

ACO, CONSOLIDATED

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:19-cv-01075-ERK-PK**

Scott et al v. Quay
Assigned to: Judge Edward R. Korman
Referred to: Magistrate Judge Peggy Kuo
related Cases: [1:19-cv-02568-ERK-PK](#)
[1:19-cv-02135-MKB-PK](#)
[1:19-cv-02134-MKB-PK](#)
[1:19-cv-05039-ERK-PK](#)

Date Filed: 02/22/2019
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Cause: 28:1391 Personal Injury

Plaintiff

David Scott

represented by **Alexander A. Reinert**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

Warden Herman E. Quay
Warden Herman E. Quay
TERMINATED: 11/15/2019

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Defendant

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Date Filed	#	Docket Text
02/22/2019	<u>1</u>	COMPLAINT against Herman E. Quay filing fee \$ 400, receipt number ANYEDC-11224177 Was the Disclosure Statement on Civil Cover Sheet completed -NO., filed by David Scott, Jeremy Cerda. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons - Defendant Warden Herman E. Quay, # <u>3</u> Supplement - Related Case Statement) (Rosenfeld, Katherine) (Entered: 02/22/2019)
02/22/2019		Case Assigned to Judge Margo K. Brodie and Magistrate Judge Lois Bloom. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Davis, Kimberly) (Entered: 02/22/2019)
02/22/2019	<u>2</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Davis, Kimberly) (Entered: 02/22/2019)

02/22/2019	3	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Davis, Kimberly) (Entered: 02/22/2019)
02/22/2019	4	Notice of Related Case (Davis, Kimberly) (Entered: 02/22/2019)
02/22/2019	5	Summons Issued as to Herman E. Quay. (Davis, Kimberly) (Entered: 02/22/2019)
02/22/2019	6	NOTICE of Appearance by O. Andrew F. Wilson on behalf of Jeremy Cerda, David Scott (aty to be noticed) (Wilson, O. Andrew) (Entered: 02/22/2019)
03/05/2019		ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Steven M. Gold for all further proceedings. Magistrate Judge Lois Bloom no longer assigned to case Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Ordered by Chief Judge Dora Lizette Irizarry on 3/5/2019. (Bowens, Priscilla) (Entered: 03/05/2019)
04/11/2019	7	Third Party Motion filed by Olena Kalichenko and Antoanita Iotova to join the claim as class members. (Attachments: # 1 Mailing Envelope) (Piper, Francine) (Entered: 04/12/2019)
04/22/2019	8	SUMMONS Returned Executed by David Scott, Jeremy Cerda. Herman E. Quay served on 4/15/2019, answer due 5/6/2019. (Rosenfeld, Katherine) (Entered: 04/22/2019)
05/23/2019		STATUS REPORT ORDER: Counsel shall file a letter reporting on how he intends to proceed with the case by May 30, 2019. Ordered by Magistrate Judge Steven M. Gold on 5/23/2019. (Gillespie, Saudia) (Entered: 05/23/2019)
05/29/2019	9	Mail receipt (Wilson, O. Andrew) (Entered: 05/29/2019)
05/30/2019	10	Letter to Magistrate Judge Steven M. Gold In Response to the Court's May 23, 2019 Order by Jeremy Cerda, David Scott (Rosenfeld, Katherine) (Entered: 05/30/2019)
05/31/2019	11	SCHEDULING ORDER: An in-person initial conference will be held at 2:30 p.m. on September 13, 2019 before the undersigned in Courtroom 13-D South. Counsel for all parties must attend. Counsel for plaintiff are directed to immediately confirm this conference date and time with defendant's counsel. Adjournment requests will not be

		considered unless made in accordance with this Court's Individual Rules. Ordered by Magistrate Judge Steven M. Gold on 5/31/2019. (Attachments: # 1 Chamber's Individual Rules) (Gillespie, Saudia) (Entered: 05/31/2019)
07/19/2019	12	NOTICE of Appearance by Betsy R. Ginsberg on behalf of Jeremy Cerda (aty to be noticed) (Ginsberg, Betsy) (Entered: 07/19/2019)
07/19/2019	13	NOTICE of Appearance by Alexander A. Reinert on behalf of Jeremy Cerda (aty to be noticed) (Reinert, Alexander) (Entered: 07/19/2019)
07/23/2019	14	MOTION for pre motion conference <i>in connection with defendant's anticipated motion to dismiss</i> by Herman E. Quay. (Eichenholtz, Seth) (Entered: 07/23/2019)
07/23/2019		ORDER re 14 MOTION for pre motion conference. Plaintiffs shall respond to defendant's 14 motion for pre-motion conference on or before July 31, 2019. Ordered by Judge Margo K. Brodie on 7/23/2019. (Morel, Christopher) (Entered: 07/23/2019)
07/24/2019	15	NOTICE of Appearance by Sean P. Greene on behalf of Herman E. Quay (aty to be noticed) (Greene, Sean) (Entered: 07/24/2019)
07/26/2019	16	Letter <i>TO CLERK OF COURT, DOUGLAS C. PALMER; RE: REQUEST FOR PRO SE CASES TO BE DESIGNATED AS RELATED</i> by Jeremy Cerda, David Scott (Rosenfeld, Katherine) (Entered: 07/26/2019)
07/30/2019	17	Letter <i>responding to and opposing in part plaintiffs' July 26 letter request to deem six other cases related to this matter</i> by Herman E. Quay (Eichenholtz, Seth) (Entered: 07/30/2019)
07/31/2019	18	Letter <i>To: JUDGE BRODIE Re: OPPOSITION TO DEFENDANT QUAY'S REQUEST FOR A PRE-MOTION CONFERENCE TO DISMISS THE COMPLAINT. [ECF NO.14]</i> by Jeremy Cerda, David Scott (Rosenfeld, Katherine) (Entered: 07/31/2019)
07/31/2019	19	Letter <i>TO: JUDGE BRODIE RE: OPPOSITION TO DEFENDANT QUAY'S REQUEST FOR A PRE-MOTION CONFERENCE TO DISMISS THE COMPLAINT. [ECF NO.14] *CORRECTED*</i> by Jeremy Cerda, David Scott (Rosenfeld, Katherine) (Entered: 07/31/2019)
08/01/2019		ORDER granting in part and denying in part 14 Motion for Pre Motion Conference. The Court denies defendants' request for a pre-motion conference. The parties shall confer and agree to a schedule pursuant to which plaintiffs will file an amended complaint and

