) (Entered: 12/22/2015)
12/22/2015	<u>59</u>	DECLARATION of Danielle P. Mindlin in Further Support of Plaintiff Jane Doe 1's Motion for Class Certification and Appointment of Class Counsel, Dated December 22, 2015 re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> . . Document filed by Jane Doe 1. (Attachments: # <u>1</u> Exhibits 9 – 12 (REDACTED))(Lowenthal,

		Mitchell) (Entered: 12/22/2015)
12/22/2015	<u>60</u>	MOTION to Seal Document <u>59</u> Declaration, <u>58</u> Reply Memorandum of Law in Support of Motion , <i>dated December 22, 2015</i> . Document filed by Jane Doe 1. (Attachments: # <u>1</u> Text of Proposed Order)(Lowenthal, Mitchell) (Entered: 12/22/2015)
12/22/2015	<u>61</u>	MEMORANDUM OF LAW in Support re: <u>60</u> MOTION to Seal Document <u>59</u> Declaration, <u>58</u> Reply Memorandum of Law in Support of Motion , <i>dated December 22, 2015</i> . . Document filed by Jane Doe 1. (Lowenthal, Mitchell) (Entered: 12/22/2015)
01/04/2016		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Oral Argument held on 1/4/2016 re: <u>27</u> MOTION to Certify Class <i>and Appoint Class Counsel</i> . filed by Jane Doe 1, (Status Conference set for 1/15/2016 at 10:00 AM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein.). (Court Reporter Patricia Nelson) (Jones, Brigitte) (Entered: 01/07/2016)
01/05/2016	<u>62</u>	SUMMARY ORDER DENYING MOTION FOR CLASS CERTIFICATION denying <u>27</u> Motion to Certify Class: The motion to certify a class is denied. For the reasons stated in detail on the record, I find that the class is not sufficiently ascertainable as proposed, and that the named plaintiffs, who also seek monetary damages, lack typicality and commonality in their claims, and would not adequately represent the interests of the class. Fed. R. Civ. P. 23(a). I am further concerned that allowing this lawsuit to proceed as a class action will delay the adjudication of the serious and troubling allegations in the Complaint, and have concerns that unidentifiable future victims could be precluded from suing for damages for rape, because of their membership in this class, even where they never had an option to opt out. The claims of the individual plaintiffs survive, both for monetary and equitable relief. The parties shall appear for a status conference to determine the course of the proceedings going forward, on January 15, 2016, at 10:45 A.M. (Signed by Judge Alvin K. Hellerstein on 1/5/2016) (tn) (Entered: 01/05/2016)
01/05/2016		Set/Reset Hearings: Status Conference set for 1/15/2016 at 10:45 AM before Judge Alvin K. Hellerstein. (tn) (Entered: 01/05/2016)
01/15/2016	<u>63</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 1/4/2016 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Patricia Nilsen, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/8/2016. Redacted Transcript Deadline set for 2/19/2016. Release of Transcript Restriction set for 4/18/2016.(McGuirk, Kelly) (Entered: 01/15/2016)
01/15/2016	<u>64</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 1/4/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/15/2016)
01/15/2016		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 1/15/2016, (Motions due by 2/5/2016., Replies due by 2/26/2016., Responses due by 2/19/2016). (Court Reporter Tara Jones) (Jones, Brigitte) (Entered: 01/15/2016)
01/29/2016	<u>65</u>	JOINT LETTER MOTION for Discovery addressed to Judge Alvin K. Hellerstein from Barbara P. Hamilton dated 01/29/2016. Document filed by Jane Doe 1.(Hamilton, Barbara) (Entered: 01/29/2016)
01/29/2016	<u>66</u>	JOINT LETTER MOTION for Discovery addressed to Judge Alvin K. Hellerstein from Barbara P. Hamilton dated 01/29/2016. Document filed by Jane Doe 1.(Hamilton, Barbara) (Entered: 01/29/2016)
02/02/2016	<u>67</u>	ORDER granting in part and denying in part <u>65</u> Letter Motion for DiscoveryThe parties contest who may keep a pair of pants, and other items, which may have

		evidentiary value, directly or after testing. The items originally belonged to plaintiffs, but are now in defendants' possession. Both parties are concerned about tampering. Absent other agreement, the parties shall agree to a neutral party who shall maintain possession of the items, with each party having access upon reasonable notice to the other. If agreement is not made within two weeks, either party may move for appropriate relief. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 02/02/2016)
02/02/2016	68	ORDER granting <u>66</u> Letter Motion for Discovery Plaintiffs' demand for financial and medical records, as limited by the parties' negotiations, seek relevant evidence for discovery purposes, proportional to the issues of the case. Defendants' objections are denied. The documents shall be produced promptly, subject to appropriate measures to assure confidentiality. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 02/02/2016)
02/03/2016	<u>69</u>	CONSENT LETTER MOTION for Extension of Time to File <i>motion to modify order allowing plaintiffs to proceed anonymously</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Feb. 3, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 02/03/2016)
02/16/2016	<u>70</u>	FIRST LETTER MOTION for Extension of Time <i>for the parties to agree to a neutral party to maintain possession of items or move for appropriate relief</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated February 16, 2016. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 02/16/2016)
02/18/2016	<u>71</u>	CONSENT LETTER MOTION for Extension of Time to File <i>motion to modify plaintiffs' anonymous status</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Feb. 18, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 02/18/2016)
02/19/2016	<u>72</u>	ORDER granting <u>69</u> Letter Motion for Extension of Time to File; granting <u>71</u> Letter Motion for Extension of Time to File: So ordered. (Signed by Judge Alvin K. Hellerstein on 2/18/2016) (tn) (Entered: 02/19/2016)
02/19/2016		Set/Reset Deadlines: Motions due by 2/26/2016. Responses due by 3/11/2016. Replies due by 3/18/2016. (tn) (Entered: 02/19/2016)
02/23/2016	<u>73</u>	MOTION to Compel the City to Produce Documents . Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 02/23/2016)
02/23/2016	<u>74</u>	DECLARATION of Josh E. Anderson, dated February 23, 2016 in Support re: <u>73</u> MOTION to Compel the City to Produce Documents .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1-6 [REDACTED])(Bromley, James) (Entered: 02/23/2016)
02/23/2016	<u>75</u>	MEMORANDUM OF LAW in Support re: <u>73</u> MOTION to Compel the City to Produce Documents . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 02/23/2016)
02/23/2016	<u>76</u>	MOTION to Seal <i>Exhibits 1, 2, 3, 5 and 6 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the City to Produce Documents.</i> Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Text of Proposed Order)(Bromley, James) (Entered: 02/23/2016)
02/23/2016	<u>77</u>	MEMORANDUM OF LAW in Support re: <u>76</u> MOTION to Seal <i>Exhibits 1, 2, 3, 5 and 6 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the City to Produce Documents.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 02/23/2016)
02/24/2016	<u>78</u>	Vacated as per Judge's Order dated 2/25/2016, Doc. # 79 ORDER GRANTING MOTION TO SEAL EXHIBITS 1, 2, 3, 5 AND 6 TO THE DECLARATION OF JOSH E. ANDERSON IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL THE CITY TO PRODUCE DOCUMENTS granting <u>76</u> Motion to Seal: that the Motion is GRANTED; and that Exhibits 1, 2, 5 and 6 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the City to Produce Documents shall be filed publicly with redactions (with unredacted copies maintained under seal), and Exhibit 3 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the City to Produce Documents shall be filed under seal. (Signed by Judge

		Alvin K. Hellerstein on 2/24/2016) (tn) Modified on 2/25/2016 (tn). (Entered: 02/24/2016)
02/25/2016	<u>79</u>	ORDER: My endorsement granting the motion to seal exhibits (ECF Doc. No. 78 granting ECF Doc. No. 76) is vacated. Upon further review, the motion is denied without prejudice. The Motion may be submitted identifying for redaction only the names and identities of individuals, to enable the Court to rule narrowly. (Signed by Judge Alvin K. Hellerstein on 2/25/2016) (tn) (Entered: 02/25/2016)
02/25/2016	<u>80</u>	MEMO ENDORSEMENT denying without prejudice <u>76</u> Motion to Seal. ENDORSEMENT: Motion denied w/out prejudice. Motion may be resubmitted identifying for redaction only the names and identities of individuals, to enable the Court to rule narrowly. (Signed by Judge Alvin K. Hellerstein on 2/25/2016) (tn) (Entered: 02/25/2016)
02/26/2016	<u>81</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Feb. 26, 2016 re: motion for relief from protective order. Document filed by The City of New York.(Larkin, Arthur) (Entered: 02/26/2016)
02/29/2016	<u>82</u>	DECLARATION of Josh E. Anderson, dated February 23, 2016 in Support re: <u>73</u> MOTION to Compel the City to Produce Documents .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1-6 [REDACTED])(Bromley, James) (Entered: 02/29/2016)
02/29/2016	<u>83</u>	MOTION to Seal <i>Exhibtis 1, 2, 5 and 6 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the City to Produce Documents.</i> Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Text of Proposed Order)(Bromley, James) (Entered: 02/29/2016)
02/29/2016	<u>84</u>	MEMORANDUM OF LAW in Support re: <u>83</u> MOTION to Seal <i>Exhibtis 1, 2, 5 and 6 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion to Compel the City to Produce Documents.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 02/29/2016)
03/01/2016	<u>85</u>	MEMO ENDORSEMENT granting <u>83</u> Motion to Seal. ENDORSEMENT: Motion granted. (Signed by Judge Alvin K. Hellerstein on 3/1/2016) (tn) (Entered: 03/01/2016)
03/01/2016	<u>86</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply as to <u>73</u> MOTION to Compel the City to Produce Documents . addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated March 1, 2016. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 03/01/2016)
03/03/2016	<u>87</u>	ORDER granting <u>86</u> Letter Motion for Extension of Time to File Response/Reply re <u>86</u> FIRST LETTER MOTION for Extension of Time to File Response/Reply as to <u>73</u> MOTION to Compel the City to Produce Documents addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated March 1, 2016. The request for a 6 day enlargement is Granted. Responses due by 3/7/2016 Replies due by 3/9/2016. (Signed by Judge Alvin K. Hellerstein on 3/03/2016) (ama) (Entered: 03/03/2016)
03/07/2016	<u>88</u>	MEMORANDUM OF LAW in Opposition re: <u>73</u> MOTION to Compel the City to Produce Documents . . Document filed by The City of New York. (Joyce, Kimberly) (Entered: 03/07/2016)
03/09/2016	<u>89</u>	REPLY MEMORANDUM OF LAW in Support re: <u>73</u> MOTION to Compel the City to Produce Documents . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 03/09/2016)
03/10/2016	90	ORDER denying as moot <u>70</u> Letter Motion for Extension of Time More than the requested week to make a motion having passed, the motion is denied as moot. If wither party wishes to have a neutral party appointed to hold and preserve documents, such a motion can be made at any time. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 03/10/2016)
03/10/2016	91	ORDER granting in part and denying in part <u>73</u> Motion to Compel.Nine months after receiving discovery demands, the City of New York states that it will mostly comply by March 21, 2016. Plaintiffs nevertheless seek this order, claiming not to trust the representations of the City's counsel. However, I accept that representation, and deny

		<p>the overall motion to compel. The City resists producing descriptions of the size and location of the cell-block area where the incidents alleged in the complaint took place. I grant that objection. I do not believe that physical descriptions or pictorializations or the like are necessary, and I believe that the City's concerns about security are sound. This part of the motion is denied. Finally, the City objects to claimed over-breadth of demands for electronic discovery. It appears that disciplinary records are involved, and that the names requested may be common to non-involved, as well as involved, corrections officers. The City's concerns may be expressed after searches are made and areas of potential prejudice are determined to be real, rather than theoretical. It is late in the day for objections of this sort to be raised. Thus, this part of the motion is granted, but subject to particularized concerns meriting confidentiality additional to that which exists in this case. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 03/10/2016)</p>
03/17/2016	<u>92</u>	<p>TRUE COPY ORDER of USCA USCA Case Number 16-0173. USCA Case Number 16-0173. Plaintiff-petitioner Jane Doe 1 petitions, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order denying her motion for class certification. Upon due consideration, it is hereby ORDERED that the petition for leave to appeal is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 03/17/2016. [USCA Appeal Case No. 16-0796]. (nd) (Entered: 03/17/2016)</p>
03/17/2016		<p>USCA Appeal Fees received \$ 505.00 receipt number 465401148432 on 03/17/2016 re: <u>92</u> USCA Order Granting leave to appeal pursuant to 23(f) of FRCP. (nd) (Entered: 03/17/2016)</p>
03/17/2016		<p>Appeal Record Sent to USCA (Electronic File). USCA Case Number 16-0796, Certified Indexed record on Appeal Electronic Files for <u>92</u> USCA Order granting leave to appeal pursuant to FRCP 23(f) were transmitted to the U.S. Court of Appeals. (nd) (Entered: 03/17/2016)</p>
03/21/2016	<u>93</u>	<p>LETTER addressed to Judge Alvin K. Hellerstein from Danielle P. Mindlin dated March 21, 2016 re: requesting that the court order the docketing of papers associated with the Motion to Proceed Anonymously, etc.. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Mindlin, Danielle) (Entered: 03/21/2016)</p>
03/22/2016	<u>94</u>	<p>MEMO ENDORSEMENT on re: <u>93</u> Letter, filed by Jane Doe 1, Jane Doe 2. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 3/22/2016) (kgo) (Entered: 03/22/2016)</p>
04/01/2016	<u>95</u>	<p>MANDATE of USCA (Certified Copy) USCA Case Number 16-173. Plaintiff-petitioner Jane Doe 1 petitions, pursuant to Federal Rule of Civil Procedure 23(f), for leave to appeal the district court's order denying her motion for class certification. Upon due consideration, it is hereby ORDERED that the petition for leave to appeal is GRANTED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 04/01/2016. (nd) (Entered: 04/01/2016)</p>
04/06/2016	<u>96</u>	<p>LETTER MOTION to Seal Document , <i>ECF No.58 (Reply Memorandum of Law) and Exhibits 9 and 12 to ECF No. 59 (Declaration of Danielle P. Mindlin, etc.)</i>, addressed to Judge Alvin K. Hellerstein from Danielle P. Mindlin dated April 6, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit 1 [Text of Proposed Order])(Mindlin, Danielle) (Entered: 04/06/2016)</p>
04/11/2016	<u>97</u>	<p>ORDER GRANTING PLAINTIFF JANE DOE 1'S MOTION TO SEAL HER REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF HER MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL, AND EXHIBITS 9 AND 12 TO THE DECLARATION OF DANIELLE P. MINDLIN IN FURTHER SUPPORT OF PLAINTIFF JANE DOE 1'S MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL re: <u>60</u> Motion to Seal Document <u>59</u> Declaration, <u>58</u> Reply Memorandum of Law in Support of Motion; granting <u>96</u> Letter Motion to Seal Document. The Motion is GRANTED. The Reply Memorandum of Law in Further of Jane Doe 1's Motion for Class Certification and Appointment of Class Counsel shall be filed under seal. (Signed by Judge Alvin K. Hellerstein on 4/11/2016) (tro) (Entered: 04/12/2016)</p>

