

CLOSED

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Buffalo)
CIVIL DOCKET FOR CASE #: 1:76-cv-00508-JTC**

Marcera, et al v. Chinlund, et al
Assigned to: Hon. John T. Curtin
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/15/1976
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Joseph Marcera

Plaintiff

John Dillman

Plaintiff

Chuck Whipple

Plaintiff

Kenneth Wright

Plaintiff

Robert J Borucki

represented by **Bryan D. Hetherington**
Public Interest Law of Rochester
80 St. Paul Street
Suite 701
Rochester, NY 14604
585-295-5809
Fax: 585-454-4019
Email: bhetheri@wnylc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Frank Gleason

*Individually and on behalf of all others
similarly situated*

V.

Defendant

Stephen Chinlund

TERMINATED: 07/21/1992

Defendant

Joseph Wasser*TERMINATED: 07/21/1992***Defendant****Dorothy Wadsworth***Individually and in their official capacities as members of NYS Commission of Correction.**TERMINATED: 07/21/1992***Defendant****Carl Draxler***Individually and as Sheriff of Chemung County**TERMINATED: 07/21/1992***Defendant****John Ackerson***Individually and in their official capacities and on behalf of all others similarly situated.**TERMINATED: 07/21/1992***Defendant****Undersheriff Sherwood O'Dell***TERMINATED: 07/21/1992***Defendant****Andrew P. Meloni***official capacity as Sheriff of Monroe County**TERMINATED: 07/21/1992***Defendant****Sheriff of Clinton County****Defendant****Sheriff of Delaware County**

Date Filed	#	Docket Text
01/14/1992		Minute entry: telephone conference held w/counsel re: settlement; set further Telephone Conference for 2/13/92 (mj) (Entered: 01/16/1992)
02/13/1992		Minute entry: Telephone conference held with counsel (mj) (Entered: 02/20/1992)
02/28/1992		Minute entry: telephone conf. held w/ counsel (former empl) (Entered: 03/11/1992)

03/26/1992	329	FILED PROPOSED STIPULATION and ORDER, re: contact visits, etc. signed by Judge John T. Curtin Notice and copy of order sent to Brian Hetherington, Andrew Lipkind, Paul Harrison, Patrick Malgieri, Deborah Farber, Louis Mustico, Peter Kehoe. (mj) (Entered: 03/30/1992)
03/26/1992	330	ORDER, set Meeting/Settlement Conference for 2:00 7/10/92 to discuss fairness of proposed settlement, etc.; further, notice to members of dft and pltf classes shall be given as specified in paragraph 46 of Stipulation of Settlement; further, objections/comments to be filed by 6/26/92 (signed by Judge John T. Curtin) Notice and copy of order sent to (mj) (Entered: 03/30/1992)
05/11/1992	331	Filed acknowledgment of service to pltf class-Essex County (mj) (Entered: 05/11/1992)
05/19/1992	332	Filed acknowledgement of receipt and distribution of notice for Wayne County re: proposed stipulation of settlement (mj) (Entered: 05/19/1992)
05/26/1992	333	Filed acknowledgment of receipt and distribution of notices for Livingston County (mj) (Entered: 05/26/1992)
05/26/1992	334	Filed acknowledgment of receipt and distribution of notices for Cayuga County (mj) (Entered: 05/26/1992)
05/28/1992	335	Filed Acknowledgement of Receipt and Distribution of Notices for Madison County (mj) (Entered: 05/29/1992)
05/29/1992	336	Filed Acknowledgement of Receipt and Distribution of Notices for Allegany County (mj) (Entered: 05/29/1992)
05/29/1992	337	Filed Acknowledgement of Receipt and Distribution of Notices for Ontario County (mj) (Entered: 05/29/1992)
06/01/1992	338	Filed Acknowledgement of receipt and distribution of notices for Rensselaer County (mj) (Entered: 06/01/1992)
06/01/1992	339	Filed Acknowledgement of receipt and distribution of notices for Oneida County (mj) (Entered: 06/01/1992)
06/01/1992	340	Filed Acknowledgement of Receipt and Distribution of notices for Cortland County (mj) (Entered: 06/01/1992)
06/01/1992	341	Filed Acknowledgement of Receipt and distribution of notices for Seneca County (mj) (Entered: 06/01/1992)
06/03/1992	342	Filed Acknowledgement of receipt and distribution of notices for Warren County (mj) (Entered: 06/03/1992)
06/03/1992	343	Filed Acknowledgement of receipt and distribution of notices for Washington County (mj) (Entered: 06/03/1992)
06/03/1992	344	Filed Acknowledgement of receipt and distribution of notices for Erie County (mj) (Entered: 06/03/1992)
06/04/1992	345	Filed Acknowledgement of receipt and distribution of notices for