		defendants, to the extent they still seek to move to dismiss the amended complaint, would move to dismiss. Ordered by Judge Margo K. Brodie on 8/1/2019. (Morel, Christopher) (Entered: 08/01/2019)
08/06/2019	20	NOTICE of Appearance by Alexander A. Reinert on behalf of David Scott (aty to be noticed) (Reinert, Alexander) (Entered: 08/06/2019)
08/08/2019	21	Letter <i>TO JUDGE BRODIE re: JOINT PROPOSED SCHEDULE</i> by Jeremy Cerda, David Scott (Rosenfeld, Katherine) (Entered: 08/08/2019)
08/08/2019		ORDER re 21 Letter. The Court adopts the parties' proposed briefing schedule: plaintiffs shall file their amended complaint on or before November 15, 2019; defendants motion to dismiss, if any, shall be served on or before December 16, 2019; plaintiffs' opposition shall be served on or before January 24, 2020; and defendants' reply, if any, shall be filed on or before February 12, 2020. Ordered by Judge Margo K. Brodie on 8/8/2019. (Morel, Christopher) (Entered: 08/08/2019)
09/05/2019	22	MOTION to Adjourn Conference <i>from September 13 until a date after November 15, plaintiffs' deadline to amend the complaint</i> by Herman E. Quay. (Eichenholtz, Seth) (Entered: 09/05/2019)
09/09/2019	23	RESPONSE in Opposition re 22 MOTION to Adjourn Conference <i>from September 13 until a date after November 15, plaintiffs' deadline to amend the complaint</i> filed by Jeremy Cerda, David Scott. (Rosenfeld, Katherine) (Entered: 09/09/2019)
09/09/2019		ORDER: Denying 22 Motion to Adjourn Conference. The in-person initial conference previously set for September 13, 2019 at 2:30 p.m. <u>will proceed as scheduled</u> . Ordered by Magistrate Judge Steven M. Gold on 9/9/2019. (Gillespie, Saudia) (Entered: 09/09/2019)
09/12/2019	24	Letter <i>Advising Court that Defendant Intends to Seek a Stay of Discovery at the Initial Conference</i> by Herman E. Quay (Greene, Sean) (Entered: 09/12/2019)
09/12/2019	25	Letter to Douglas C. Palmer, Clerk of the Court, to Inquire as to the Status of Plaintiffs' Request for Pro Se Cases to be Designated as Related by Jeremy Cerda, David Scott (Rosenfeld, Katherine) (Entered: 09/12/2019)
09/16/2019	26	Minute Entry: Initial Conference Hearing held on 9/13/2019 before Magistrate Judge Steven M. Gold. Rosenfeld, Reinert and others for plaintiffs, Eichenholtz and Greene for defendant. For the reasons stated on the record, defendant will not be required to respond to

		discovery demands until after plaintiffs' anticipated amended complaint is filed and a schedule is set at an initial conference. THE COURT WILL HOLD AN INITIAL CONFERENCE AT 4:00 PM ON NOVEMBER 25, 2019. Counsel shall submit a letter, jointly if feasible, identifying any matters in dispute they intend to raise at the conference by November 20, 2019. (FTR Log #2:35-3:19.) (Gillespie, Saudia) (Main Document 26 replaced on 9/16/2019) (Gillespie, Saudia). Modified on 9/17/2019 (Hong, Loan). (Entered: 09/16/2019)
10/17/2019	27	TRANSCRIPT of Proceedings held on September 13, 2019, before Judge Gold. Court Reporter/Transcriber TypeWrite Word Processing Service, Telephone number 518-581-8973. Email address: transcripts@typewp.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 11/7/2019. Redacted Transcript Deadline set for 11/18/2019. Release of Transcript Restriction set for 1/15/2020. (Hong, Loan) (Entered: 10/17/2019)
11/04/2019		SCHEDULING ORDER: Due to a scheduling conflict, the initial conference previously scheduled for November 25, 2019 is adjourned to November 26, 2019 at 11:30 a.m. in Courtroom 13D South before the undersigned. Counsel for all parties must attend. Counsel for plaintiffs is directed to immediately confirm this conference date and time with defendant's counsel. Adjournment requests will not be considered unless made in accordance with this Court's Individual Rules. Ordered by Magistrate Judge Steven M. Gold on 11/4/2019. (Gillespie, Saudia) (Entered: 11/04/2019)
11/05/2019	28	NOTICE of Appearance by Scout Katovich on behalf of Jeremy Cerda, David Scott (aty to be noticed) (Katovich, Scout) (Entered: 11/05/2019)
11/15/2019	29	AMENDED COMPLAINT against Former Warden Herman E. Quay, John Maffeo, The United States of America, filed by David Scott, Jeremy Cerda, Osman Ak, Merudh Patel, Larry Williams, Gregory Hardy. (Rosenfeld, Katherine) Modified on 11/18/2019 to correct Defendants name (Piper, Francine). (Entered: 11/15/2019)
11/15/2019	30	Proposed Summons. Re 29 Amended Complaint by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Rosenfeld, Katherine) (Entered: 11/15/2019)