04/11/2016		Transmission to Sealed Records Clerk. Transmitted re: <u>97</u> Order on Motion to Seal Document, to the Sealed Records Clerk for the sealing or unsealing of document or case. (tro) (Entered: 04/12/2016)
04/18/2016	<u>98</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 04/18/2016)
04/20/2016		First Supplemental ROA Sent to USCA (Electronic File). Certified Supplemental Indexed record on Appeal Electronic Files for <u>94</u> Memo Endorsement, <u>96</u> LETTER MOTION to Seal Document , <i>ECF No.58 (Reply Memorandum of Law) and Exhibits 9 and 12 to ECF No. 59 (Declaration of Danielle P. Mindlin, etc.)</i> , addressed to Judge Alvin K. Hellerstein from Danielle P. Mindlin dated April 6, 2016. filed by Jane Doe 1, Jane Doe 2, <u>93</u> Letter, filed by Jane Doe 1, Jane Doe 2, <u>97</u> Order on Motion to Seal Document,,,,, USCA Case Number 16-0796, were transmitted to the U.S. Court of Appeals. (nd) (Entered: 04/20/2016)
05/09/2016	<u>99</u>	LETTER MOTION to Compel City of New York to retrieve Jane Doe 2's pants <i>for Plaintiffs' expert review</i> , addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated May 9, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Lowenthal, Mitchell) (Entered: 05/09/2016)
05/11/2016	<u>100</u>	LETTER RESPONSE to Motion addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated May 11, 2016 re: <u>99</u> LETTER MOTION to Compel City of New York to retrieve Jane Doe 2's pants <i>for Plaintiffs' expert review</i> , addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated May 9, 2016. . Document filed by The City of New York. (Larkin, Arthur) (Entered: 05/11/2016)
05/12/2016	<u>101</u>	ORDER granting <u>99</u> Letter Motion to Compel. IT IS HEREBY ORDERED, that the Motion is GRANTED and that the following procedures shall apply to the examination and inspection of the Pants: 1. Plaintiffs' counsel may request that the City deliver the Pants to Plaintiffs' forensic science expert, Dr. Julie Heinig of DNA Diagnostics Center ("Plaintiffs' Expert"); the City shall make such delivery no later than seven (7) days after receipt of such request. (As further set forth in this Order.). (Signed by Judge Alvin K. Hellerstein on 5/11/2016) (cf) (Entered: 05/12/2016)
05/13/2016	<u>102</u>	NOTICE OF APPEARANCE by Liam Louis Castro on behalf of Benny Santiago. (Castro, Liam) (Entered: 05/13/2016)
05/20/2016	<u>103</u>	LETTER MOTION for Extension of Time <i>to respond/object to subpoena</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated May 20, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 05/20/2016)
05/20/2016	<u>104</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated May 20, 2016 re: In Response to the May 20 Letter Motion Filed by the City and the Moss Group. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits A-E)(Lowenthal, Mitchell) (Entered: 05/20/2016)
05/23/2016	<u>105</u>	LETTER REPLY to Response to Motion addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated May 23, 2016 re: <u>103</u> LETTER MOTION for Extension of Time <i>to respond/object to subpoena</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated May 20, 2016. . Document filed by The City of New York. (Larkin, Arthur) (Entered: 05/23/2016)
05/23/2016	<u>106</u>	NOTICE OF APPEARANCE by Barry Coburn on behalf of The Moss Group, Inc.. (Coburn, Barry) (Entered: 05/23/2016)
05/23/2016	<u>107</u>	LETTER RESPONSE in Support of Motion addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 05/23/2016 re: <u>103</u> LETTER MOTION for Extension of Time <i>to respond/object to subpoena</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated May 20, 2016. . Document filed by The Moss Group, Inc.. (Coburn, Barry) (Entered: 05/23/2016)
05/23/2016	<u>108</u>	LETTER RESPONSE to Motion addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated 05/23/2016 re: <u>103</u> LETTER MOTION for Extension of Time <i>to respond/object to subpoena</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated May 20, 2016. / <i>In Response to Two Letters Regarding Moss Group's Request for Extension of Time <u>105</u> and <u>107</u></i> . Document filed by Jane Doe 1, Jane Doe 2. (Lowenthal, Mitchell) (Entered: 05/23/2016)

05/23/2016	<u>109</u>	STIPULATION AND ORDER: In the event that a Party inadvertently discloses documents, information, or material that would otherwise be covered by a privilege or protection recognized under state or federal law (collectively, referred to as "Protected Material"), the disclosure of that Protected Material shall not constitute or be deemed a waiver or forfeiture – in this or any other federal or state action – of any claim of privilege or protection applicable to that Protected Material or its subject matter. Protected Material shall include inadvertent disclosures during discovery and the remainder of the litigation. Whether a disclosure of Protected Material shall operate as a waiver shall be determined according to Section 502(b) of the Federal Rules of Evidence, and as further set forth in this order. (Signed by Judge Alvin K. Hellerstein on 5/23/2016) (tn) (Entered: 05/24/2016)
05/25/2016	110	ORDER denying <u>103</u> Letter Motion for Extension of Time. The City seeks a third extension to delay production of documents seemingly important to the case. Since no good reason is advanced, the City's motion is denied. Plaintiffs served a subpoena on a consultant to the City, the Moss Group. The consultant is not a party. The City does not explain why it has standing to seek a delay in an independent party's purported need for more time. The City then states that it must vet the consultant's production before documents are produced, in case it has objections based on privilege. The City does not explain why it may have a privilege to an independent party's documents. The City seeks delay by a letter motion. The form of motion is prescribed by the Federal Rules of Civil Procedure. Nothing in the court's Local Rules or my Individual Rules of Practice authorize letter motions. The City does not explain why it has leave to substitute unsworn assertions in a letter for sworn statements in an affidavit or declaration. If letter form is to be used, Rule 1D or 2E of my Individual Rules of Practice, requiring a joint letter, must be used. The subpoena to the Moss Group, and the Rule 45 notice to the City, were both served on April 15, 2016. The City has twice requested, and been granted, adjournments, and was advised on the second request, on May 12, that none further would be granted. Depositions must be taken before July 1, 2016, and the documents are needed for those depositions. The document demands appear to be reasonable, limited, and easily producible. There is no further excuse for delay. Documents must be produced by June 6, 2016. If objections are made, or privileges to specific documents are asserted, they must be filed by June 1, 2016, and the form and specificity of objections and claims of privilege must conform to the Federal Rules of Civil Procedure and the Local Rules. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 05/25/2016)
05/27/2016	<u>111</u>	MOTION to Take Deposition of <i>Person Confined in Prison</i> . Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 05/27/2016)
05/27/2016	<u>112</u>	DECLARATION of Marlen S. Bodden, dated May 27, 2016 in Support re: <u>111</u> MOTION to Take Deposition of <i>Person Confined in Prison</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 05/27/2016)
05/27/2016	<u>113</u>	MEMORANDUM OF LAW in Support re: <u>111</u> MOTION to Take Deposition of <i>Person Confined in Prison</i> . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 05/27/2016)
05/27/2016	<u>114</u>	LETTER addressed to Judge Alvin K. Hellerstein from James L. Bromley dated May 27, 2016 re: certain discovery disputes. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 05/27/2016)
06/01/2016	<u>115</u>	CONSENT ORDER UNDER RULE 30(A)(2)(B) PERMITTING DEPOSITION TO BE TAKEN OF PERSON CONFINED IN PRISON granting <u>111</u> Motion to Take Deposition. IT IS HEREBY ORDERED, that the Motion is GRANTED; and IT IS FURTHER ORDERED that the following steps shall be taken as further set forth in this Order. (Signed by Judge Alvin K. Hellerstein on 5/31/2016) (spo) (Entered: 06/01/2016)
06/01/2016	<u>116</u>	NOTICE of Filing of Objections to Plaintiff's Third Party Subpoena. Document filed by The Moss Group, Inc.. (Coburn, Barry) (Entered: 06/01/2016)
06/03/2016	<u>117</u>	AFFIDAVIT OF SERVICE of Consent Order Under Rule 30(A)(2)(B) Permitting Deposition To Be Taken of Person Confined in Prison, dated June 1, 2016 served on U.S. Marshal Michael Greco, SDNY on June 2, 2016. Service was accepted by Charlise Cameron. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James)

		(Entered: 06/03/2016)
06/03/2016	<u>118</u>	AFFIDAVIT OF SERVICE of Consent Order Under Rule 30(A)(2)(B) Permitting Deposition To Be Taken of Person Confined in Prison, dated June 1, 2016 served on Ms. Joy Aassidda, MCC on June 3, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 06/03/2016)
06/03/2016	<u>119</u>	FIRST MOTION to Quash subpoena to non-party AT&T for telephone records . Document filed by Benny Santiago.(Ortiz, Julie) (Entered: 06/03/2016)
06/03/2016	<u>120</u>	DECLARATION of Julie A. Ortiz in Support re: <u>119</u> FIRST MOTION to Quash subpoena to non-party AT&T for telephone records .. Document filed by Benny Santiago. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Ortiz, Julie) (Entered: 06/03/2016)
06/03/2016	<u>121</u>	MEMORANDUM OF LAW in Support re: <u>119</u> FIRST MOTION to Quash subpoena to non-party AT&T for telephone records . . Document filed by Benny Santiago. (Ortiz, Julie) (Entered: 06/03/2016)
06/06/2016	<u>122</u>	CONSENT ORDER UNDER RULE 30(A)(2)(B) PERMITTING DEPOSITION TO BE TAKEN OF PERSON CONFINED IN PRISON: The New York State Department of Corrections and Community Supervision ("DOCCS") shall cause Wilson to be transferred from Bedford to the custody of the Federal Bureau of Prisons Metropolitan Correction Center ("MCC") located at 150 Park Row, New York, NY 10007. Wilson shall appear at such place as designated by Bedford Hills CF and the DOCCS so that her transfer can be caused. The DOCCS shall have discretion as to the date and time of Wilson's transfer, provided, however, that the transfer must be completed prior to June 20, 2016. Defendants shall be allowed to take the deposition by oral examination of Wilson. The MCC shall produce Wilson to the U.S. Marshal for the Southern District of New York for the taking of her deposition on June 20, 2016, commencing at 9:30 A.M., and for so long thereafter as the deposition continues, and as further set forth in this order. (Signed by Judge Alvin K. Hellerstein on 6/6/2016) (tn) (Entered: 06/06/2016)
06/06/2016		Set/Reset Deadlines: Deposition due by 6/20/2016. (tn) (Entered: 06/06/2016)
06/06/2016	<u>123</u>	MEMO ENDORSEMENT on <u>114</u> , terminating <u>119</u> Motion to Quash. ENDORSEMENT: Defendant Santiago shall produce as to only those numbers identified by plaintiffs. Additional numbers reach beyond relevance, and intrude on privacy interests, including privacy interests of non-parties. Plaintiffs may renew their discovery requests if productions of discovery by the City show relevance of additional phone numbers. This order terminates also defendant's motion to quash subpoena to AT&T (ECF No. 119). The parties shall submit a consent order regulating that production. (Signed by Judge Alvin K. Hellerstein on 6/6/2016) (tn) (Entered: 06/06/2016)
06/06/2016	<u>124</u>	MOTION for Protective Order . Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/06/2016)
06/06/2016	<u>125</u>	MEMORANDUM OF LAW in Support re: <u>124</u> MOTION for Protective Order . . Document filed by The Moss Group, Inc.. (Coburn, Barry) (Entered: 06/06/2016)
06/06/2016	<u>126</u>	DECLARATION of Barry Coburn in Support re: <u>124</u> MOTION for Protective Order .. Document filed by The Moss Group, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Coburn, Barry) (Entered: 06/06/2016)
06/06/2016	<u>127</u>	CERTIFICATE OF SERVICE. Document filed by The Moss Group, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Coburn, Barry) (Entered: 06/06/2016)
06/07/2016	<u>128</u>	CERTIFICATE OF SERVICE of Consent order under Rule 30(A)(2)(B) Permitting Deposition to be taken of Person Confined in Prison served on Bedford Hills Correctional Facility on June 6, 2016. Service was made by First Class Mail. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 06/07/2016)
06/07/2016	<u>129</u>	MOTION to Compel the City to Produce Documents and Respond to Interrogatories . Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 06/07/2016)

06/07/2016	<u>130</u>	DECLARATION of Josh E. Anderson, dated June 7, 2016 in Support re: <u>129</u> MOTION to Compel the City to Produce Documents and Respond to Interrogatories .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1–6)(Bromley, James) (Entered: 06/07/2016)
06/07/2016	<u>131</u>	MEMORANDUM OF LAW in Support re: <u>129</u> MOTION to Compel the City to Produce Documents and Respond to Interrogatories . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 06/07/2016)
06/07/2016	<u>132</u>	MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials . Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 06/07/2016)
06/07/2016	<u>133</u>	DECLARATION of Josh E. Anderson, dated June 7, 2016 in Support re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1–7)(Bromley, James) (Entered: 06/07/2016)
06/07/2016	<u>134</u>	MEMORANDUM OF LAW <i>in Support of <u>132</u> Plaintiffs' Motion to Compel Compliance With the Court's May 25 Order by Directing the Production of Moss Group Materials, and in Response to <u>124</u> the Moss Group's Motion for a Protective Order.</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 06/07/2016)
06/08/2016	<u>135</u>	REPLY to Response to Motion re: <u>124</u> MOTION for Protective Order . . Document filed by The Moss Group, Inc.. (Attachments: # <u>1</u> Exhibit)(Coburn, Barry) (Entered: 06/08/2016)
06/08/2016	<u>136</u>	LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/08/2016 re: Discovery Dispute Re. The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/08/2016)
06/09/2016	<u>137</u>	SECOND LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/09/2016 re: Discovery Dispute Re. The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/09/2016)
06/09/2016	<u>138</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated June 9, 2016 re: In response to several letters from the Moss Group, etc.. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 06/09/2016)
06/09/2016	<u>139</u>	THIRD LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/09/2016 re: Subpoena Issued to Third–Party The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/09/2016)
06/09/2016	<u>140</u>	MEMORANDUM OF LAW in Opposition re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials . . Document filed by The Moss Group, Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Coburn, Barry) (Entered: 06/09/2016)
06/10/2016	<u>141</u>	NOTICE OF APPEARANCE by Anthony Matthew Disenso on behalf of The City of New York. (Disenso, Anthony) (Entered: 06/10/2016)
06/10/2016	<u>142</u>	FOURTH LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/10/2016 re: Plaintiffs' Subpoena To The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/10/2016)
06/10/2016	<u>143</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated June 6, 2016 re: Moss Group's correspondence regarding Plaintiffs' subpoena. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 06/10/2016)
06/13/2016	<u>144</u>	FIFTH LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/13/2016 re: Third–Party Subpoena To The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/13/2016)
06/13/2016	<u>145</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated June 13, 2016 re: in response to The Moss Group's letter. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 06/13/2016)