		Schoharie County (mj) (Entered: 06/04/1992)
06/04/1992	346	Filed Acknowledgement of receipt and distribution of notices for Tompkins County. (mj) (Entered: 06/08/1992)
06/05/1992	347	Filed Acknowledgement of Receipt and Distribution of notices for Columbia County. (mj) (Entered: 06/08/1992)
06/12/1992	348	Filed Acknowledgement of receipt and distribution of notices for Monroe County (mj) (Entered: 06/12/1992)
06/12/1992	349	Filed Acknowledgement of receipt and distribution of notices for Schuyler County (mj) (Entered: 06/12/1992)
06/12/1992	350	Filed Acknowledgement of receipt and distribution of notices for Tioga County (mj) (Entered: 06/12/1992)
06/15/1992	351	Filed Acknowledgement of Receipt and Distribution of notices for Rockland County Correctional Center. (mj) (Entered: 06/15/1992)
06/22/1992	352	Filed Acknowledgement of receipt and distribution of notice for Cattaraugus County (mj) (Entered: 06/22/1992)
06/22/1992	353	Filed Acknowledgement of receipt and distribution of notice for Greene County (mj) (Entered: 06/22/1992)
06/22/1992	354	Filed Acknowledgement of receipt and distribution of notice for Delaware County. (mj) (Entered: 06/22/1992)
06/23/1992	355	NOTICE of attorney appearance for proposed class dft member Thomas Higgins - atty Patrick NeMoyer (mj) Modified on 06/24/1992 (Entered: 06/24/1992)
06/29/1992	356	Filed acknowledgement of receipt and distribution of notices for Lewis County. (mj) (Entered: 06/29/1992)
06/29/1992	357	Filed acknowledgement of receipt and distribution of notices for Steuben County (mj) (Entered: 06/29/1992)
06/30/1992	358	Filed Acknowledgement of receipt and distribution of notices for Montgomery County (mj) (Entered: 07/01/1992)
07/06/1992	359	Filed Acknowledgement of receipt and distribution of notices in Saratoga County. (mj) (Entered: 07/07/1992)
07/06/1992	360	Filed Acknowledgement of receipt and distribution of notices for Jefferson County. (mj) (Entered: 07/07/1992)
07/09/1992	361	Filed ltr to Judge Curtin from George Pulver dtd 7/6/92 re: Greene County, etc. (mj) (Entered: 07/10/1992)
07/15/1992	362	Filed ltr to Clerk from W.H. Hoffman re: proposed stipulation (mj) (Entered: 07/15/1992)
07/16/1992		Minute entry: Settlement placed on record; various sheriffs dismissed from action, etc. (mj) (Entered: 07/23/1992)

07/20/1992	363	Filed ltr to Judge Curtin from J. Dawson dtd 6/14/92 re: Essex County Sheriff's affidavit (mj) (Entered: 07/21/1992)
07/20/1992	364	Filed ltr to John Adams from T. Young dtd 7/19/84 re: Affidavit. (mj) (Entered: 07/21/1992)
07/20/1992	365	Filed ltr to John Adams from R. Williamson dtd 7/23/92 re: original mtn papers. (mj) (Entered: 07/21/1992)
07/20/1992	366	Filed ltr to Judge Curtin from R. Duncombe dtd 7/23/84 re: contact visitation questionnaire. (mj) (Entered: 07/21/1992)
07/20/1992	367	Filed ltr to Judge Curtin from J. Dawson dtd 7/24/84 re: questionnaire (mj) (Entered: 07/21/1992)
07/20/1992	368	Filed ltr to Judge Curtin from W. Zielinski dtd 7/25/84 re: questionnaire completed by Livingston County Sheriff (mj) (Entered: 07/21/1992)
07/20/1992	369	Filed ltr to Judge Curtin from R. McDermott dtd 7/25/84 re: Madison County completed questionnaire (mj) (Entered: 07/21/1992)
07/20/1992	370	Filed ltr to Judge Curtin from J. Tomasi dtd 7/25/92 re: completed questionnaire from Washington County Sheriff. (mj) (Entered: 07/21/1992)
07/20/1992	371	Filed ltr to Judge Curtin from S. Easter dtd 7/25/84 re: affidavits and questionnaires (mj) (Entered: 07/21/1992)
07/20/1992	372	Filed ltr to Judge Curtin from L. Walbridge dtd 7/25/84 re: affidavit and questionnaire (mj) (Entered: 07/21/1992)
07/20/1992	373	Filed ltr to Judge Curtin from P. Patti dtd 7/26/84 re: affidavit and questionnaire (mj) (Entered: 07/21/1992)
07/20/1992	374	Filed ltr to Judge Curtin from P. McGill dtd 7/26/84 re: verified affidavit (mj) (Entered: 07/21/1992)
07/20/1992	375	Filed ltr to Judge Curtin from J. King dtd 7/27/84 re: questionnaire (mj) (Entered: 07/21/1992)
07/20/1992	376	Filed ltr to John Adams from A. Bishop dtd 7/27/84 re: contact visitation questionnaire (mj) (Entered: 07/21/1992)
07/20/1992	377	Filed ltr to Judge Curtin from M. Gold dtd 7/26/84 re: contact visitation questionnaire (mj) (Entered: 07/21/1992)
07/20/1992	378	Filed ltr to Judge Curtin from J. Park dtd 12/4/84 re: mtn to dismiss, etc. (mj) (Entered: 07/21/1992)
07/20/1992	379	Filed ltr to John Adams from R. Sant dtd 1/15/85 re: supplemental affidavit (mj) (Entered: 07/21/1992)
07/20/1992	380	Filed ltr to Clerk from D. Wyner dtd 5/18/92 re: acknowledgement from Wayne County (mj) (Entered: 07/21/1992)
07/20/1992	381	Filed ltr to Judge Curtin from J. Mulley dtd 5/22/92 re: mailing labels.