11/15/2019	31	Proposed Summons. Re 29 Amended Complaint by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Rosenfeld, Katherine) (Entered: 11/15/2019)
11/15/2019	32	Proposed Summons. Re 29 Amended Complaint by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Rosenfeld, Katherine) (Entered: 11/15/2019)
11/18/2019	33	Summons Issued as to John Maffeo, Herman E. Quay, The United States of America, U.S. Attorney and U.S. Attorney General (Attachments: # 1 Former Warden Summons, # 2 Facilities Manager Summons) (Piper, Francine) (Entered: 11/18/2019)
11/20/2019	34	Letter <i>Joint Status Letter</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 11/20/2019)
11/21/2019	35	Letter <i>advising the Court that at the upcoming status conference, defendants intend to seek a 45 day extension of their time to file a motion to dismiss (which plaintiffs do not oppose) and a continued stay of discovery (which plaintiffs do oppose), along with the reasons for both requests</i> by Herman E. Quay, The United States of America (Eichenholtz, Seth) (Entered: 11/21/2019)
11/22/2019	36	NOTICE by Osman Ak, Gregory Hardy, Merudh Patel, Larry Williams <i>Law Student Appearance Forms</i> (Attachments: # 1 Law Student Appearance Forms for Alexander Hunter, # 2 Law Student Appearance Forms for Gabriella Javaheri) (Ginsberg, Betsy) (Entered: 11/22/2019)
11/22/2019	37	SUMMONS Returned Executed by Larry Williams, Jeremy Cerda, Osman Ak, Merudh Patel, David Scott, Gregory Hardy. John Maffeo served on 11/21/2019, answer due 12/12/2019. (Rosenfeld, Katherine) (Entered: 11/22/2019)
11/25/2019	39	Letter <i>in response to Defendants' Nov. 21 Request for Stay of Discovery</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Ginsberg, Betsy) (Entered: 11/25/2019)
11/26/2019	40	ORDER re 36 Notice(Other), filed by Osman Ak, Merudh Patel, Larry Williams, Gregory Hardy. The law student appearance applications are approved. Ordered by Magistrate Judge Steven M. Gold on 11/26/2019. (Gold, Steven) (Entered: 11/26/2019)
11/26/2019	41	Minute Entry: Initial Conference Hearing held on 11/26/2019 before Magistrate Judge Steven M. Gold. Ginsberg, Katovich, Wilson, and

		<p>Hunter (law student) for plaintiffs; Eichenholtz and Greene for defendants. Defendants' application to defer discovery until after their anticipated motion to dismiss is decided, or at a minimum briefed, is denied. That said, counsel for both sides expect that they will work together cooperatively and accommodate reasonable requests for extensions of time. Rule 26(a)(1) disclosures will be made by December 9, and interrogatories and document demands may be served by December 20, 2019. Counsel for plaintiffs will submit a letter identifying other pending cases that might arguably be related to this one and the status of each. THE COURT WILL HOLD A FURTHER CONFERENCE AT 10:00 AM ON FEBRUARY 13, 2020. If counsel anticipate raising substantive disputes, they shall identify them in letters filed by February 7, with responses due by February 11, 2020. (FTR Log #11:30-11:59.) (Gillespie, Saudia) (Entered: 11/27/2019)</p>
12/04/2019	42	<p>SUMMONS Returned Executed by Larry Williams, Jeremy Cerda, Osman Ak, Merudh Patel, David Scott, Gregory Hardy. The United States of America served on 11/22/2019, answer due 1/21/2020. (Attachments: # 1 Exhibit A - Affidavit of Service, # 2 Exhibit B - Certified Mail and Return Receipt) (Rosenfeld, Katherine) (Entered: 12/04/2019)</p>
12/04/2019	43	<p>Consent MOTION for Extension of Time to File <i>Defendants' Anticipated Motion to Dismiss the Amended Complaint</i> by Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 12/04/2019)</p>
12/05/2019		<p>ORDER: Granting 43 Motion for Extension of Time to File. The time for defendants to serve their anticipated motion to dismiss is extended to January 30, 2020. Ordered by Magistrate Judge Steven M. Gold on 12/5/2019. (Gillespie, Saudia) (Entered: 12/05/2019)</p>
12/05/2019	44	<p>NOTICE of Appearance by Shana C. Priore on behalf of Herman E. Quay, Herman E. Quay, The United States of America (aty to be noticed) (Priore, Shana) (Entered: 12/05/2019)</p>
12/10/2019	45	<p>Letter <i>Regarding Status of Related Cases</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Ginsberg, Betsy) (Entered: 12/10/2019)</p>
01/23/2020	46	<p>Consent MOTION for Extension of Time to File <i>Defendants' Motion to Dismiss the Amended Complaint</i> by John Maffeo, Herman E. Quay, Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 01/23/2020)</p>