06/13/2016	<u>146</u>	SIXTH LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/13/2016 re: Third-Party Subpoena To The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/13/2016)
06/14/2016	<u>147</u>	LETTER MOTION for Extension of Time to File Response/Reply as to <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials ., <u>130</u> Declaration in Support of Motion, <u>131</u> Memorandum of Law in Support of Motion, <u>133</u> Declaration in Support of Motion, <u>134</u> Memorandum of Law, <u>129</u> MOTION to Compel the City to Produce Documents and Respond to Interrogatories . addressed to Judge Alvin K. Hellerstein from Anthony M. DiSenso dated June 14, 2016. Document filed by The City of New York.(Disenso, Anthony) (Entered: 06/14/2016)
06/15/2016	<u>148</u>	LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/15/16 re: Resolution Of Dispute Regarding Third-Party Subpoena to The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/15/2016)
06/15/2016	<u>149</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated June 15, 2016 re: to advise the Court that Plaintiffs and defendant The City of New York have reached an agreement resolving Plaintiffs' pending Motion to Compel the City to Produce Documents and Respond to Interrogatories, etc.. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 06/15/2016)
06/15/2016	<u>150</u>	STIPULATION AND ORDER: that September 1, 2016 is to be replaced for July 1, 2016 in Section B.1 of the CCMP. October 3, 2016 is to be replaced for August 2, 2016 in Section D.3 of the CCMP. (Signed by Judge Alvin K. Hellerstein on 6/15/2016) (tn) (Entered: 06/15/2016)
06/15/2016	<u>151</u>	MEMO ENDORSEMENT on re: <u>145</u> Letter filed by Jane Doe 1, Jane Doe 2. ENDORSEMENT: The Court agrees that letter-writing threatens to displace responses to the existing motion. The motion will be argued, and decided, Tuesday, June 21, 2016, 11:00 a.m., to the extent that the parties are unable before then to agree on a complete disposition of the motion. Set Deadlines/Hearing as to <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials: Motion Hearing set for 6/21/2016 at 11:00 AM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 6/15/2016) (tn) (Entered: 06/15/2016)
06/15/2016	<u>159</u>	STIPULATION AND ORDER: NOW, THEREFORE, good cause having been showed, the CCMP is amended as set forth below: 1. September 1, 2016 is to be replaced for July 1, 2016 in Section B.1 of the CCMP. 2. October 3, 2016 is to be replaced for August 5, 2016 @ 10:00am in Section D.3 of the CCMP. SO ORDERED. (Discovery due by 9/1/2016.) (Signed by Judge Alvin K. Hellerstein on 6/15/2016) (kl) (Entered: 06/20/2016)
06/16/2016	<u>152</u>	STIPULATION AND ORDER: that on or before 6/29/2016 the City shall produce all documents responsive to Request Nos. 26 and 32-33. Plaintiffs' Motion ECF Doc. No. 129, is dismissed without prejudice. The clerk shall terminate the motion. (Signed by Judge Alvin K. Hellerstein on 6/16/2016) (tn) (Entered: 06/16/2016)
06/16/2016	<u>153</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated June 16, 2016 re: stipulation relating to discovery motions. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 06/16/2016)
06/16/2016	<u>154</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 06/16/2016)
06/16/2016	<u>155</u>	DECLARATION of Josh E. Anderson, dated June 16, 2016 in Support re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 8-10)(Bromley, James) (Entered: 06/16/2016)
06/17/2016	<u>156</u>	STIPULATION AND ORDER: As set forth in this Stipulation and Order, TMG will produce, at its expense, all documents responsive to the Subpoena ("Responsive Documents"), including electronically stored information ("ESI") and those documents listed on the City's Logs. With the exception of ESI and documents listed on the City's

		<p>Logs, all Responsive Documents shall be produced by June 17, 2016. Any document included on any of the City's Logs that the Court determines is not privileged shall be produced on the later of June 17, 2016 or within 48 hours of the Court's ruling. The parties having agreed on a list of search terms (as set forth in a June 15, 2016 5:16 pm email), all responsive ESI shall be produced by June 29, 2016. Any documents listed on the City's Logs shall not be produced if the Court determines that such documents are privileged. The Subpoena shall not be deemed to require production of TMG's "protocol," which consists of a document or documents that describe TMG's methodology for conducting investigations like the one it conducted of the City's jails. To the extent a document includes descriptions, discussions or other information about the City's jails (all collectively, "City Jail Facts") only information concerning the protocol shall be redacted from such documents, and the documents, including all City Jail Facts, shall otherwise be produced, and as further set forth in this order. TMG's Motion for Protective Order, ECF No. 124, is hereby dismissed with prejudice. TMG's Motion to Quash is deemed filed before this Court and is hereby dismissed with prejudice. TMG shall promptly advise the District Court for the District of Columbia of the foregoing, supply it with a copy of this Stipulation and Order, and (on notice to Plaintiffs) notify the District Court for the District of Columbia that there is accordingly no need for that Court to address the Motion to Quash. The Clerk shall terminate the motions marked ECF Nos. 124 and 147. (Signed by Judge Alvin K. Hellerstein on 6/17/2016) (tn) (Entered: 06/17/2016)</p>
06/17/2016	<u>157</u>	<p>LETTER MOTION for Extension of Time to File Response/Reply as to <u>151</u> Memo Endorsement, Set Motion and R&R Deadlines/Hearings,,,, and <i>Adjourn the Hearing Scheduled for June 21, 2016</i> addressed to Judge Alvin K. Hellerstein from Anthony M. DiSenso dated June 17, 2016. Document filed by The City of New York.(Disenso, Anthony) (Entered: 06/17/2016)</p>
06/18/2016	<u>158</u>	<p>LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 06/18/2016 re: Letter from City Law Department Counsel Re Adjournment Of Hearing. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 06/18/2016)</p>
06/20/2016	<u>160</u>	<p>ORDER granting <u>157</u> Letter Motion for Extension of Time to File Response/Reply re <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials: So Ordered. Responses due by 6/24/2016, Replies due by 7/1/2016. (Signed by Judge Alvin K. Hellerstein on 6/20/2016) (tn) (Entered: 06/20/2016)</p>
06/24/2016	<u>161</u>	<p>MEMORANDUM OF LAW in Opposition re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials . . Document filed by The City of New York. (Disenso, Anthony) (Entered: 06/24/2016)</p>
06/24/2016	<u>162</u>	<p>DECLARATION of Arthur G. Larkin in Opposition re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Disenso, Anthony) (Entered: 06/24/2016)</p>
06/24/2016	<u>163</u>	<p>DECLARATION of Faye Yelardy in Opposition re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials .. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Disenso, Anthony) (Entered: 06/24/2016)</p>
07/01/2016	<u>164</u>	<p>REPLY MEMORANDUM OF LAW in Support re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 07/01/2016)</p>
07/05/2016	<u>165</u>	<p>FIRST LETTER addressed to Judge Alvin K. Hellerstein from Barry Coburn dated 07/05/2016 re: Status of Production of ESI By The Moss Group. Document filed by The Moss Group, Inc..(Coburn, Barry) (Entered: 07/05/2016)</p>
07/05/2016	<u>166</u>	<p>LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated July 5, 2016 re: In response to the Moss Group's Letter <u>165</u> , etc.. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 07/05/2016)</p>

07/07/2016	<u>167</u>	SCHEDULING ORDER: The parties shall appear for oral argument on plaintiffs' motion to compel compliance with the Court's May 25, 2016 Order on Monday July 11, 2016, at 4:00 PM. Counsel for The Moss Group shall appear at the same time, for a status conference to discuss the parties' letters to the Court dated July 5, 2016. SO ORDERED. Oral Argument set for 7/11/2016 at 04:00 PM before Judge Alvin K. Hellerstein. Status Conference set for 7/11/2016 at 04:00 PM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 7/6/2016) (kko) (Entered: 07/07/2016)
07/07/2016	<u>168</u>	MEMO ENDORSEMENT on re: <u>166</u> Letter filed by Jane Doe 1, Jane Doe 2 re: In response to the Moss Group's Letter. ENDORSEMENT: In connection with the order dated July 6, 2016 setting a hearing date, defendant and the Moss Group shall bring to the hearing all documents withheld from production because of claims of privilege, and the privilege log conforming to the Local Rule 26.2. (Signed by Judge Alvin K. Hellerstein on 7/7/2016) (kko) (Entered: 07/07/2016)
07/08/2016	<u>169</u>	LETTER addressed to Judge Alvin K. Hellerstein from Anthony M. DiSenso dated July 8, 2016 re: Request to Endorse Proposed General Purpose Computing Device Order. Document filed by The City of New York. (Attachments: # <u>1</u> Exhibit A)(Disenso, Anthony) (Entered: 07/08/2016)
07/08/2016	<u>170</u>	ORDER: that the following attorney(s) are authorized to bring the Personal Electronic Device(s) and/or the General Purpose Computing Device(s) (collectively, "Devices") listed below into the Courthouse for use in a proceeding or trial in the action captioned Jane Doe 1, et al. v. City of New York. et al., No. 15cv3849, on 7/11/2016: Anthony DiSenso – 1 laptop computer. (Signed by Judge Alvin K. Hellerstein on 7/8/2016) (tn) (Entered: 07/08/2016)
07/08/2016	<u>171</u>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Julie A. Ortiz dated 7/8/2016 re: request that the individual defendant, Benny Santiago, be excused from appearing at the Oral Argument scheduled for July 11, 2016. We thank Your Honor in advance for consideration of this request. ENDORSEMENT: So ordered. (Signed by Judge Alvin K. Hellerstein on 7/8/2016) (tn) (Entered: 07/08/2016)
07/08/2016	<u>172</u>	MOTION to Compel City of New York to Produce Documents and to Determine the Sufficiency of the Citys Responses to Plaintiffs Request for Admissions , <i>dated July 8, 2016</i> . Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 07/08/2016)
07/08/2016	<u>173</u>	MEMORANDUM OF LAW in Support re: <u>172</u> MOTION to Compel City of New York to Produce Documents and to Determine the Sufficiency of the Citys Responses to Plaintiffs Request for Admissions , <i>dated July 8, 2016</i> . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 07/08/2016)
07/08/2016	<u>174</u>	DECLARATION of Josh E. Anderson in Support re: <u>172</u> MOTION to Compel City of New York to Produce Documents and to Determine the Sufficiency of the Citys Responses to Plaintiffs Request for Admissions , <i>dated July 8, 2016</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1 – 4)(Bromley, James) (Entered: 07/08/2016)
07/11/2016		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Oral Argument held on 7/11/2016 re: <u>132</u> MOTION to Compel Compliance with the Court's May 25 Order by Directing the Production of Moss Group Materials . filed by Jane Doe 1, Jane Doe 2, <u>172</u> MOTION to Compel City of New York to Produce Documents and to Determine the Sufficiency of the Citys Responses to Plaintiffs Request for Admissions , <i>dated July 8, 2016</i> . filed by Jane Doe 1, Jane Doe 2. (Jones, Brigitte) (Entered: 08/08/2016)
07/14/2016	<u>175</u>	LETTER addressed to Judge Alvin K. Hellerstein from Julie A. Ortiz dated July 14, 2016 re: New Deposition Date for Defendant Santiago. Document filed by Benny Santiago.(Ortiz, Julie) (Entered: 07/14/2016)
07/14/2016	<u>176</u>	ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION TO COMPEL COMPLIANCE WITH THE MAY 25, 2016 ORDER AND REGULATING REMAINING DISCOVERY ISSUES granting in part and denying in part <u>132</u> Motion to Compel; withdrawing <u>172</u> Motion to Compel: The Moss Group shall provide to the City, and to plaintiffs, by Wednesday, July 13, at 4:00 P.M., a list identifying each of the documents it has produced in response to the plaintiffs'

		subpoena. Each document shall be identified by its Bates number, and The Moss Group shall identify which documents were produced to both parties, and which were produced only to the City for a review of privilege issues. I examined a sample of the withheld documents, to establish guideposts for the City's disclosure. The City shall produce the remaining Moss Group documents in accordance with my rulings on relevance and privilege. Documents discussing DOC facilities other than the Rose M. Singer Center are not relevant to the allegations in the complaint, but the City should maintain the documents throughout the litigation. The Moss Group documents, similar to Document No. 20 on the City's first privilege log (Ex. A to Decl. of Faye Yelardy in Opposition to Plaintiffs' Motion to Compel Disclosure, ECF No. 163), which are merely drafts of the final Sexual Safety Assessment Report created by the Moss Group are subject to the deliberative process privilege. Other documents, similar to Documents Nos. 2, 4, and 11 on the same privilege log, are not subject to any privilege, and shall be produced by the City by July 21, 2016. Where the identification of DOC staff or inmates poses an issue, the City shall redact that information in order to protect those persons' anonymity. The deposition of defendant Benny Santiago will take place on July 19, 2016, at 10:00 A.M., at the offices of Cleary Gottlieb. Plaintiffs' Motion to Compel Defendant to Produce Documents and to Determine the Sufficiency of the City's Responses to Plaintiffs' Request for Admissions was withdrawn, without prejudice to refiling. The deadline for all fact discovery and depositions is September 1, 2016. The parties shall attend a status conference on Tuesday, September 6, 2016, at 4:30 P.M. The clerk shall mark the motions (ECF Doc. Nos. 132; 172) terminated. (Signed by Judge Alvin K. Hellerstein on 7/12/2016) (tn) (Entered: 07/14/2016)
07/14/2016		Set/Reset Deadlines: Deposition due by 9/1/2016. Fact Discovery due by 9/1/2016. (tn) (Entered: 07/14/2016)
07/14/2016		Set/Reset Hearings: Status Conference set for 9/6/2016 at 04:30 PM before Judge Alvin K. Hellerstein. (tn) (Entered: 07/14/2016)
07/19/2016	<u>177</u>	JOINT LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated July 19, 2016 re: discovery dispute. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 07/19/2016)
07/21/2016	<u>178</u>	LETTER MOTION for Discovery <i>related motion to be reinstated, etc.</i> , addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated July 21, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit A)(Lowenthal, Mitchell) (Entered: 07/21/2016)
07/21/2016	<u>179</u>	JOINT LETTER MOTION to Reopen <i>two depositions based upon new evidence, etc.</i> addressed to Judge Alvin K. Hellerstein from Michell A. Lowenthal dated July 18, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit Attachment A)(Lowenthal, Mitchell) (Entered: 07/21/2016)
07/21/2016	<u>180</u>	JOINT LETTER MOTION for Discovery <i>dispute resolution, etc.</i> addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated July 21, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Lowenthal, Mitchell) (Entered: 07/21/2016)
07/21/2016	<u>181</u>	LETTER addressed to Judge Alvin K. Hellerstein from Angharad K. Wilson dated July 21, 2016 re: Dkt. 179 and Dkt. 180. Document filed by The City of New York.(Wilson, Angharad) (Entered: 07/21/2016)
07/21/2016	182	ORDER granting in part and denying in part <u>178</u> Letter Motion for Discovery. Defendants shall produce by July 26, 2016 Jane Doe 1's commissary account, and recordings of Jane Doe 2's phone calls and her inmate file. Plaintiff's request for production of documents relating to Sntiago's discipline for providing a false statement is denied without a further showing that relevance outweighs confidentiality. Plaintiff's requests for identification of a set of handwritten notes from an investigation, and whether Santiago suffered discipline in connection with Jane Doe 2's allegations, and whether the Comptroller transmitted a notice of claim to DOI or DOC ID are denied without a further showing that relevance outweighs matters that likely are prejudicial,wasteful, and unduly burdensome. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 07/21/2016)
07/21/2016	183	ORDER granting <u>179</u> Letter Motion to Reopen. Plaintiff may re-open the depositions of James Christo and Jennifer Sculco, but questions are limited to new material

		discussed for the first time in defendants' late production. The court desires that these re-opened depositions be taken and concluded one morning and one afternoon by July 29, 2016. As for Document at ECF 177, by which plaintiffs move for a physical examination of the genitalia of defendant Benny Santiago, the motion is denied. Since there can be little reliability of identification based on a plaintiff's recollection of penis size and presence of circumcision, so there is little value in discovery of the same issue. The values of privacy and decency outweigh spurious claims of relevancy. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 07/21/2016)
07/21/2016	<u>184</u>	ORDER granting in part and denying in part <u>180</u> Letter Motion for Discovery. Plaintiffs' motion for production of daily logbook entries for Buildings 9 and 11, between February 1, 2013 and May 15, 2013 is granted. The logbooks, containing contemporary records of activities, are relevant. The ability to glean information from other documents does not make them less relevant. Plaintiff's request for production of standard operating procedures regarding semen serology as utilized by defendants, and records of visual observations when DNA testing by defendants was performed to detect if semen was left on Jane Doe 2's pants, is granted, provided that plaintiffs produce the protocols attending examinations conducted by plaintiffs' experts. There is only one item of evidence in question, and tests on that one item were conducted by both sides. Truth will best emerge if both side's tests are known to the other. No value of work-product outweighs the need for reliability and truthfulness with regard to this evidence. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 07/21/2016)
07/26/2016	<u>185</u>	NOTICE OF APPEARANCE by Ryan Budhu on behalf of The City of New York. (Budhu, Ryan) (Entered: 07/26/2016)
08/03/2016	<u>186</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 7/11/2016 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Tara Jones, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/29/2016. Redacted Transcript Deadline set for 9/8/2016. Release of Transcript Restriction set for 11/4/2016.(McGuirk, Kelly) (Entered: 08/03/2016)
08/03/2016	<u>187</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 7/11/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 08/03/2016)
08/11/2016	<u>188</u>	JOINT LETTER MOTION for Discovery <i>ruling, etc</i> addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated August 11, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits A - D)(Lowenthal, Mitchell) (Entered: 08/11/2016)
08/15/2016	<u>189</u>	LETTER addressed to Judge Alvin K. Hellerstein from Anthony M. DiSenso dated August 15, 2016 re: Status of Production of Moss Group Documents. Document filed by The City of New York.(Disenso, Anthony) (Entered: 08/15/2016)
08/16/2016	<u>190</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated August 16, 2016 re: in response to the City's letter filed yesterday (dkt. item <u>189</u>),. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Attachment A)(Lowenthal, Mitchell) (Entered: 08/16/2016)
08/17/2016	191	ORDER denying <u>188</u> Letter Motion for Discovery. See indorsed order on letter by Cleary Gottlieb dated August 16, 2016 for court's ruling (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 08/17/2016)
08/18/2016	<u>192</u>	MEMO ENDORSEMENT on re: <u>190</u> Letter, filed by Jane Doe 1, Jane Doe 2. ENDORSEMENT: The parties shall discuss-face to face and by senior member of each team-their differences. If any remain, they shall be identified to the court for rulings. (Signed by Judge Alvin K. Hellerstein on 8/17/2016) (mro) (Entered: 08/18/2016)