		(mj) (Entered: 07/21/1992)
07/20/1992	382	Filed ltr to Clerk from D. Guiney dtd 5/27/92 re: acknowledgement from Allegany County (mj) (Entered: 07/21/1992)
07/20/1992	383	Filed ltr to Clerk from K. Windstein dtd 5/28/92 re: acknowledgement of Ontario County (mj) (Entered: 07/21/1992)
07/20/1992	384	Filed ltr to Clerk from R. Mulvey dtd 6/3/92 re: acknowledgement of Tompkins County (mj) (Entered: 07/21/1992)
07/20/1992	385	Filed ltr to Clerk from C. Miller dtd 6/9/92 re: acknowledgment (mj) (Entered: 07/21/1992)
07/20/1992	386	Filed ltr to Clerk from J. Coleman dtd 6/10/92 re: acknowledgement of Schuyler County (mj) (Entered: 07/21/1992)
07/20/1992	387	Filed ltr to Clerk from T. Emmett dtd 6/10/92 re: acknowledgement for Tioga County (mj) (Entered: 07/21/1992)
07/20/1992	388	Filed ltr to Clerk from A. Minsker dtd 6/19/92 re: acknowledgement from Cattaraugus County (mj) (Entered: 07/21/1992)
07/20/1992	389	Filed ltr to Clerk from R. Trombly dtd 6/19/92 re: notice and proposed settlement, etc. (mj) (Entered: 07/21/1992)
07/20/1992	390	Filed ltr to Judge Curtin from J. Tuppen dtd 7/15/92 re: Thomas Higgins, etc. (mj) (Entered: 07/21/1992)
07/20/1992	391	AFFIDAVIT Bryan Hetherington in support of motion to approve settlement (mj) (Entered: 07/21/1992)
07/20/1992	392	ORDER directing that settlement is approved; dft class is decertified ; this action is dismissed as to the following county sheriffs-Allegany, Cattaraugus, Cayuga, Columbia, Cortland, Erie, Essex, Greene, Jefferson, Lewis, Livingston, Madison, Montgomery, Niagara, Oneida, Ontario, Orleans, Oswego, Rennselaer, Rockland, St. Lawrence, Saratoga, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne and action is dismissed against Sheriff Meloni of Monroe County, State Commission of Corrections, dfts Chinlund, Wasser and Wadsworth; action is converted and new title is against Sheriffs of the Counties of Clinton and Delaware, etc. (signed by Judge John T. Curtin) Notice and copy of order sent to all attys (mj) Modified on 07/28/1992 (Entered: 07/21/1992)
07/21/1992	393	JUDGMENT filed on decision by court. (clerk). (mj) (Entered: 07/21/1992)
07/30/1992	394	ORDER, directing clerk to enter partial jgm as proposed by B. Hetherington; clerk to send cpy of jgm and order of 7/16/92 to 34 County Attorneys representing sheriffs. (signed by Judge John T. Curtin) Notice and copy of order sent to Patrick H. NeMoyer, Bryan D. Hetherington (mj) (Entered: 07/31/1992)
07/31/1992	395	PARTIAL JUDGMENT entered on decision by court. (clerk). Notice and

		copy of judgment sent to Patrick H. NeMoyer, Bryan D. Hetherington (mj) (Entered: 07/31/1992)
09/14/1992	396	ORDER, to Extend Time for dfts to comply w/paragraph 9 of Consent order to 9/30/92 (signed by Judge John T. Curtin) Notice and copy of order sent to Patrick H. NeMoyer, Bryan D. Hetherington (mj) (Entered: 09/15/1992)
09/18/1992	397	AFFIDAVIT of Richard Spinney re: visitation, etc. in Delaware County (mj) (Entered: 09/21/1992)
09/21/1992	398	AFFIDAVIT of Russell Trombly re: inspection report (mj) (Entered: 09/21/1992)
09/28/1992	399	AFFIDAVIT of Richard Spinney re: contact visitation, etc. (mj) (Entered: 09/28/1992)
12/17/1993		Tele-conference set at 9:00 12/29/93 pursuant to notice from courtroom deputy (mj) (Entered: 12/17/1993)
12/28/1993		Tele-conference adjourned to 8:45 1/21/94 pursuant to notice from courtroom deputy (mj) (Entered: 12/28/1993)
01/21/1994		Tele-conference held; the counties are in complance; court to state same in order, etc. (mj) (Entered: 01/25/1994)
01/25/1994	400	ORDER directing that as settlement issues have been reached, this case is Dismissed (signed by Senior USDJ John T. Curtin) Notice and copy of order sent to (mj) (Entered: 01/26/1994)
01/25/1994		Case closed (mj) (Entered: 01/26/1994)

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