01/23/2020	47	Supplemental MOTION for Extension of Time to File <i>Defendants' Motion to Dismiss the Amended Complaint and for Approval of the Proposed Amended Briefing Schedule (Supplementing Dkt. No. 46)</i> by Herman E. Quay, Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 01/23/2020)
01/24/2020		ORDER: Terminating 46 Motion for Extension of Time to File. Granting 47 Supplemental Motion for Extension of Time to File. Defendant shall file their motion to dismiss by February 13, 2020, plaintiff shall file their reply by March 31, 2020, defendants shall file their reply by April 21, 2020. Ordered by Magistrate Judge Steven M. Gold on 1/24/2020. (Gillespie, Saudia) (Entered: 01/24/2020)
01/24/2020		STATUS REPORT ORDER: Counsel shall submit a letter by January 31, 2020, indicating whether they seek to proceed with the conference on February 13, 2020 and, if so, the matter they intend to raise at that time. Ordered by Magistrate Judge Steven M. Gold on 1/24/2020. (Gillespie, Saudia) (Entered: 01/24/2020)
01/30/2020	48	STATUS REPORT <i>and request to adjourn the February 13 status conference</i> by Herman E. Quay, The United States of America (Eichenholtz, Seth) Modified to add motion on 1/31/2020 (Gillespie, Saudia). (Entered: 01/30/2020)
01/31/2020		ORDER: Granting 48 Status Report/Motion to Adjourn Conference. The status conference previously scheduled for February 13, 2020 is adjourned to March 9, 2020 at 10:00 a.m. in Courtroom 13D South before the undersigned. If counsel anticipate raising substantive disputes, they shall identify them in letters filed by March 3, 2020, with responses due by March 6, 2020. Ordered by Magistrate Judge Steven M. Gold on 1/31/2020. (Gillespie, Saudia) (Entered: 01/31/2020)
02/05/2020	49	MOTION for Leave to File Excess Pages <i>in Connection with Defendants' Memorandum of Law in Support of Their Anticipated Motion to Dismiss</i> by John Maffeo, Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 02/05/2020)
02/06/2020		ORDER granting 49 Motion for Leave to File Excess Pages. The Court grants defendants leave to file excess pages. Defendants' memorandum shall not exceed thirty-three (33) pages in length. Ordered by Judge Margo K. Brodie on 2/6/2020. (Johnson, Alexis) (Entered: 02/06/2020)
02/13/2020	50	Letter to Plaintiffs Enclosing Defendants' Motion to Dismiss the Amended Complaint by John Maffeo, Herman E. Quay, The United States of America (Greene, Sean) (Entered: 02/13/2020)

03/03/2020	<u>51</u>	TRANSCRIPT of Proceedings held on November 26, 2019, before Judge Gold. Court Transcriber: Transcription Plus II, Inc.. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 3/24/2020. Redacted Transcript Deadline set for 4/3/2020. Release of Transcript Restriction set for 6/1/2020. (Rocco, Christine) (Entered: 03/03/2020)
03/03/2020	<u>52</u>	Letter <i>Pre-Conference Letter Identifying Substantive Disputes</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Attachments: # <u>1</u> Exhibit A - OIG Report) (Katovich, Scout) (Entered: 03/03/2020)
03/06/2020	<u>53</u>	Letter <i>responding to plaintiffs' March 3 letter setting forth issues to be addressed at the March 9 status conference</i> by John Maffeo, Herman E. Quay, The United States of America (Eichenholtz, Seth) (Entered: 03/06/2020)
03/09/2020		<p>Minute Entry: Status Conference held on 3/9/2020 before Magistrate Judge Steven M. Gold. Katherine Rosenfeld and Scout Katovich of Emery, Celli, Brinckerhoff & Abady, LLP, Betsy Ginsberg and law students Alexander Hunter and Gabriella Javaheri of Benjamin N. Cardozo School appearing on behalf of plaintiffs in Scott et al v. Quay, 19-cv-01075; pro se plaintiff did not appear in Saeed v. Quay, 19-cv-02134; pro se plaintiff Roberto Alicea appearing by telephone in Alicea v. Quay et al., 19-cv-02135; Amy Beth Marion appearing on behalf of plaintiff in ONeal et al v. United States of America et al., 19-CV-5039. Seth D. Eichenholtz, Sean Greene, and Shana Priore appearing on behalf of the Government; Holly Pratesi, BOP agency counsel, appearing with defendants. In ONeal v. United States, plaintiff may file an amended complaint by Friday, March 13, 2020 to clarify which claims are brought under the FTCA. By that same date, counsel shall submit a proposed schedule for submission of defendants anticipated promotion conference application seeking leave to move to dismiss. In Scott et al v. Quay, various discovery matters were addressed. The parties are directed to use their best efforts to resolve the remaining discovery matters in dispute and to inform the Court by Friday, March 13, 2020 whether they seek an additional conference on March 18, 2020 at 10:30 a.m. to resolve any disputes that remain outstanding. In addition,</p> <p>(1) Defendants shall disclose staffing level information for the blackout time period at issue. Once plaintiffs execute a confidentiality</p>