		08/18/2016)
08/22/2016	<u>193</u>	LETTER MOTION to Seal Document (<i>Joint Letter concerning City's motion for protective order</i>) addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Aug. 22, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 08/22/2016)
08/23/2016	194	ORDER denying <u>193</u> Motion to Seal Document Only those portions disclosing potentially intrusive information against particular individuals may be redacted. The letter, as thus redacted, shall be filed publicly as a joint motion. That joint motion, insofar as it seeks to take depositions of persons who became Commissioners after the events in issue, is denied. The perceived relevance is small, and the intrusion on public affairs and the undue expense and delay to completing discovery far outweighs any minimal relevance. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 08/23/2016)
08/26/2016	<u>195</u>	MOTION to Compel the City to Produce the ESI of Commissioners Ponte and Peters . Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 08/26/2016)
08/26/2016	<u>196</u>	DECLARATION of Josh E. Anderson, dated August 26, 2016 in Support re: <u>195</u> MOTION to Compel the City to Produce the ESI of Commissioners Ponte and Peters .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1-2)(Bromley, James) (Entered: 08/26/2016)
08/26/2016	<u>197</u>	MEMORANDUM OF LAW in Support re: <u>195</u> MOTION to Compel the City to Produce the ESI of Commissioners Ponte and Peters . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 08/26/2016)
08/29/2016	<u>198</u>	MOTION to Preclude <i>and/or for an order taking certain designated facts as established for purposes of this lawsuit, pursuant to Rule 37(b)(2)</i> . Document filed by The City of New York.(Larkin, Arthur) (Entered: 08/29/2016)
08/29/2016	<u>199</u>	DECLARATION of Arthur G. Larkin in Support re: <u>198</u> MOTION to Preclude <i>and/or for an order taking certain designated facts as established for purposes of this lawsuit, pursuant to Rule 37(b)(2)</i> .. Document filed by The City of New York. (Larkin, Arthur) (Entered: 08/29/2016)
08/29/2016	<u>200</u>	MEMORANDUM OF LAW in Support re: <u>198</u> MOTION to Preclude <i>and/or for an order taking certain designated facts as established for purposes of this lawsuit, pursuant to Rule 37(b)(2)</i> . . Document filed by The City of New York. (Larkin, Arthur) (Entered: 08/29/2016)
08/31/2016	<u>201</u>	SCHEDULING ORDER: Defendants shall file opposition papers to the plaintiffs' motion by Friday, Sept. 2, 2016 at 12:00 PM. Plaintiffs shall file opposition papers to the defendants' motion by Friday, Sept. 2, 2016, at 12:00 PM. The parties shall appear for a status conference, as previously scheduled, on Tuesday, Sept. 6, 2016, at 4:30 PM. Set Deadlines/Hearing as to <u>195</u> MOTION to Compel the City to Produce the ESI of Commissioners Ponte and Peters, <u>198</u> MOTION to Preclude <i>and/or for an order taking certain designated facts as established for purposes of this lawsuit, pursuant to Rule 37(b)(2)</i> : Responses due by 9/2/2016. (Signed by Judge Alvin K. Hellerstein on 8/31/2016) (tn) (Entered: 08/31/2016)
09/01/2016	<u>202</u>	MEMORANDUM OF LAW in Opposition re: <u>198</u> MOTION to Preclude <i>and/or for an order taking certain designated facts as established for purposes of this lawsuit, pursuant to Rule 37(b)(2)</i> . , dated September 1, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 09/01/2016)
09/01/2016	<u>203</u>	DECLARATION of Josh E. Anderson, dated September 1, 2016 in Opposition re: <u>198</u> MOTION to Preclude <i>and/or for an order taking certain designated facts as established for purposes of this lawsuit, pursuant to Rule 37(b)(2)</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 09/01/2016)
09/02/2016	<u>204</u>	MEMORANDUM OF LAW in Opposition re: <u>195</u> MOTION to Compel the City to Produce the ESI of Commissioners Ponte and Peters . . Document filed by The City of New York. (Larkin, Arthur) (Entered: 09/02/2016)
09/02/2016	<u>205</u>	DECLARATION of Arthur G. Larkin in Opposition re: <u>195</u> MOTION to Compel the City to Produce the ESI of Commissioners Ponte and Peters .. Document filed by The

		City of New York. (Larkin, Arthur) (Entered: 09/02/2016)
09/02/2016	<u>206</u>	REPLY MEMORANDUM OF LAW in Support re: <u>198</u> MOTION to Preclude <i>and/or for an order taking certain designated facts as established for purposes of this lawsuit, pursuant to Rule 37(b)(2)</i> . . Document filed by The City of New York. (Larkin, Arthur) (Entered: 09/02/2016)
09/02/2016	<u>207</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Sept. 2, 2016 re: courtesy copies of motion papers. Document filed by The City of New York.(Larkin, Arthur) (Entered: 09/02/2016)
09/02/2016	208	ORDER denying <u>195</u> Motion to Compel. Plaintiffs sue the City and a corrections officer for rape while incarcerated and, in the case of the City, for allowing an environment conducive to such unlawful activities by corrections officers. As such, the discovery sought is irrelevant. The commissioners whose emails are sought were appointed after the events in suit. The evidence also is cumulative of substantial other discovery that was obtained.The discovery deadline, September 1, 2016, has passed, after several adjournments. Plaintiffs' motion was filed close to the discovery deadline, and seeks discovery after the deadline. There is no sufficient reason for extending once again the discovery deadline. HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) ORDER denying <u>195</u> (Hellerstein, Alvin) (Entered: 09/02/2016)
09/02/2016	209	ORDER denying <u>198</u> Motion to Preclude. As I previously ordered and now emphasize, both plaintiffs and defendants have tested, or have not concluded testing, the pants worn by Jane Doe 2 for evidence of semen. Tests, not yet concluded, must be concluded in time to make timely disclosure, as ordered below. By noon, September 23, 2016, plaintiffs and defendants shall produce to the other the test procedures they used, the results of the tests, and all related evidence pertaining to those tests. Failure to do so timely is likely to result in an order prohibiting the party guilty of the failure from introducing evidence on the subject of the pants. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 09/02/2016)
09/02/2016	<u>210</u>	JOINT LETTER MOTION for Discovery (<i>Redacted</i>) – regarding the City's motion for a protective order/plaintiffs' motion to compel depositions of Commissioners Joseph Ponte and Mark Peters addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Aug. 22, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 09/02/2016)
09/06/2016		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 9/6/2016, (Status Conference set for 12/13/2016 at 02:30 PM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein.). (Jones, Brigitte) (Entered: 10/06/2016)
09/08/2016	<u>211</u>	ORDER RESOLVING DISCOVERY ISSUES AND SETTING STATUS CONFERENCE terminating <u>210</u> Letter Motion for Discovery: The parties shall meet and confer on Friday, Sept. 9, 2016 regarding issues of privilege claimed in privilege logs attached to the Declaration of Faye Yelardy in opposition (Ex. A,B,C,D, to Decl. ECF No. 163). If the parties cannot come to agreement, they shall offer submissions by "2E" letter submitted by Sept. 16, 2016. Defendant shall produce the pages of the daily log books that plaintiff requests by Friday, Sept. 23, 2016. Defendant will select the vendor and assume the cost, subject to ultimate consideration as taxable costs. Defendant shall produce information about the whereabouts of missing log books referenced in the record by Friday, Sept. 23, 2016 and, if log books cannot be found, defendant shall provide an appropriate explanation by affidavit of a competent witness. Defendant need not disclose the 14 remaining pages of Moss Group documents. Plaintiffs shall disclose names of their expert witnesses on Wednesday, Sept. 7, 2016 and provide expert reports by Friday, Nov. 4, 2016. Defendant shall disclose names of its expert witnesses by Friday, Oct. 14, 2016 and provide expert reports by Friday, Dec. 9, 2016. There will not be rebuttal reports. On Wednesday, Oct. 19 and Thursday, Oct. 20, 2016, expert witness for both plaintiffs and defendant, accompanied by counsel, may inspect relevant areas of the Rose M. Singer Center. The parties shall appear for a status conference on Tuesday, Dec. 13, 2016, at 2:30 PM. All fact discovery is now closed. I originally resolved the substance of ECF Doc. No. 210 on Aug. 23, 2016 (ECF Doc. No. 194). The clerk shall mark the motions (ECF Doc. No.

		210) terminated. (Signed by Judge Alvin K. Hellerstein on 9/7/2016) (tn) (Entered: 09/08/2016)
09/08/2016		Set/Reset Hearings: Status Conference set for 12/13/2016 at 02:30 PM before Judge Alvin K. Hellerstein. (tn) (Entered: 09/08/2016)
09/16/2016	<u>212</u>	JOINT LETTER MOTION for Discovery <i>ruling</i> addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated September 16, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits A–B)(Lowenthal, Mitchell) (Entered: 09/16/2016)
09/20/2016	<u>213</u>	TRANSCRIPT of Proceedings re: Conference held on 9/6/2016 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Jerry Harrison, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/14/2016. Redacted Transcript Deadline set for 10/24/2016. Release of Transcript Restriction set for 12/22/2016.(Siwik, Christine) (Entered: 09/20/2016)
09/20/2016	<u>214</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/6/16 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Siwik, Christine) (Entered: 09/20/2016)
09/20/2016	<u>215</u>	ORDER RESOLVING DISCOVERY ISSUES granting in part and denying in part <u>212</u> Letter Motion for Discovery: that eight of these e–mails fall within the work product exemption, and that the City need not produce them. The City need only produce the e–mail bearing Bates ## 9464–65, which was disclosed at a deposition. SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 9/20/2016) (tn). Modified on 10/13/2016 (tn). (Entered: 09/20/2016)
09/27/2016	<u>216</u>	LETTER MOTION for Extension of Time <i>to conduct settlement meeting (filed in accordance with the Court's Individual Rule 1–D regarding requests for adjournments)</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Sept. 27, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 09/27/2016)
09/27/2016	217	***STRICKEN DOCUMENT (PDF ONLY). Deleted document number 217 from the case record. The document was stricken from this case pursuant to <u>219</u> Order . LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated September 27, 2016 re: In response to the City's request to adjourn the settlement conference <u>216</u> , etc.. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) Modified on 9/30/2016 (cla). (Entered: 09/27/2016)
09/28/2016	<u>218</u>	ORDER granting <u>216</u> Letter Motion for Extension of Time: The date for conducting settlement discussions is cancelled, in the absence of mutual desire to discuss settlement. (Signed by Judge Alvin K. Hellerstein on 9/28/2016) (tn) (Entered: 09/28/2016)
09/29/2016	<u>219</u>	ORDER REMOVING LETTER FROM THE DOCKET: The Clerk shall remove the letter (ECF 217) from the docket. The letter discussed settlement and is inappropriate for public filing. (Signed by Judge Alvin K. Hellerstein on 9/29/2016) (cla) (Entered: 09/29/2016)
10/13/2016	<u>220</u>	JOINT LETTER MOTION for Discovery (<i>e.g., an order governing the RMSC site inspection and modification of the Court's scheduling order</i>), with Exhibits A–F addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Oct. 13, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 10/13/2016)
10/16/2016	221	ORDER granting in part and denying in part <u>220</u> Letter Motion for Discovery1. My prior order requiring a joint inspection by experts and parties' counsel is not modified. Defendants' objections are denied. Counsel shall not argue or debate with one another, or engage in conversations that are likely to interfere with the smooth progression of work by the experts, or question or interview inmates or staff. 2. The dates for

		submitting reports will not be changed: November 4, 2016 for plaintiffs, and December 9, 2016 for defendants. These dates, and the requirement of a joint inspection, were ordered in the context of sharp disagreements, and the parties consented to these dates and arrangements. They will not be changed.3. Photography and video and audio–taping is permitted, but only by professionals acceptable to both sides (or chosen by the court, in the absence of agreement), and subject to the protective order suggested by plaintiff. No other photographs or drawings are permissible. The professionals shall photograph and videotape as requested by either party, and deliver their output to both sides at the same time.4. Inspection shall occur at a mutually agreed time during normal business hours. Inspections during the night shift are likely to be disruptive to corrections officials and inmates, and have not been sufficiently justified. Inspection shall be restricted to the areas previously identified by plaintiffs, buildings 8, 9, and 11, and connecting tunnels and corridors, and other areas describe in Exhibit A to the parties joint letter, or as otherwise may be mutually agreed. If plaintiffs wish to inspect additional areas, they must show cause to do so at another time. If plaintiff wishes to take a "30(b)(6)" deposition to document changes in duties and personnel between the shift during inspection and the night shift during the times alleged in the complaint, plaintiff may notice such a deposition, and take same, within two weeks following the site inspection.4A. There shall be no separate inspection of keys, locks, locking mechanisms, keyholes, doorknobs, and/or other similar equipment securing doors, gates and windows. The door to the party adjoining buildings 9 and 11 may be inspected.5. No order will issue at this time regarding an inspection of the DOI trailer, since there is no outstanding request. 6. Additional protective orders are not useful and will not be issued. There already is an effective protective order in place. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 10/16/2016)
10/27/2016	<u>222</u>	CONSENT LETTER MOTION for Extension of Time <i>to complete Rule 30(b)(6) deposition</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Oct. 27, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 10/27/2016)
11/03/2016	<u>223</u>	ORDER granting <u>222</u> Letter Motion for Extension of Time to complete Rule 30(b)(6) deposition. So ordered. (Deposition due by 11/21/2016.) (Signed by Judge Alvin K. Hellerstein on 11/3/2016) (cla) (Entered: 11/03/2016)
11/16/2016	<u>224</u>	FILING ERROR – DEFICIENT DOCKET ENTRY (SEE <u>226</u> Letter Motion) – JOINT LETTER MOTION for Discovery <i>concerning the public filing of expert reports, etc.</i> addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated November 16, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits A – B)(Lowenthal, Mitchell) Modified on 11/18/2016 (db). (Entered: 11/16/2016)
11/17/2016	<u>225</u>	JOINT LETTER MOTION for Discovery (<i>an order transferring Jane Doe 1 to DOC custody for Rule 35 exam, and for a two–week extension of certain deadlines</i>) addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Nov. 17, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 11/17/2016)
11/17/2016	<u>226</u>	JOINT LETTER MOTION for Discovery <i>concerning the public filing of expert reports, etc.</i> addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated November 16, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits A – B)(Lowenthal, Mitchell) (Entered: 11/17/2016)
11/18/2016	<u>227</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Nov. 18, 2016 re: Dkt. 224, 226. Document filed by The City of New York.(Larkin, Arthur) (Entered: 11/18/2016)
11/20/2016	<u>228</u>	LETTER MOTION for Extension of Time <i>to complete Rule 30(b)(6) deposition</i> addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Nov. 20, 2016. Document filed by The City of New York.(Larkin, Arthur) (Entered: 11/20/2016)
11/21/2016	<u>229</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated November 21, 2016 re: In response to the City's letter motion <u>228</u> , etc.. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 11/21/2016)
11/22/2016	<u>230</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated November 22, 2016 re: in response to the City's letter motion filed November 20, 2016