		<p>agreement, defendants shall disclose rosters of employees with responsibility for custody within one week and remaining staffing information within three weeks.</p> <p>(2) Regarding communications by BOP employees during the blackout period at issue, the parties will confer on search terms to narrow the scope of the disclosures demanded by plaintiffs. Defendants represent that emails are archived for 7 years and thus, if the need arises at a later stage of the case, a second search may be conducted fairly easily.</p> <p>(3) Defendants shall determine which detainees who were at MDC and subjected to the conditions of confinement at issue at any point during the relevant blackout period are currently in federal and provide plaintiffs a list of those inmates names and register numbers. Defendants shall submit a letter informing plaintiffs how long it will take to produce that information by Friday, March 13, 2020. Defendants shall also inform plaintiffs of the nature of the record-keeping of addresses of detainees who have since been released from federal custody.</p> <p>(4) Defendants shall produce documents relied upon in producing the OIG report and the BOP report. Defendants may provide a privilege log to the extent they withhold those documents on privilege grounds.</p> <p>(FTR Log #1:18-10:34.) (Gillespie, Saudia) (Entered: 03/09/2020)</p>
03/12/2020	54	<p>Consent MOTION for Extension of Time to File <i>report to Court on outstanding discovery disputes and for defendants to respond to plaintiffs regarding certain discovery issues</i> by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 03/12/2020)</p>
03/13/2020		<p>ORDER: Granting 54 Motion for Extension of Time to File. The time for defendants to submit a letter providing plaintiffs with information regarding the custody status of inmates at MDC, discovery issues, and for the parties to report any remaining disputes is extended to March 27, 2020. The status conference previously scheduled for March 18, 2020 is adjourned to April 14, 2020 at 2:30 p.m. in Courtroom 13D South before the undersigned. Counsel for all parties must attend. Counsel for plaintiffs are directed to immediately confirm this conference date and time with defendants' counsel. Adjournment requests will not be considered unless made in accordance with this Court's Individual Rules. Ordered by Magistrate Judge Steven M. Gold on 3/13/2020. (Gillespie, Saudia) (Entered: 03/13/2020)</p>

03/20/2020	55	TRANSCRIPT of Proceedings held on March 9, 2020, before Judge Gold. Court Reporter/Transcriber Transcriptions Plus II, Inc.. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 4/10/2020. Redacted Transcript Deadline set for 4/20/2020. Release of Transcript Restriction set for 6/18/2020. (Hong, Loan) (Entered: 03/20/2020)
03/23/2020	56	MOTION for Extension of Time to File <i>Opposition to Defs' Motion to Dismiss and Request to File Brief of Equal Number of Pages to Defendants</i> , MOTION for Extension of Time to File Response/Reply as to 50 Letter by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott. (Ginsberg, Betsy) (Entered: 03/23/2020)
03/25/2020	57	Second MOTION for Extension of Time to Complete Discovery <i>regarding certain discovery issues</i> by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 03/25/2020)
03/25/2020		ORDER granting 56 Motion for Extension of Time to File to April 14, 2020; granting 56 Motion for Extension of Time to File Response/Reply to May 5, 2020. Ordered by Magistrate Judge Steven M. Gold on 3/25/2020. (Gold, Steven) (Entered: 03/25/2020)
03/25/2020		ORDER granting 57 Motion for Extension of Time to Complete Discovery Discovery due by 4/10/2020.Ordered by Magistrate Judge Steven M. Gold on 3/25/2020. (Gold, Steven) (Entered: 03/25/2020)
04/07/2020	58	NOTICE of Appearance by Kathleen Anne Mahoney on behalf of All Defendants (aty to be noticed) (Mahoney, Kathleen) (Entered: 04/07/2020)
04/10/2020		RE-SCHEDULING ORDER: The in-person status conference previously scheduled for April 14, 2020 at 2:30 p.m. is CONVERTED to a TELEPHONIC-STATUS CONFERENCE. Each party is directed to call the following conference number: 877-336-1839, and use access code 3482793. Adjournment requests will not be considered unless made in accordance with this Court's Individual Rules. Ordered by Magistrate Judge Steven M. Gold on 4/10/2020. (Gillespie, Saudia) (Entered: 04/10/2020)

04/10/2020	59	STATUS REPORT <i>regarding the status of discovery</i> by John Maffeo, Herman E. Quay, The United States of America (Priore, Shana) (Entered: 04/10/2020)
04/14/2020	60	Letter to <i>Defendants Enclosing Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss the Amended Complaint</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 04/14/2020)
04/14/2020	61	In 19cv1075, Katovich, Rosenfeld, Wilson, Hunter and Reinert for plaintiffs; Eichenholtz, Mahoney, Greene and Priore, with Nash, for defendants. In 19cv2134, Priore for defendants. In 19cv2135, Greene for defendants. In 19cv5039, Kelton for plaintiffs and Priore for defendants. Mr. Alicea, plaintiff in 19cv2135, will submit his opposition to defendants' motion to dismiss no later than 30 days after the motion to dismiss in 19cv1075 is filed. The parties in 19cv1075 report that they have agreed to the terms of a protective order. Defendants in that matter will respond to plaintiffs' proposed ESI search terms by April 16, 2020. Counsel in 19cv5039 expect to agree that, once plaintiffs serve demands and agree to a protective order, discovery similar to that which is expected to be provided by defendants in 19cv1075 will be produced by defendants in 19cv5039. THE COURT WILL HOLD A FURTHER TELEPHONE CONFERENCE AT 2:00 PM ON MAY 26, 2020. Counsel will submit a letter reporting on the parties progress in discovery and identifying any disputes they expect to raise at the conference by May 21, 2020. (FTR Log #2:30-3:00.) (Gillespie, Saudia) (Entered: 04/14/2020)
04/15/2020	62	Letter to <i>Honorable Steven M. Gold enclosing proposed Stipulation and Order for the Protection of Materials and Information</i> by The United States of America (Attachments: # 1 Proposed Order) (Mahoney, Kathleen) Modified to add motion on 4/15/2020 (Gillespie, Saudia). (Entered: 04/15/2020)
04/15/2020		ORDER: 62 Motion for Protective Order is hereby approved and entered as an Order of the Court. Ordered by Magistrate Judge Steven M. Gold on 4/15/2020. (Gillespie, Saudia) (Entered: 04/15/2020)
04/29/2020	63	Letter MOTION for Leave to File Excess Pages <i>in Connection with Defendants' Reply Memorandum of Law</i> by John Maffeo, Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 04/29/2020)

04/29/2020	64	Consent MOTION for Extension of Time to File <i>Defendants' Reply Memorandum of Law</i> by John Maffeo, Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 04/29/2020)
04/29/2020		ORDER: Granting 64 Motion for Extension of Time to File. The time to serve defendants' reply memorandum of law in further support of their motion to dismiss the Amended Complaint is extended to May 12, 2020. Ordered by Magistrate Judge Steven M. Gold on 4/29/2020. (Gillespie, Saudia) (Entered: 04/29/2020)
05/05/2020		ORDER granting 63 Motion for Leave to File Excess Pages. The Court grants defendants' application for leave to file excess pages. Defendants' reply brief shall not exceed twenty (20) pages in length. Ordered by Judge Margo K. Brodie on 5/5/2020. (Johnson, Alexis) (Entered: 05/05/2020)
05/08/2020	65	MOTION to Dismiss for Failure to State a Claim , MOTION to Dismiss for Lack of Jurisdiction by John Maffeo, Herman E. Quay, The United States of America. (Attachments: # 1 Declaration of Seth D. Eichenholtz in support of the motion, with exhibits) (Eichenholtz, Seth) (Entered: 05/08/2020)
05/08/2020	66	MEMORANDUM in Support re 65 MOTION to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction filed by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 05/08/2020)
05/08/2020	67	REPLY in Support re 65 MOTION to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction filed by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 05/08/2020)
05/08/2020	68	Letter <i>advising the Court that Defendants' motion to dismiss is now fully briefed, that defendants have filed their motion papers, and that defendants respectfully request to be excused from the requirement to produce courtesy copies in light of the current limitations</i> by John Maffeo, Herman E. Quay, The United States of America (Eichenholtz, Seth) (Entered: 05/08/2020)
05/08/2020	69	MEMORANDUM in Opposition re 65 MOTION to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction filed by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Rosenfeld, Katherine) (Entered: 05/08/2020)

05/21/2020	70	Letter to <i>Honorable Steven M. Gold on behalf of Defendants reporting on status of discovery</i> by The United States of America (Mahoney, Kathleen) (Entered: 05/21/2020)
05/21/2020	71	Letter <i>re Status of Discovery</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 05/21/2020)
05/26/2020	72	Letter to <i>Honorable Steven M. Gold regarding disputes identified in Plaintiffs' letter dated 5/21/20</i> by The United States of America (Mahoney, Kathleen) (Entered: 05/26/2020)
05/26/2020	73	Minute Entry: Telephone Conference held on 5/26/2020 before Magistrate Judge Steven M. Gold. Katovich, Rosenfeld, Ginsberg, and Reinert for plaintiffs; Eichenholtz, Mahoney, Greene and Priore, with Nash, for defendants, in 19cv1075. Marion for plaintiff in 19cv5039, Priore for defendants. Court reporter Michele Lucchese. Various discovery rulings concerning the scope of ESI discovery to be produced by defendants were made on the record of today's proceeding. By June 5, 2020, defendants shall provide (1) a proposed schedule for producing the ESI discussed today and a proposed date for a further conference, and (2) a letter informing plaintiffs of the nature of the record-keeping maintained by defendants of addresses of detainees who have been released from BOP custody during the relevant period of time. (Court Reporter Michele Lucchese.) (Gillespie, Saudia) (Entered: 05/27/2020)
06/05/2020	74	Letter to <i>Honorable Steven M. Gold</i> by The United States of America (Mahoney, Kathleen) Modified to add motion on 6/8/2020 (Gillespie, Saudia). (Entered: 06/05/2020)
06/06/2020		ORDER REFERRING MOTION: 65 MOTION to Dismiss. The Court respectfully refers defendants' motion to dismiss to Magistrate Judge Steven M. Gold for a report and recommendation. Ordered by Judge Margo K. Brodie on 6/6/2020. (Williams, Tenisha) (Entered: 06/06/2020)
06/08/2020		ORDER: Granting 74 Motion for Extension of Time to File. Defendants shall file a letter proposing a date for the next conference by July 2, 2020. Ordered by Magistrate Judge Steven M. Gold on 6/8/2020. (Gillespie, Saudia) (Entered: 06/08/2020)
07/02/2020	75	Letter MOTION for Extension of Time to File <i>until 7/17/12, a proposed ESI production schedule; on consent</i> by The United States of America. (Mahoney, Kathleen) (Entered: 07/02/2020)