		<u>228</u> , etc.. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Lowenthal, Mitchell) (Entered: 11/22/2016)
11/28/2016	<u>231</u>	ORDER RESOLVING DISCOVERY ISSUES AND SETTING STATUS CONFERENCE denying <u>225</u> Letter Motion for Discovery (an order transferring Jane Doe 1 to DOC custody for Rule 35 exam, and for a two-week extension of certain deadlines); denying <u>226</u> Letter Motion for Discovery concerning the public filing of expert reports, etc.; denying <u>228</u> Letter Motion for Extension of Time to complete Rule 30(b)(6) deposition. Defendants' request for a two-week extension from December 9 to December 23, 2016 to produce its expert reports is DENIED. My order of October 16, 2016 resolving issues put before me at the time provided that "[t]he dates for submitting reports will not be changed." ECF No. 221. Defendants make no showing other than their inconvenience that they could not produce the expert report on time. Defendant's request to move Jane Doe 1 from Bedford to BHPW to conduct the Rule 35 exam is DENIED. The inconvenience to the defendants' expert of driving an additional 40 miles to Bedford Hills is outweighed by the risk of aggravating Jane Doe 1's symptoms of PTSD, as testified to by Dr. Karen B. Rosenbaum, the examining physician. See Expert Report of Karen B. Rosenbaum, M.D., regarding Jane Doe 1. Pursuant to Fed. R. Civ. P. 5(d)(1), all expert reports need not be filed on ECF until they are "used in proceedings." Rule 5(d) states "Rule 26(a)(1) or (2)... requests and responses must not be filed until they are used in the proceeding or the court orders filing." According to the Advisory Committee Note, "this filing requirement is not triggered by "use" of discovery materials in other discovery activities, such as depositions... Once discovery or disclosure materials are used in the proceeding, the filing requirements of Rule 5(d) should apply to them." I decline to order the filings of the extensive reports of the experts. Defendants' request to extend the Rule 30(b)(6) deposition that I authorized in my order on October 16, 2016 from Nov. 21 to Dec. 21 is DENIED. This deposition has already been extended from Nov. 3 to Nov. 21, 2016. ECF 223. Defendants are to produce an appropriate witness immediately. I reiterate that the purpose of the deposition is for the plaintiff "to document changes in duties and personnel between the shift during inspection and the night shift during the times alleged in the complaint." ECF 221. To the extent that questioning is relevant but goes beyond the scope, the witness will testify based upon his knowledge, but that testimony will not bind the party. The clerk shall mark the motions (ECF Doc. No. 225, 226, and 228) terminated. (Signed by Judge Alvin K. Hellerstein on 11/28/2016) (cla) (Entered: 11/28/2016)
12/02/2016	<u>232</u>	MOTION for Julie A. Ortiz to Withdraw as Attorney <i>and from the docket</i> . Document filed by Benny Santiago.(Ortiz, Julie) (Entered: 12/02/2016)
12/06/2016	<u>233</u>	MEMO ENDORSEMENT granting <u>232</u> Motion to Withdraw as Attorney and from the docket. ENDORSEMENT: SO ORDERED. (Attorney Julie Ann Ortiz terminated.) (Signed by Judge Alvin K. Hellerstein on 12/4/2016) (cla) (Entered: 12/06/2016)
12/08/2016	<u>234</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – JOINT LETTER MOTION for Discovery <i>re: Plaintiffs' request for an order compelling production of certain items</i> addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated December 6, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits A–I)(Lowenthal, Mitchell) Modified on 12/9/2016 (db). (Entered: 12/08/2016)
12/09/2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Mitchell A. Lowenthal to RE-FILE Document <u>234</u> JOINT LETTER MOTION for Discovery <i>re: Plaintiffs' request for an order compelling production of certain items</i> addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated December 6, 2016. Use the event type Compel found under the event list Motion (Letter). (db) (Entered: 12/09/2016)
12/09/2016	<u>235</u>	LETTER MOTION to Compel Defendant the City of New York to turn over all documents re chain of custody for pants owned by Jane Doe 2, a declaration re missing RMSC logbooks, all RMSC inmate 'count slips' and the DOC evidence handling policy in effect in February, 2013 , addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated December 8, 2016. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits A – I)(Lowenthal, Mitchell) (Entered: 12/09/2016)

12/09/2016	<u>236</u>	MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination.</i> Document filed by The City of New York.(Larkin, Arthur) (Entered: 12/09/2016)
12/09/2016	<u>237</u>	DECLARATION of Manuel Lopez–Leon, M.D. in Support re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination..</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 12/09/2016)
12/09/2016	<u>238</u>	MEMORANDUM OF LAW in Support re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination. .</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 12/09/2016)
12/09/2016	<u>239</u>	DECLARATION of Arthur G. Larkin in Support re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination..</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 12/09/2016)
12/12/2016	<u>240</u>	DECLARATION of Josh E. Anderson, dated December 12, 2016 in Opposition re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination..</i> Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1 – 7 (REDACTED))(Bromley, James) (Entered: 12/12/2016)
12/12/2016	<u>241</u>	DECLARATION of Marlen S. Bodden, dated December 12, 2016 in Opposition re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination..</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 12/12/2016)
12/12/2016	<u>242</u>	MEMORANDUM OF LAW in Opposition re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination. .</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 12/12/2016)
12/12/2016	<u>243</u>	MOTION to Seal Document <u>240</u> Declaration in Opposition to Motion, / <i>Notice of Motion to seal Exhibits 4, 5, 6 and 7 to the Anderson Declaration in Opposition, etc..</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 12/12/2016)
12/12/2016	<u>244</u>	MEMORANDUM OF LAW in Support re: <u>243</u> MOTION to Seal Document <u>240</u> Declaration in Opposition to Motion, / <i>Notice of Motion to seal Exhibits 4, 5, 6 and 7 to the Anderson Declaration in Opposition, etc. . , dated December 12, 2016.</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 12/12/2016)
12/13/2016	<u>245</u>	REPLY MEMORANDUM OF LAW in Support re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination. .</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 12/13/2016)
12/13/2016	<u>246</u>	DECLARATION of Jane Doe 1, dated December 13, 2016, in Opposition re: <u>236</u> MOTION to Preclude <i>plaintiff Jane Doe 1 from introducing evidence of her claimed damages and/or to dismiss all of Jane Doe 1's claims for damages, and for monetary sanctions, due to her refusal to attend Rule 35 examination..</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 12/13/2016)
12/13/2016		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 12/13/2016, (Motions due by 1/13/2017., Replies due by 2/15/2017., Responses due by 2/3/2017, Show Cause Hearing set for 3/9/2017 at 02:30 PM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein.). (Jones, Brigitte) (Entered: 01/06/2017)

12/16/2016	<u>247</u>	ORDER RESOLVING DISCOVERY ISSUES terminating <u>235</u> Letter Motion to Compel; terminating <u>236</u> Motion to Preclude. At a hearing held December 13, 2016, arising from a joint letter of December 8, 2016 identifying discovery disputes, the following rulings were issued: Plaintiffs' discovery requests for additional production is DENIED, as further set out in the order. All experts' discovery will be completed by February 13, 2017. Any motions for summary judgment, or as to the scope of trial, or as to the sequence of legal and equitable remedies, or as to the class aspects of the class shall be filed by January 13, 2017. Opposition papers shall be filed by February 3, 2017; reply papers, by February 15, 2017. The next status conference will be held March 9, 2017, 2:30 p.m., Courtroom 14D, to set dates for trial and final pre-trial conference, and to regulate all related matters. The Clerk shall mark the motions (ECF Doc. No. 235 and 236) terminated. (Signed by Judge Alvin K. Hellerstein on 12/15/2016) (cla) (Entered: 12/16/2016)
12/16/2016		Set/Reset Deadlines: (Expert Discovery due by 2/13/2017., Motions due by 1/13/2017., Responses due by 2/3/2017, Replies due by 2/15/2017.), Set/Reset Hearings:(Status Conference set for 3/9/2017 at 02:30 PM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein.) (cla) (Entered: 12/16/2016)
12/30/2016	<u>248</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 12/13/2016 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Andrew Walker, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/20/2017. Redacted Transcript Deadline set for 1/30/2017. Release of Transcript Restriction set for 3/30/2017.(McGuirk, Kelly) (Entered: 12/30/2016)
12/30/2016	<u>249</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 12/13/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 12/30/2016)
01/06/2017	<u>250</u>	FIRST LETTER MOTION for Extension of Time to File <i>Affidavit</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated January 6, 2017., FIRST LETTER MOTION for Extension of Time to Complete Discovery <i>by turning over any documents found during a search of the off-site facility</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated January 6, 2017. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 01/06/2017)
01/06/2017	<u>251</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated January 6, 2017 re: <u>250</u> FIRST LETTER MOTION for Extension of Time to File <i>Affidavit</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated January 6, 2017.FIRST LETTER MOTION for Extension of Time to Complete Discovery <i>by turning over any documents found during a search of the off-site facility</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated January 6, 2017. . Document filed by Jane Doe 1, Jane Doe 2. (Lowenthal, Mitchell) (Entered: 01/06/2017)
01/09/2017	<u>252</u>	ORDER granting <u>250</u> Letter Motion for Extension of Time to File Affidavit; Letter Motion for Extension of Time to Complete Discovery by turning over any documents found during a search of the off-site facility. So Ordered. (Signed by Judge Alvin K. Hellerstein on 1/9/2017) (cla) (Entered: 01/09/2017)
01/13/2017	<u>253</u>	MOTION to Seal / <i>Notice of Motion for an Order Directing the Public Filing, with Limited Redactions, of Exhibits to Summary Judgment Motion, or in the Alternative, to File Those Exhibits Under Seal, dated January 13, 2017 (with proposed order).</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 01/13/2017)
01/13/2017	<u>254</u>	MEMORANDUM OF LAW in Support re: <u>253</u> MOTION to Seal / <i>Notice of Motion for an Order Directing the Public Filing, with Limited Redactions, of Exhibits to Summary Judgment Motion, or in the Alternative, to File Those Exhibits Under Seal, dated January 13, 2017 (with proposed order).</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 01/13/2017)

01/13/2017	<u>255</u>	MOTION for Partial Summary Judgment <i>/Notice of Plaintiffs' Motion to Narrow the Issues for Trial and/or for Partial Summary Judgment, dated January 13, 2017.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 01/13/2017)
01/13/2017	<u>256</u>	DECLARATION of Josh E. Anderson, dated January 13, 2017 in Support re: <u>255</u> MOTION for Partial Summary Judgment <i>/Notice of Plaintiffs' Motion to Narrow the Issues for Trial and/or for Partial Summary Judgment, dated January 13, 2017..</i> Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1-7, # <u>2</u> Exhibits 8-9, # <u>3</u> Exhibit 10, # <u>4</u> Exhibit 11, # <u>5</u> Exhibit 12 (Redacted), # <u>6</u> Exhibit 13, # <u>7</u> Exhibit 14 (Redacted), # <u>8</u> Exhibit 15)(Bromley, James) (Entered: 01/13/2017)
01/13/2017	<u>257</u>	RULE 56.1 STATEMENT. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 01/13/2017)
01/13/2017	<u>258</u>	MEMORANDUM OF LAW in Support re: <u>255</u> MOTION for Partial Summary Judgment <i>/Notice of Plaintiffs' Motion to Narrow the Issues for Trial and/or for Partial Summary Judgment, dated January 13, 2017. .</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 01/13/2017)
01/13/2017	<u>259</u>	FIRST MOTION to Bifurcate <i>the trial of plaintiffs' claims against Santiago, and against the City.</i> Document filed by The City of New York.(Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>260</u>	MEMORANDUM OF LAW in Support re: <u>259</u> FIRST MOTION to Bifurcate <i>the trial of plaintiffs' claims against Santiago, and against the City. .</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>261</u>	MOTION to Approve <i>/Notice of Plaintiffs' Motion For An Order Requiring That the Issue of Liability with Respect to the Potential Class Claim be Tried to a Jury, dated January 13, 2017 .</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 01/13/2017)
01/13/2017	<u>262</u>	MEMORANDUM OF LAW in Support re: <u>261</u> MOTION to Approve <i>/Notice of Plaintiffs' Motion For An Order Requiring That the Issue of Liability with Respect to the Potential Class Claim be Tried to a Jury, dated January 13, 2017 . .</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 01/13/2017)
01/13/2017	<u>263</u>	MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time-barred, and excluding certain evidence at any trial.</i> Document filed by The City of New York. Responses due by 2/3/2017(Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>264</u>	DECLARATION of Capt. Tyrone Carter in Support re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time-barred, and excluding certain evidence at any trial..</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>265</u>	DECLARATION of Cynthia Wynn in Support re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time-barred, and excluding certain evidence at any trial..</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>266</u>	DECLARATION of Arthur G. Larkin in Support re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time-barred, and excluding certain evidence at any trial..</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>267</u>	RULE 56.1 STATEMENT. Document filed by The City of New York. (Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>268</u>	MEMORANDUM OF LAW in Support re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time-barred, and excluding certain evidence at any trial. .</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 01/13/2017)
01/13/2017	<u>269</u>	FIRST LETTER MOTION to Seal Document (<i>motion for partial summary judgment and supporting papers, including all Exhibits, filed on docket in redacted form, except for the exhibits addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Jan. 13, 2017.</i> Document filed by The City of New York.(Larkin, Arthur) (Entered: 01/13/2017)