07/02/2020		ORDER: Granting 75 Motion for Extension of Time to File. The time for defendants to file a letter proposing a date for the next conference is extended to July 17, 2020. Ordered by Magistrate Judge Steven M. Gold on 7/2/2020. (Gillespie, Saudia) (Entered: 07/02/2020)
07/17/2020	76	Letter MOTION for Extension of Time to File <i>status report/update regarding proposed schedule for ESI production</i> by The United States of America. (Mahoney, Kathleen) (Entered: 07/17/2020)
07/21/2020		ORDER: Granting 76 Motion for Extension of Time to File. The time for defendants to file a letter proposing a date for the next conference is extended to July 31, 2020. Ordered by Magistrate Judge Steven M. Gold on 7/21/2020. (Gillespie, Saudia) (Entered: 07/21/2020)
07/31/2020	77	Letter to Honorable Steven M. Gold regarding proposed date for next status conference and ESI production by The United States of America (Mahoney, Kathleen) (Entered: 07/31/2020)
08/03/2020		SCHEDULING ORDER: A telephone conference will be held at 2:30 p.m. on September 22, 2020 before the undersigned. Counsel for all parties must participate. Each party is directed to call the following conference number: 877-336-1839 and use access code 3482793 . Adjournment requests will not be considered unless made in accordance with this Court's Individual Rules. The time for defendants to submit a letter reporting on the status of the new ESI searches and the parties' progress in negotiating the ESI production is extended to September 2, 2020. Ordered by Magistrate Judge Steven M. Gold on 8/3/2020. (Gillespie, Saudia) (Entered: 08/03/2020)
09/02/2020	78	Letter to Honorable Steven M. Gold reporting on status of the ESI searches by The United States of America (Mahoney, Kathleen) (Entered: 09/02/2020)
09/03/2020		STATUS REPORT ORDER: Counsel shall file an updated letter reporting on the status of ESI production by October 1, 2020. Additionally, counsel are to submit a joint letter by September 15, 2020 that either identifies the issues to be raised at the conference set for September 22, 2020 or asks that the conference be adjourned and suggests a new date. Ordered by Magistrate Judge Steven M. Gold on 9/3/2020. (Gillespie, Saudia) Modified to add deadline on 9/3/2020 (Gillespie, Saudia). (Entered: 09/03/2020)
09/15/2020	79	Letter <i>re Discovery Status</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 09/15/2020)

09/22/2020	80	Minute Entry: Telephone Conference held on 9/22/2020 before Magistrate Judge Steven M. Gold. Katovich, Rosenfeld, Ginsberg, and Reinert; Eichenholtz, Greene-Delgado and Mahoney, with Nesh. The parties will submit a stipulation by October 1, 2020 governing the production of the address information discussed on the record today. By October 8, 2020, defendants will produce the address information subject to the stipulation, and will produce unredacted versions of the after-action reports for in camera review. The in camera submission may be supported. (FTR Log #2:30-3:07.) (Gillespie, Saudia) (Entered: 09/22/2020)
10/01/2020	81	STATUS REPORT <i>Letter regarding ESI searches</i> by The United States of America (Mahoney, Kathleen) (Entered: 10/01/2020)
10/01/2020	82	<i>Letter to Honorable Steven M. Gold enclosing proposed Stipulation and Order for the Protection of Materials and Informatiuon Concerning Individuals Who Are No Longer in the Custody of the Federal Bureau of Prisons</i> by The United States of America (Attachments: # 1 Proposed Order) (Mahoney, Kathleen) (Entered: 10/01/2020)
10/02/2020	83	ORDER: Dkt. [82-1] Proposed Protective Order is hereby approved and entered as an Order of the Court. Ordered by Magistrate Judge Steven M. Gold on 10/2/2020. (Gillespie, Saudia) (Entered: 10/02/2020)
10/05/2020	84	Letter MOTION for Extension of Time to File <i>In Camera Submission</i> by John Maffeo, Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 10/05/2020)
10/05/2020		ORDER: Granting 84 Motion for Extension of Time to File. The time for defendants to file the in camera submission is extended to October 22, 2020. Ordered by Magistrate Judge Steven M. Gold on 10/5/2020. (Gillespie, Saudia) (Entered: 10/05/2020)
10/08/2020	85	<i>Letter to Honorable Steven M. Gold as requested during September 22, 2020 conference regarding MDC contingency plans</i> by The United States of America (Mahoney, Kathleen) (Entered: 10/08/2020)
10/14/2020		SCHEDULING ORDER: A Video-Oral Argument re 65 Motion to Dismiss will be held October 21, 2020 at 4:00 p.m. before the undersigned. The Cisco Meeting Space information will be e-mailed to counsel. No application needs to be installed to make use of the software. To access this conference telephonically, please dial (571) 353-2300 and use access code 193459535 . If any party has difficulty accessing the conference, please contact Saudia Gillespie at 718-613-