		01/13/2017)
01/13/2017	<u>270</u>	DECLARATION of Correction Officer Smalls <i>relating to the Court ordered search of an off-site facility for certain outstanding documents (Dkt.252)</i> . Document filed by The City of New York. (Joyce, Kimberly) (Entered: 01/13/2017)
01/17/2017	<u>271</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated January 17, 2017 re: unresolved issues related to expert discovery. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Ex. A)(Lowenthal, Mitchell) (Entered: 01/17/2017)
01/18/2017	<u>272</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Jan. 18, 2017 re: response to plaintiffs' letter of yesterday's date (Dkt. 271). Document filed by The City of New York.(Larkin, Arthur) (Entered: 01/18/2017)
01/18/2017	<u>273</u>	ORDER GRANTING MOTION TO DIRECT THE PUBLIC FILING, WITH LIMITED REDACTIONS, OF EXHIBITS TO SUMMARY JUDGMENT MOTION re: <u>253</u> Motion to Seal. IT IS HEREBY ORDERED that the Motion is GRANTED; and IT IS FURTHER ORDERED that Plaintiffs shall publicly file Exhibits 1-7 and 10 of the Anderson Declaration, with limited redactions to those exhibits to protect the identities of Plaintiffs and other current or former RMSC inmates pursuant to Paragraphs 1(a) and 1(b) of the Protective Order Concerning Confidential Information, ECF No. 24. (Signed by Judge Alvin K. Hellerstein on 1/18/2017) (cla) (Entered: 01/18/2017)
01/18/2017	<u>274</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated January 18, 2017 re: in response to the City's letter filed earlier today, ECF No. 272, etc.. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 01/18/2017)
01/18/2017	<u>275</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Jan. 18, 2017 re: Plaintiffs' motion for "summary judgment" (Dkt. 255-58). Document filed by The City of New York.(Larkin, Arthur) (Entered: 01/18/2017)
01/18/2017	<u>276</u>	MEMO ENDORSEMENT on re: <u>272</u> Letter re: response to plaintiffs' letter of yesterday's date (Dkt. 271), filed by The City of New York. ENDORSEMENT: Motion to enlarge period for discovery is denied. Defendants' counsel cannot choose which of several court commitments they choose to honor. The dates in this case were set in advance, and admit of no enlargements. (Signed by Judge Alvin K. Hellerstein on 1/18/2017) (cla) (Entered: 01/18/2017)
01/18/2017	<u>277</u>	MEMO ENDORSEMENT on re: <u>271</u> Letter re: unresolved issues related to expert discovery filed by Jane Doe 1, Jane Doe 2. ENDORSEMENT: Denied, since no relief is requested. Defendants, if they fail to take discovery offered to them, will be in default, risking foreclosure of their rights to take depositions. If defendants fail to proffer dates to depose defendants' experts, defendants' rights to present experts' testimony will be foreclosed. (Signed by Judge Alvin K. Hellerstein on 1/18/2017) (cla) (Entered: 01/18/2017)
01/19/2017	<u>278</u>	DECLARATION of Josh E. Anderson, dated January 13, 2017 (redacted pursuant to January 18, 2017 Order <u>273</u>) in Support re: <u>255</u> MOTION for Partial Summary Judgment / <i>Notice of Plaintiffs' Motion to Narrow the Issues for Trial and/or for Partial Summary Judgment, dated January 13, 2017.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1-7, # <u>2</u> Exhibits 8-9, # <u>3</u> Exhibit 10, # <u>4</u> Exhibit 11, # <u>5</u> Exhibit 12, # <u>6</u> Exhibit 13, # <u>7</u> Exhibit 14, # <u>8</u> Exhibit 15)(Bromley, James) (Entered: 01/19/2017)
01/19/2017	<u>279</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated January 19, 2017 re: the City's January 18 letter <u>275</u> . Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 01/19/2017)
01/19/2017	<u>280</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Jan. 19, 2017 re: Plaintiffs' letter of today's date (Dkt. 279) in response to ours (Dkt. 275). Document filed by The City of New York.(Larkin, Arthur) (Entered: 01/19/2017)
01/19/2017	281	ORDER granting <u>269</u> Motion to Seal Document (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 01/19/2017)

01/19/2017	282	ORDER granting <u>243</u> Motion to Seal Document (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 01/19/2017)
01/19/2017	<u>283</u>	ORDER DENYING MOTIONS REGARDING NATURE OF TRIAL denying <u>259</u> Motion to Bifurcate; denying <u>261</u> Motion to Approve. This order deals with two motions: (1) A motion by defendants to bifurcate trial of the plaintiffs' claims against the individual defendant, Benny Santiago, from a trial of the claims against the City of New York (the "Monell Claims") (ECF #259); and (2) plaintiffs' motion to bifurcate a trial of the issue of liability with respect to potential class claims, from all other claims (ECF #261). Both motions are denied as premature. A status conference is scheduled to be held on March 9, 2017 at 2:30 pm, by which time all discovery, including experts' discovery, should have been completed, as well as all other pretrial proceedings. The agenda of that meeting, set in the previous status conference on December 13, 2016, is to ascertain if there is any prospect of settlement, to discuss the appropriateness of identifying the two plaintiffs, and to set dates for the final pretrial conference and for the trial. There also is a pending motion by the defendants for summary judgment to dismiss the claim of one of the two plaintiffs as time barred. This motion must be determined before the scope of trial can be defined. Thus, it is premature at this time to discuss the scope of trial. Having said all of this, my preliminary thoughts are as follows: 1. The issues for a jury should be tried first. The trial will encompass the claims for damages by the plaintiffs (to the extent they remain) against the defendants, with the exception of the Monell Claims. The jury verdict should cover liability and damages. 2. Should the Monell Claims also be tried by the jury? I should think not because no further recovery, and no further increase of the verdict, will be implicated. 3. The Monell Claims, and the class claims seem to me equitable in nature, not triable to a jury. The bench trial will follow immediately after the jury's verdict, and would not repeat the evidence introduced to the jury. Comments by counsel will be entertained at the next status conference on March 9, 2017, at 2:30 pm. Counsel also may wish to comment on the contents and timing of a Rule 23(b)(2) notice. The Clerk shall mark ECF documents #259 and 261 as terminated. (Signed by Judge Alvin K. Hellerstein on 1/19/2017) (mro) Modified on 1/23/2017 (mro). (Entered: 01/20/2017)
01/19/2017		Set/Reset Hearings: Status Conference set for 3/9/2017 at 02:30 PM before Judge Alvin K. Hellerstein. (mro) (Entered: 01/23/2017)
01/20/2017	<u>284</u>	MEMO ENDORSEMENT on re: <u>275</u> Letter re: Plaintiffs' motion for "summary judgment" (Dkt. 255-58) filed by The City of New York. ENDORSEMENT: Rejected. Opposition to a motion shall be by affidavit and briefs, not by letter. (Signed by Judge Alvin K. Hellerstein on 1/19/2017) (cla) (Entered: 01/20/2017)
01/20/2017	285	ORDER denying <u>255</u> Motion for Partial Summary Judgment. Plaintiffs' motion is not properly a motion for summary judgment or a motion to define the scope of trial. Rather, it is a motion to declare a certain item of evidence incompetent or irrelevant. There will be time to make such a motion at the final pre trial conference. Plaintiffs' argue in their motion that a pair of pants, said to have been worn by one of the plaintiffs at the time she was raped, should not be introduced in evidence. Presumably, defendants want to show that there were no semen stains on the pants, and that the plaintiff's testimony that there were such stains is not credible. Plaintiffs argue that defendants' testimony would be unreliable because of broken lines of custody concerning the pants. By the final pre-trial conference, the parties should know exactly what testimony will be offered. That will be the time for motions in limine, regarding the admissibility of proofs. Plaintiffs' motion is premature. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 01/20/2017)
01/20/2017	286	SEALED DOCUMENT placed in vault.(rz) (Entered: 01/20/2017)
02/03/2017	<u>287</u>	LETTER addressed to Judge Alvin K. Hellerstein from Liam L. Castro dated 2/2/2017 re: Join in City of New York's Motion for Summary Judgement. Document filed by Benny Santiago.(Castro, Liam) (Entered: 02/03/2017)
02/03/2017	<u>288</u>	MOTION to Seal Document / <i>Notice of Motion Directing the Public Filing of Exhibit 9 of the Declaration of Josh E. Anderson, dated February 3, 2017, or in the Alternative to File that Exhibit Under Seal, with proposed Order.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 02/03/2017)

02/03/2017	<u>289</u>	MEMORANDUM OF LAW in Support re: <u>288</u> MOTION to Seal Document / <i>Notice of Motion Directing the Public Filing of Exhibit 9 of the Declaration of Josh E. Anderson, dated February 3, 2017, or in the Alternative to File that Exhibit Under Seal, with proposed Order.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 02/03/2017)
02/03/2017	<u>290</u>	FILING ERROR – DEFICIENT DOCKET ENTRY (SEE DOCUMENT #293) – COUNTER STATEMENT TO <u>267</u> Rule 56.1 Statement. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) Modified on 2/13/2017 (ldi). (Entered: 02/03/2017)
02/03/2017	<u>291</u>	MEMORANDUM OF LAW in Opposition re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time–barred, and excluding certain evidence at any trial.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 02/03/2017)
02/03/2017	<u>292</u>	DECLARATION of Josh E. Anderson, dated February 3, 2017 in Opposition re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time–barred, and excluding certain evidence at any trial.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibits 1–3 [Redacted], # <u>2</u> Exhibits 4–9 [Redacted])(Bromley, James) (Entered: 02/03/2017)
02/06/2017	<u>293</u>	COUNTER STATEMENT TO <u>267</u> Rule 56.1 Statement. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 02/06/2017)
02/09/2017	<u>294</u>	NOTICE OF APPEARANCE by Peter William Brocker on behalf of The City of New York. (Brocker, Peter) (Entered: 02/09/2017)
02/09/2017	<u>295</u>	LETTER MOTION for Extension of Time to Complete Discovery <i>request for 1–day extension of time to complete expert discovery</i> addressed to Judge Alvin K. Hellerstein from Kimberly M. Joyce dated February 9, 2017. Document filed by The City of New York.(Joyce, Kimberly) (Entered: 02/09/2017)
02/10/2017	<u>296</u>	ORDER granting <u>295</u> Letter Motion for Extension of Time to Complete Discovery request for 1–day extension of time to complete expert discovery. So ordered. (Signed by Judge Alvin K. Hellerstein on 2/10/2017) (cla) (Entered: 02/10/2017)
02/10/2017		Set/Reset Deadlines: Expert Discovery due by 2/14/2017. (cla) (Entered: 02/10/2017)
02/15/2017	<u>297</u>	REPLY MEMORANDUM OF LAW in Support re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time–barred, and excluding certain evidence at any trial.</i> . Document filed by The City of New York. (Larkin, Arthur) (Entered: 02/15/2017)
02/15/2017	<u>298</u>	DECLARATION of Arthur G. Larkin in Support re: <u>263</u> MOTION for Partial Summary Judgment <i>dismissing Jane Doe 1's claims on the grounds that they are time–barred, and excluding certain evidence at any trial.</i> . Document filed by The City of New York. (Larkin, Arthur) (Entered: 02/15/2017)
02/15/2017	<u>299</u>	LETTER MOTION to Seal Document (<i>reply declaration with exhibits</i>) addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Feb. 15, 2017. Document filed by The City of New York.(Larkin, Arthur) (Entered: 02/15/2017)
02/16/2017	<u>300</u>	ORDER denying <u>299</u> Motion to Seal Document. Denied. However, the identity of Jane Doe, and so much of the experts report and other exhibits that can identify her, may be redacted from filed documents. Any filing to the contrary shall be withdrawn from ECF. Full redacted courtesy copies showing anything redacted, shall be furnished to Chambers. (Signed by Judge Alvin K. Hellerstein on 2/16/2017) (cla) (Entered: 02/16/2017)
02/16/2017	301	ORDER denying <u>263</u> Motion for Partial Summary Judgment. Although allegations of rape occurring prior to May 19, 2012 are outside the three–year period of limitations, the acts may be relevant to prove that rapes occurred within the three–year period of limitations. Defendant Santiago's denial of rapes alleged to have occurred in November, 2012 cause these prior incidents to have relevance. See FRE 404(b)(2), 415. The court will exercise its discretion to limit such pre–limitations proofs to avoid prejudice and digression. See FRE 403. Furthermore, the rapes alleged to have occurred in the pre–limitations period may be actionable under the doctrine of equitable tolling. See <i>Noguera v. Hasty</i> , No. 99 CIV. 8786, 2001 WL 243535, at *5–6

		(S.D.N.Y. Mar. 12, 2001). The allegations that Defendant Santiago obtained plaintiff's silence and refrain from filing suit by threats and bribes raise issues of fact. These will be explored in an evidentiary hearing held immediately prior to trial. Accordingly, defendants' motion for partial summary judgment is denied. The next event in this case is the status conference scheduled to be held March 9, 2017, at 2:30 p.m. It will be held on the following day, March 10, 2017, at 11:00 a.m. (HEREBY ORDERED by Judge Alvin K. Hellerstein)(Text Only Order) (Hellerstein, Alvin) (Entered: 02/16/2017)
02/21/2017	<u>302</u>	CONSENT LETTER MOTION to Adjourn Conference addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated Feb. 21, 2017. Document filed by The City of New York.(Larkin, Arthur) (Entered: 02/21/2017)
02/28/2017	<u>303</u>	ORDER granting <u>302</u> Letter Motion to Adjourn Conference. The status conference scheduled for 3/10/2017 is adjourned to 3/20/2017 at 4:00 p.m. (Status Conference set for 3/20/2017 at 04:00 PM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 2/28/2017) (cla) (Entered: 02/28/2017)
03/15/2017	<u>304</u>	ORDER TO SET AGENDA FOR STATUS CONFERENCE: The parties shall submit by joint letter by 12:00 p.m. this Friday, March 17, 2017 an agenda for the status conference to be held on March 20, 2017 at 4:00 p.m. The Court currently believes that the following structure and sequencing of issues for trial is appropriate: 1. A hearing on whether the Jane Doe 1 's allegations of rape that occurred before May 19, 2012 are actionable under the doctrine of equitable tolling. 2. A trial (or trials) for damages and liability on plaintiffs' Monell claims and claims against Santiago. The parties shall suggest to the Court whether to try all claims in a single trial or to bifurcate plaintiffs' individual claims. 3. If necessary, a bench trial where the Court will try plaintiffs' claims for equitable remedies. The parties shall offer their opinions on this proposal at the conference, and can make recommendations and propose alternatives. The City shall also inform the Court at the conference whether it will pay for any liability that attaches to Santiago. If it will, then the parties shall brief the issue of whether it is necessary to try the Monell claims to a jury if Santiago is found liable. Furthermore, the parties shall offer their opinion on how, if at all, the pending appeal of the denial of class certification should affect the hearing and trials. (Signed by Judge Alvin K. Hellerstein on 3/15/2017) (cla) Modified on 3/21/2017 (cla). (Entered: 03/15/2017)
03/15/2017	<u>305</u>	LETTER addressed to Judge Alvin K. Hellerstein from James L. Bromley dated March 15, 2017 re: authority concerning jury right for Plaintiffs' Monell damages claims. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 03/15/2017)
03/17/2017	<u>306</u>	JOINT LETTER addressed to Judge Alvin K. Hellerstein from James L. Bromley dated March 17, 2017 re: proposed agenda for March 20, 2017 status conference. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 03/17/2017)
03/20/2017		Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 3/20/2017, (Evidentiary Hearing set for 5/8/2017 at 10:00 AM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein., Final Pretrial Conference set for 5/1/2017 at 10:00 AM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein., Jury Trial set for 5/9/2017 at 10:00 AM in Courtroom 14D, 500 Pearl Street, New York, NY 10007 before Judge Alvin K. Hellerstein.). (Court Reporter Karen Gorlaski) (Jones, Brigitte) (Entered: 03/22/2017)
03/21/2017	<u>307</u>	ORDER SCHEDULING TRIAL: The Court will hold an evidentiary hearing on May 8, 2017 at 10:00 a.m. Motions due by 4/24/2017. Final Pretrial Conference set for 5/1/2017 at 10:00 AM before Judge Alvin K. Hellerstein. Proposed Pretrial Order due by 4/24/2017. Jury Trial set for 5/9/2017 at 10:00 AM before Judge Alvin K. Hellerstein. Trial will not be held on May 11 or May 12, 2017. (Signed by Judge Alvin K. Hellerstein on 3/21/2017) (cla) (Entered: 03/21/2017)
03/21/2017		Set/Reset Hearings: Evidentiary Hearing set for 5/8/2017 at 10:00 AM before Judge Alvin K. Hellerstein. (cla) (Entered: 03/21/2017)
03/21/2017		Set/Reset Hearings: Jury Selection set for 5/9/2017 at 10:00AM before Judge Alvin K. Hellerstein. (cla) (Entered: 03/24/2017)

03/24/2017	<u>308</u>	JOINT LETTER addressed to Judge Alvin K. Hellerstein from James L. Bromley dated March 24, 2017 re: requesting approval of a stipulated briefing schedule. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 03/24/2017)
03/27/2017	<u>309</u>	MOTION for Indicative Ruling on Plaintiffs' Renewed Motion for Class Certification . Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Text of Proposed Order)(Bromley, James) (Entered: 03/27/2017)
03/27/2017	<u>310</u>	MEMORANDUM OF LAW in Support re: <u>309</u> MOTION for Indicative Ruling on Plaintiffs' Renewed Motion for Class Certification . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 03/27/2017)
03/28/2017	<u>311</u>	MEMO ENDORSEMENT on re: <u>308</u> Letter re: requesting approval of a stipulated briefing schedule filed by Jane Doe 1, Jane Doe 2. ENDORSEMENT: So Ordered. (Motions due by 4/17/2017., Responses due by 4/14/2017, Replies due by 4/24/2017.) (Signed by Judge Alvin K. Hellerstein on 3/28/2017) (cla) (Entered: 03/28/2017)
04/03/2017	<u>312</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 3/20/2017 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Kelly Surina, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/24/2017. Redacted Transcript Deadline set for 5/4/2017. Release of Transcript Restriction set for 7/3/2017.(McGuirk, Kelly) (Entered: 04/03/2017)
04/03/2017	<u>313</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 3/20/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 04/03/2017)
04/04/2017	<u>314</u>	LETTER MOTION for Extension of Time <i>60-Day Continuance of Trial and 60-Day Extension of the Pre-Trial Deadlines</i> addressed to Judge Alvin K. Hellerstein from Liam Castro dated 4/4/2017. Document filed by Benny Santiago. (Attachments: # <u>1</u> Exhibit Treating Physician's Summary Report)(Castro, Liam) (Entered: 04/04/2017)
04/06/2017	<u>315</u>	ORDER DENYING CONTINUANCE. Defendant Benny Santiago's request for a continuance is denied without prejudice. Santiago should move formally, supported by affidavits and briefs, for appropriate relief, and as further set forth in this Order. The motion and supporting papers shall be filed by April 14, 2017; opposition papers by April 19, 2017. A hearing will be held on April 21, 2017 at 11:00 a.m. The Clerk shall terminate the motion (ECF <u>314</u>). SO ORDERED. Denying <u>314</u> LETTER MOTION for Extension of Time <i>60-Day Continuance of Trial and 60-Day Extension of the Pre-Trial Deadlines</i> addressed to Judge Alvin K. Hellerstein from Liam Castro dated 4/4/2017. Document filed by Benny Santiago. (Signed by Judge Alvin K. Hellerstein on 4/6/2017) (rjm) (Entered: 04/07/2017)
04/06/2017		Set/Reset Deadlines: (Motions due by 4/14/2017. Responses due by 4/19/2017), Set/Reset Hearings: (Oral Argument set for 4/21/2017 at 11:00 AM before Judge Alvin K. Hellerstein.) (rjm) (Entered: 04/07/2017)
04/12/2017	<u>316</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – MOTION for Ryan D. Budhu to Withdraw as Attorney . Document filed by The City of New York.(Budhu, Ryan) Modified on 5/24/2017 (ldi). (Entered: 04/12/2017)
04/13/2017	<u>317</u>	FIRST MOTION for Writ of Habeas Corpus Ad Testificandum as to Misty Wilson . Document filed by Jane Doe 1, Jane Doe 2.(Bodden, Marlen) (Entered: 04/13/2017)
04/13/2017	<u>318</u>	FIRST MEMORANDUM OF LAW in Support re: <u>317</u> FIRST MOTION for Writ of Habeas Corpus Ad Testificandum as to Misty Wilson . . Document filed by Jane Doe 1, Jane Doe 2. (Bodden, Marlen) (Entered: 04/13/2017)
04/13/2017	<u>319</u>	DECLARATION of Marlen S. Bodden in Support re: <u>317</u> FIRST MOTION for Writ of Habeas Corpus Ad Testificandum as to Misty Wilson .. Document filed by Jane Doe 1, Jane Doe 2. (Bodden, Marlen) (Entered: 04/13/2017)

04/14/2017	<u>320</u>	FILING ERROR – DEFICIENT DOCKET ENTRY (SEE <u>322</u> Declaration) – DECLARATION of Liam Castro, Esq. in Support re: <u>314</u> LETTER MOTION for Extension of Time <i>60–Day Continuance of Trial and 60–Day Extension of the Pre–Trial Deadlines</i> addressed to Judge Alvin K. Hellerstein from Liam Castro dated 4/4/2017.. Document filed by Benny Santiago. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Castro, Liam) Modified on 4/17/2017 (db). (Entered: 04/14/2017)
04/14/2017	<u>321</u>	SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines.</i> Document filed by Benny Santiago.(Castro, Liam) (Entered: 04/14/2017)
04/14/2017	<u>322</u>	DECLARATION of Liam L. Castro, Esq. in Support re: <u>321</u> SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines..</i> Document filed by Benny Santiago. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Castro, Liam) (Entered: 04/14/2017)
04/14/2017	<u>323</u>	DECLARATION of Ellen J. Braunstein, M.D. in Support re: <u>321</u> SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines..</i> Document filed by Benny Santiago. (Castro, Liam) (Entered: 04/14/2017)
04/14/2017	<u>324</u>	DECLARATION of Jasmine Santiago in Support re: <u>321</u> SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines..</i> Document filed by Benny Santiago. (Castro, Liam) (Entered: 04/14/2017)
04/14/2017	<u>325</u>	DECLARATION of Arthur G. Larkin in Opposition re: <u>309</u> MOTION for Indicative Ruling on Plaintiffs' Renewed Motion for Class Certification .. Document filed by The City of New York. (Larkin, Arthur) (Entered: 04/14/2017)
04/14/2017	<u>326</u>	MEMORANDUM OF LAW in Opposition re: <u>309</u> MOTION for Indicative Ruling on Plaintiffs' Renewed Motion for Class Certification . . Document filed by The City of New York. (Larkin, Arthur) (Entered: 04/14/2017)
04/14/2017	<u>327</u>	MEMORANDUM OF LAW in Support re: <u>321</u> SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines. .</i> Document filed by Benny Santiago. (Castro, Liam) (Entered: 04/14/2017)
04/17/2017	<u>328</u>	ORDER: granting <u>316</u> Motion to Withdraw as Attorney. So Ordered. Attorney Ryan Budhu terminated. (Signed by Judge Alvin K. Hellerstein on 4/14/2017) (ap) (Entered: 04/17/2017)
04/17/2017	<u>329</u>	MOTION in Limine <i>to exclude certain evidence and for other relief.</i> Document filed by The City of New York. Return Date set for 5/1/2017 at 10:00 AM.(Larkin, Arthur) (Entered: 04/17/2017)
04/17/2017	<u>330</u>	MEMORANDUM OF LAW in Support re: <u>329</u> MOTION in Limine <i>to exclude certain evidence and for other relief. .</i> Document filed by The City of New York. (Attachments: # <u>1</u> Exh. A (JD–1 dep excerpts), # <u>2</u> Exh. B (indictment), # <u>3</u> Exh. C (guilty plea), # <u>4</u> Exh. D (interrogatory answer), # <u>5</u> Exh. E (CPL sec. 730 report), # <u>6</u> Exh. F (Lopez–Leon report), # <u>7</u> Exh. G (JD–2 dep excerpts), # <u>8</u> Exh. H. (Heinig Report), # <u>9</u> Exh. I (Heinig dep excerpts), # <u>10</u> Exh. J (Ryan report), # <u>11</u> Exh. K (Ryan dep excerpts), # <u>12</u> Exh. L (B. Wilson dep excerpts))(Larkin, Arthur) (Entered: 04/17/2017)
04/17/2017	<u>331</u>	MOTION in Limine <i>/Notice of Plaintiffs' Motion In Limine to preclude evidence of Plaintiffs' and Witness's Criminal History at Trial, dated April 17, 2017.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>332</u>	DECLARATION of Katherine M. Sheridan, dated April 17, 2017 in Support re: <u>331</u> MOTION in Limine <i>/Notice of Plaintiffs' Motion In Limine to preclude evidence of Plaintiffs' and Witness's Criminal History at Trial, dated April 17, 2017..</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)

04/17/2017	<u>333</u>	MEMORANDUM OF LAW in Support re: <u>331</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine to preclude evidence of Plaintiffs' and Witness's Criminal History at Trial, dated April 17, 2017.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>334</u>	MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Theresa Lantz.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>335</u>	MEMORANDUM OF LAW in Support re: <u>334</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Theresa Lantz.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>336</u>	DECLARATION of Joseph Kay in Support re: <u>334</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Theresa Lantz.</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit 1 (Redacted Ryan Report), # <u>2</u> Exhibit 2 (Redacted Lantz Transcript, 2/8/17), # <u>3</u> Exhibit 3 (Redacted Lantz Report), # <u>4</u> Exhibit 4 (Redacted Sexual Safety Assessment Report))(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>337</u>	MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Manuel Lopez–Leon, M.D.</i> .. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>338</u>	MEMORANDUM OF LAW in Support re: <u>337</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Manuel Lopez–Leon, M.D.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>339</u>	DECLARATION of Katherine C. Ellis in Support re: <u>337</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Manuel Lopez–Leon, M.D.</i> ... Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>340</u>	MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Preclude Testimony From Previously Undisclosed Defense Witnesses.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>341</u>	MEMORANDUM OF LAW in Support re: <u>340</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Preclude Testimony From Previously Undisclosed Defense Witnesses.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>342</u>	DECLARATION of Josh E. Anderson in Support re: <u>340</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Preclude Testimony From Previously Undisclosed Defense Witnesses.</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>343</u>	MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Deem Certain Facts Admitted.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>344</u>	MEMORANDUM OF LAW in Support re: <u>343</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Deem Certain Facts Admitted.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>345</u>	DECLARATION of Josh E. Anderson, dated April 17, 2017, in Support re: <u>343</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Deem Certain Facts Admitted.</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit 1 (Redacted Responses and Objections to Notice to Admit))(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>346</u>	MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Exclude Defendant the City of New York's Exhibits.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/17/2017)

04/17/2017	<u>347</u>	MEMORANDUM OF LAW in Support re: <u>346</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Exclude Defendant the City of New York's Exhibits.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>348</u>	DECLARATION of Joseph Kay, dated April 17, 2017 in Support re: <u>346</u> MOTION in Limine / <i>Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Exclude Defendant the City of New York's Exhibits.</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>349</u>	MOTION to Seal Document <u>336</u> Declaration in Support of Motion, <u>345</u> Declaration in Support of Motion, / <i>Notice of Plaintiffs' Motion, dated April 17, 2017, to Seal Certain Exhibits to Declarations in Support of Plaintiffs' Motions In Limine.</i> Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>350</u>	MEMORANDUM OF LAW in Support re: <u>349</u> MOTION to Seal Document <u>336</u> Declaration in Support of Motion, <u>345</u> Declaration in Support of Motion, / <i>Notice of Plaintiffs' Motion, dated April 17, 2017, to Seal Certain Exhibits to Declarations in Support of Plaintiffs' Motion .</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/17/2017	<u>351</u>	SUPPLEMENTAL MEMORANDUM OF LAW <i>Concerning Trial Sequencing.</i> Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/17/2017)
04/18/2017	<u>352</u>	AMENDED MEMORANDUM OF LAW in Support re: <u>329</u> MOTION in Limine <i>to exclude certain evidence and for other relief.</i> . Document filed by The City of New York. (Larkin, Arthur) (Entered: 04/18/2017)
04/19/2017	<u>353</u>	RESPONSE to Motion re: <u>321</u> SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines. Defendant City of New York's Memorandum of Law Joining Santiago's motion for continuance.</i> Document filed by The City of New York. (Larkin, Arthur) (Entered: 04/19/2017)
04/19/2017	<u>354</u>	DECLARATION of Mitchell A. Lowenthal, dated April 19, 2017 in Opposition re: <u>321</u> SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines.</i> .. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit 1 (Records for Bienvenido Santiago), # <u>2</u> Exhibit 2 (Patient Discharge Instructions), # <u>3</u> Exhibit 3 (Ellen J. Braunstein, M.D. Summary and Reports), # <u>4</u> Exhibit 4 (Treating Physician's Summary Report), # <u>5</u> Exhibit 5 (Letter from Dr. Antonio Joseph), # <u>6</u> Exhibit 6 (E–mail from Lowenthal and response by Castro), # <u>7</u> Exhibit 7 (Letter from Dr. William B. Barr))(Bromley, James) (Entered: 04/19/2017)
04/19/2017	<u>355</u>	MEMORANDUM OF LAW in Opposition re: <u>321</u> SECOND MOTION for Extension of Time <i>Order granting a 60–day Continuance of the trial scheduled to commence on May 8, 2017 plus a 60–day Continuance of all pre–trial deadlines.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/19/2017)
04/20/2017	<u>356</u>	ORDER GRANTING MOTION TO SEAL CERTAIN EXHIBITS TO DECLARATIONS IN SUPPORT OF PLAINTIFFS' MOTIONS IN LIMINE granting <u>349</u> Motion to Seal Document. IT IS HEREBY ORDERED that the Motion is GRANTED; and IT IS FURTHER ORDERED that Exhibit 1 to the Declaration of Josh E. Anderson in Support of Plaintiffs' Motion in Limine to Deem Certain Facts Admitted, dated April 17, 2017, shall be filed under seal; and IT IS FURTHER ORDERED that Exhibits 1–4 to the Declaration of Joseph Kay in Support of Plaintiffs' Motion in Limine to Exclude the Expert Report and Proposed Trial Testimony of Theresa Lantz, dated April 17, 2017, shall be filed Under seal. (Signed by Judge Alvin K. Hellerstein on 4/20/2017) (cla) (Entered: 04/20/2017)
04/21/2017	<u>357</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 04/21/2017)
04/21/2017	<u>358</u>	CONSENT ORDER GRANTING A WRIT OF HABEAS CORPUS AS TESTIFICANDUM AND PERMITTING A PERSON CONFINED IN PRISON TO APPEAR AT COURT UNSHACKLED AND WEARING CIVILIAN CLOTHING: IT IS HEREBY ORDERED, that the Motion is GRANTED; and IT IS FURTHER ORDERED that the following steps shall be taken: 1. The New York State Department

		of Corrections and Community Supervision ("DOCCS") shall cause Wilson to be transferred from Bedford Hills CF to the custody of the Federal Bureau of Prisons Metropolitan Correction Center ("MCC") located at 150 Park Row, New York, NY 10007. Wilson shall appear at such place as designated by Bedford Hills CF and the DOCCS so that her transfer can be caused. 2. The DOCCS shall have discretion as to the date and time of Wilson's transfer, provided, however, that the transfer must be completed by May 1, 2017. 3. The MCC shall produce Wilson to the U.S. Marshal for the Southern District of New York for the hearing on May 8, 2017, commencing at 10:00 A.M., and for so long thereafter as the hearing continues, and to the trial of the above-captioned action commencing May 9, 2017, at 10:00 A.M., and for so long thereafter as the trial continues. 4. After the completion of the hearing and trial, DOCCS shall cause Wilson to be transferred from the MCC back to the custody of Bedford Hills CF. 5. Plaintiffs shall bear any costs associated with DOCCS' transfer of Wilson to and from the MCC. 6. Plaintiffs shall serve a copy of this order on DOCCS, the U.S. Marshal, and the MCC. (Signed by Judge Alvin K. Hellerstein on 4/20/2017) (cla) (Entered: 04/21/2017)
04/24/2017	<u>359</u>	SUPPLEMENTAL MEMORANDUM OF LAW re: <u>351</u> Memorandum of Law regarding Trial Sequencing. Document filed by The City of New York. (Larkin, Arthur) (Entered: 04/24/2017)
04/24/2017	<u>360</u>	JOINT FINAL TRIAL REPORT. Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit A (Marked Pleadings), # <u>2</u> Exhibit B (Santiago's Cross-Claims, City Answer), # <u>3</u> Exhibit C SEALED (Deposition Designations), # <u>4</u> Exhibit D SEALED (Plaintiffs' Exhibit List, etc.), # <u>5</u> Exhibit E SEALED (Def't. City's Exhibit List, etc.), # <u>6</u> Exhibit F SEALED (Def't. Santiago's Exhibit List, etc.))(Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>361</u>	MEMORANDUM OF LAW in Opposition re: <u>346</u> MOTION in Limine /Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Exclude Defendant the City of New York's Exhibits., <u>334</u> MOTION in Limine /Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Theresa Lantz., <u>337</u> MOTION in Limine /Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to exclude the expert report and proposed trial testimony of Manuel Lopez-Leon, M.D., <u>331</u> MOTION in Limine /Notice of Plaintiffs' Motion In Limine to preclude evidence of Plaintiffs' and Witness's Criminal History at Trial, dated April 17, 2017., <u>340</u> MOTION in Limine /Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Preclude Testimony From Previously Undisclosed Defense Witnesses., <u>343</u> MOTION in Limine /Notice of Plaintiffs' Motion In Limine, dated April 17, 2017, to Deem Certain Facts Admitted. . Document filed by The City of New York. (Attachments: # <u>1</u> Exh. A (JD-1 certificates of disposition), # <u>2</u> Exh. B (JD-1 deposition excerpts), # <u>3</u> Exh. C (JD-1 statements), # <u>4</u> Exh. D (complaint, arrest rept.), # <u>5</u> Exh. E (complaint), # <u>6</u> Exh. F (complaint), # <u>7</u> Exh. G (Rosenbaum Report re JD-1), # <u>8</u> Exh. H (Lopez-Leon CV), # <u>9</u> Exh. I (Lopez-Leon deposition excerpts), # <u>10</u> Exh. J (E-mail re exhibits), # <u>11</u> Exh. K (JD-2 guilty plea), # <u>12</u> Exh. L (JD-2 deposition excerpts), # <u>13</u> Exh. M (Rosenbaum Rept. re JD-2))(Larkin, Arthur) (Entered: 04/24/2017)
04/24/2017	<u>362</u>	REPLY MEMORANDUM OF LAW in Support re: <u>309</u> MOTION for Indicative Ruling on Plaintiffs' Renewed Motion for Class Certification . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>363</u>	REQUEST FOR VOIR DIRE. Document filed by The City of New York.(Larkin, Arthur) (Entered: 04/24/2017)
04/24/2017	<u>364</u>	PROPOSED JURY INSTRUCTIONS. Document filed by The City of New York.(Larkin, Arthur) (Entered: 04/24/2017)
04/24/2017	<u>365</u>	PRETRIAL MEMORANDUM. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>366</u>	PRETRIAL MEMORANDUM. Document filed by Benny Santiago.(Castro, Liam) (Entered: 04/24/2017)
04/24/2017	<u>367</u>	PROPOSED JURY INSTRUCTIONS. Document filed by Benny Santiago.(Castro, Liam) (Entered: 04/24/2017)

04/24/2017	<u>368</u>	PROPOSED VOIR DIRE QUESTIONS. Document filed by Benny Santiago.(Castro, Liam) (Entered: 04/24/2017)
04/24/2017	<u>369</u>	PROPOSED JURY INSTRUCTIONS. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>370</u>	PROPOSED VOIR DIRE QUESTIONS. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>371</u>	DECLARATION of Joseph Kay, dated April 24, 2017 in Opposition re: <u>329</u> MOTION in Limine <i>to exclude certain evidence and for other relief.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Attachments: # <u>1</u> Exhibit 1 (Ryan Expert Report, etc.), # <u>2</u> Exhibit 2 SEALED (DOC Santiago Complaint Memo), # <u>3</u> Exhibit 3 SEALED (DOC Santiago Plea Agrmt.))(Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>372</u>	MEMORANDUM OF LAW in Opposition re: <u>329</u> MOTION in Limine <i>to exclude certain evidence and for other relief.</i> . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>373</u>	MOTION to Seal Document <u>371</u> Declaration in Opposition to Motion, <u>360</u> Joint Final Trial Report, . Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 04/24/2017)
04/24/2017	<u>374</u>	MEMORANDUM OF LAW in Support re: <u>373</u> MOTION to Seal Document <u>371</u> Declaration in Opposition to Motion, <u>360</u> Joint Final Trial Report, . . Document filed by Jane Doe 1, Jane Doe 2. (Bromley, James) (Entered: 04/24/2017)
04/25/2017	<u>375</u>	LETTER addressed to Judge Alvin K. Hellerstein from Liam L. Castro, Esq. (LC9291) dated April 25, 2017 re: Cancellation of the April 26, 2017, hearing. Document filed by Benny Santiago.(Castro, Liam) (Entered: 04/25/2017)
04/25/2017	<u>376</u>	MEMO ENDORSEMENT on re: <u>375</u> Letter re: Cancellation of the April 26, 2017, hearing filed by Benny Santiago. ENDORSEMENT: The status conference scheduled for 4/26/2017 is canceled. (Signed by Judge Alvin K. Hellerstein on 4/25/2017) (cla) (Entered: 04/25/2017)
04/25/2017	<u>377</u>	CERTIFICATE OF SERVICE of Consent Order served on New York State Department of Corrections and Community Supervision on April 24, 2017. Service was accepted by Nancy Bryden. Document filed by Jane Doe 1, Jane Doe 2. (Bodden, Marlen) (Entered: 04/25/2017)
04/25/2017	<u>378</u>	CERTIFICATE OF SERVICE of Consent Order served on Bureau of Prisons, MCC on April 24, 2017. Service was accepted by Stephanie Scanell. Document filed by Jane Doe 1, Jane Doe 2. (Bodden, Marlen) (Entered: 04/25/2017)
04/25/2017	<u>379</u>	CERTIFICATE OF SERVICE of Consent Order served on U.S. Marshal SDNY on April 25, 2017. Service was accepted by Samson Choo. Document filed by Jane Doe 1, Jane Doe 2. (Bodden, Marlen) (Entered: 04/25/2017)
04/26/2017	<u>380</u>	ORDER GRANTING PLAINTIFFS' MOTION TO SEAL CERTAIN EXHIBITS TO (A) PROPOSED JOINT PRE-TRIAL ORDER AND (B) DECLARATION OF JOSEPH KAY IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT THE CITY OF NEW YORK'S MOTIONS IN LIMINE granting <u>373</u> Motion to Seal Document. IT IS HEREBY ORDERED that the Motion is GRANTED; IT IS FURTHER ORDERED that Exhibits C, D and E to the Proposed Joint Pre-Trial Order, dated April 24, 2017, shall be filed under seal; and IT IS FURTHER ORDERED that Exhibits 2 and 3 to the Declaration of Joseph Kay in Support of Plaintiffs' Opposition to Defendant the City of New York's Motions in Limine, dated April 24, 2017, shall be filed under seal. (Signed by Judge Alvin K. Hellerstein on 4/26/2017) (cla) (Entered: 04/26/2017)
04/26/2017	<u>381</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated April 26, 2017 re: Request for permission to bring electronic devices to court. Document filed by The City of New York.(Larkin, Arthur) (Entered: 04/26/2017)
04/26/2017	<u>382</u>	SEALED DOCUMENT placed in vault.(rz) (Entered: 04/26/2017)
05/01/2017	<u>383</u>	LETTER addressed to Judge Alvin K. Hellerstein from Arthur G. Larkin dated May 1, 2017 re: Settlement of plaintiffs' claims against the City. Document filed by The City

		of New York.(Larkin, Arthur) (Entered: 05/01/2017)
05/02/2017	<u>384</u>	NOTICE OF APPEARANCE by Joey Jackson on behalf of Benny Santiago. (Jackson, Joey) (Entered: 05/02/2017)
05/02/2017	<u>385</u>	LETTER addressed to Judge Alvin K. Hellerstein from Liam Castro, Esq. dated 5/2/2017 re: Request to Bring Personal Electronic Devices and General Computing Devices to Court. Document filed by Benny Santiago. (Attachments: # <u>1</u> Text of Proposed Order Authorization to Bring Personal Electronic Devices)(Castro, Liam) (Entered: 05/02/2017)
05/02/2017	<u>386</u>	LETTER addressed to Judge Alvin K. Hellerstein from Mitchell A. Lowenthal dated May 2, 2017 re: requesting permission to bring certain electronic devices to the courthouse for use at trial, etc.. Document filed by Jane Doe 1, Jane Doe 2.(Lowenthal, Mitchell) (Entered: 05/02/2017)
05/02/2017	<u>387</u>	ORDER: IT IS HEREBY ORDERED that the following individuals shall be permitted to enter the Courthouse between May 4–9, 2017 for purposes of installing the technological equipment listed below in my courtroom for use during the trial in the captioned matter, scheduled to begin May 9, 2017; for Plaintiffs, Brian Lee. SO ORDERED. Setup on May 4, 2017 to commence at 3pm., and as further set forth in this order. (Signed by Judge Alvin K. Hellerstein on 5/2/2017) (ap) Modified on 5/16/2017 (ap). (Entered: 05/02/2017)
05/03/2017	<u>388</u>	ORDER DENYING MOTIONS REGARDING NATURE OF TRIAL denying <u>329</u> Motion in Limine; granting <u>331</u> Motion in Limine; denying <u>334</u> Motion in Limine; granting in part and denying in part <u>337</u> Motion in Limine; granting <u>340</u> Motion in Limine; denying <u>343</u> Motion in Limine; denying <u>346</u> Motion in Limine. Santiago's motion to preclude evidence regarding his disciplinary history is denied. Santiago's motion to preclude evidence of the New York City Department of Investigation's inspection into JD2' s allegations of sexual assault is granted. Santiago's motion to preclude references to JDI's allegations of sexual misconduct in 2008–09 against him is denied. Plaintiffs' motion to exclude the criminal histories of JDI and JD2 is granted in part and denied in part. Plaintiffs' motion to deem as an undisputed fact that a pair of jeans were seized from JD2 on May 10, 2013 and produced on May 14, 2013 is granted. Plaintiffs' motion to exclude the expert report and testimony of Dr. Manuel Lopez–Leon is denied. The evidentiary hearing scheduled for May 8, 2017 is canceled. Trial will be held on May 11, 2017. Trial will be recessed until June 12, 2017 if it does not conclude by May 19, 2017. The parties shall submit a revised Joint Pretrial Order by May 5, 2017. A second final pretrial conference will be held on May 8, 2017 at 10:00 a.m. These holdings are preliminary, and are subject to rehearing at trial. (As further set forth in this Order.) (Signed by Judge Alvin K. Hellerstein on 5/2/2017) (cf) Modified on 5/17/2017 (cf). (Entered: 05/04/2017)
05/03/2017		Set/Reset Deadlines: (Pretrial Order due by 5/5/2017.), Set/Reset Hearings:(Final Pretrial Conference set for 5/8/2017 at 10:00 AM before Judge Alvin K. Hellerstein.) (cf) (Entered: 05/04/2017)
05/05/2017	<u>389</u>	LETTER addressed to Judge Alvin K. Hellerstein from James L. Bromley dated May 5, 2017 re: settlement in principle with defendant Benny Santiago. Document filed by Jane Doe 1, Jane Doe 2.(Bromley, James) (Entered: 05/05/2017)
05/05/2017	<u>390</u>	TRANSCRIPT of Proceedings re: CONFERENCE held on 4/21/2017 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Tara Jones, (212) 805–0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/26/2017. Redacted Transcript Deadline set for 6/5/2017. Release of Transcript Restriction set for 8/3/2017.(McGuirk, Kelly) (Entered: 05/05/2017)
05/05/2017	<u>391</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 4/21/17 has been filed by the court reporter/transcriber in the above–captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/05/2017)

05/08/2017	<u>392</u>	MEMO ENDORSEMENT on re: <u>389</u> Letter filed by Jane Doe 1, Jane Doe 2. ENDORSEMENT: A suggestion of settlement having been made, this case is dismissed. If the settlement is not consummated within 30 days of this order, or an authorized enlarged date, either party may apply by letter for restoration of the action within 10 days after the close of said period. All pending court dates are cancelled. The Clerk is directed to close the case. (Signed by Judge Alvin K. Hellerstein on 5/8/2017) (mro) (Entered: 05/09/2017)
05/08/2017		Terminate Transcript Deadlines (mro) (Entered: 05/09/2017)
05/16/2017	<u>393</u>	TRANSCRIPT of Proceedings re: conference held on 5/1/2017 before Judge Alvin K. Hellerstein. Court Reporter/Transcriber: Kelly Surina, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/6/2017. Redacted Transcript Deadline set for 6/16/2017. Release of Transcript Restriction set for 8/14/2017.(McGuirk, Kelly) (Entered: 05/16/2017)
05/16/2017	<u>394</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 5/1/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 05/16/2017)
05/23/2017	<u>395</u>	FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) Benny Santiago and without costs to either party pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by Jane Doe 2, Jane Doe 1.(Bromley, James) Modified on 5/24/2017 (km). (Entered: 05/23/2017)
05/24/2017		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney James Bromley for noncompliance with Section 18.3 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u>395</u> Stipulation of Voluntary Dismissal to: judgments@nysd.uscourts.gov. (km) (Entered: 05/24/2017)
05/25/2017	<u>396</u>	STIPULATION OF DISCONTINUANCE: IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys of record for Plaintiffs and Defendant Benny Santiago, that no party to this Stipulation is an infant or an incompetent person for whom a committee has been appointed or conservatee, and no person not a party has an interest in the subject matter of the action, the above entitled action is discontinued with prejudice as to Defendant Benny Santiago and without costs or disbursements to either. A copy of this stipulation shall be deemed an original for all purposes and may be filed with the Clerk of the Court without further notice to any party. Benny Santiago terminated. (Signed by Judge Alvin K. Hellerstein on 5/25/2017) (mro) (Entered: 05/25/2017)
05/26/2017	<u>397</u>	STIPULATION AND ORDER OF DISMISSAL: WHEREAS, plaintiffs Jane Doe 1 and Jane Doe 2 and the City have reached a settlement agreement and now desire to resolve the remaining issues raised in this litigation as between them, without further proceedings and without admitting any fault or liability; NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, that 1. The above-referenced action is hereby dismissed as against the City only, with prejudice; and 2. Notwithstanding the dismissal of plaintiffs' claims against the City in accordance with this agreement, and those certain stipulations of settlement (the "Settlement Stipulations") between Jane Doe 1, on the one hand, and the City, on the other; between Jane Doe 2, on the one hand, and the City, on the other; and between counsel for plaintiffs, on the one hand, and the City, on the other, the District Court shall continue to maintain jurisdiction over this action for the purpose of enforcing the terms of the Settlement Stipulations. The City of New York terminated. (Signed by Judge Alvin K. Hellerstein on 5/26/2017) (mro) (Entered: 05/26/2017)
07/05/2017	<u>398</u>	MANDATE of USCA (Certified Copy) USCA Case Number 16-796. The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to

	FRAP 42. The stipulation is hereby "So Ordered". Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 07/05/2017. (nd) (Entered: 07/05/2017)
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