		2560. Ordered by Magistrate Judge Steven M. Gold on 10/14/2020. (Gillespie, Saudia) (Entered: 10/14/2020)
10/21/2020	87	Minute Entry: Oral Argument held on 10/21/2020 before Magistrate Judge Steven M. Gold. Reinert and Katovich for plaintiffs, Eichenholtz and Greene-Delgado for defendants. Oral argument held on defendants' motion to dismiss, Dkt. 65. Decision reserved. The parties shall submit letters providing citations to cases cited during the argument but not in their memoranda of law. (Gillespie, Saudia) (Entered: 10/22/2020)
10/22/2020	86	Letter to Judge Gold providing full citations to certain cases referenced during oral argument regarding defendants' motion to dismiss by John Maffeo, Herman E. Quay, The United States of America (Eichenholtz, Seth) (Entered: 10/22/2020)
10/22/2020	89	Letter in Support of Defendants' Privilege Assertion with Respect to Limited Portions of the BOP After Action Report and Enclosing Declaration of Richard Hollingsworth by John Maffeo, Herman E. Quay, The United States of America (Attachments: # 1 Declaration of Richard Hollingsworth) (Greene, Sean) (Entered: 10/22/2020)
10/22/2020	90	Letter to Judge Gold providing citations to cases addressed at oral argument but not in briefing by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Ginsberg, Betsy) (Entered: 10/22/2020)
10/23/2020	91	TRANSCRIPT of Proceedings held on October 21, 2020, before Judge Gold. (Pages 1-40) Court Transcriber: Transcriptions Plus II, Inc.. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 11/13/2020. Redacted Transcript Deadline set for 11/23/2020. Release of Transcript Restriction set for 1/21/2021. (Attachments: # 1 pages 41-79) (Hong, Loan) (Entered: 10/23/2020)
10/26/2020	92	Letter Response to Defendants' Letter [Dkt 89] Asserting Privilege re After-Action Report by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 10/26/2020)
11/13/2020	93	Letter MOTION to Produce ESI Discovery by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Katovich, Scout) (Entered: 11/13/2020)

11/16/2020	94	ORDER re 79 - 88 - 89 - 92 : For the reasons set forth in the attached Order, defendants shall produce to plaintiffs a copy of the After Action Report with only the recommendations on pages 28-29 redacted. The Report shall be produced within one week of any Order denying, in whole or in part, defendants' pending motion to dismiss. So Ordered by Magistrate Judge Steven M. Gold on 11/16/2020. (Hazelwood, John) (Entered: 11/16/2020)
11/16/2020	95	<p>REPORT AND RECOMMENDATIONS re 65 MOTION to Dismiss for Failure to State a Claim MOTION to Dismiss for Lack of Jurisdiction filed by Herman E. Quay, The United States of America, John Maffeo: For the reasons stated in the attached Report, I respectfully recommend that the motion to dismiss be granted with respect to the <i>Bivens</i> claims asserted against defendants Quay and Maffeo and denied with respect to the FTCA claim brought by plaintiffs Scott and Cerda against the United States.</p> <p>Any objections to the recommendations made in this Report must be made within three weeks after filing of this Report and Recommendation and, in any event, on or before December 7, 2020. <i>See</i> 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to file timely objections may waive the right to appeal the District Court's order. <i>See Small v. Sec'y of Health & Human Servs.</i>, 892 F.2d 15, 16 (2d Cir. 1989) (discussing waiver under the former ten-day limit).</p> <p>Ordered by Magistrate Judge Steven M. Gold on 11/16/2020. (Clancy, Emma) (Entered: 11/16/2020)</p>
11/16/2020	96	REPLY to Response to Motion re 93 Letter MOTION to Produce <i>ESI Discovery</i> filed by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 11/16/2020)
11/16/2020		ORDER denying 93 Motion to Produce without prejudice to renew because defendants' response, Dkt. 96, indicates that the parties agree on the November 20, 2020 date for the defendants to produce a count of responsive items and defendants anticipate discussing a deadline for production with plaintiffs and submitting a proposal by December 4, 2020. Ordered by Magistrate Judge Steven M. Gold on 11/16/2020. (Gold, Steven) (Entered: 11/16/2020)
11/20/2020	97	Letter MOTION to Adjourn Conference <i>on December 3, 2020</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Katovich, Scout) (Entered: 11/20/2020)

11/20/2020		ORDER: Granting 97 Motion to Adjourn Conference. The telephonic-status conference previously scheduled for December 3, 2020 is adjourned to December 17, 2020 at 4:00 p.m. Each party is directed to call the following conference number: 877-336-1839 and use access code 3482793 . Adjournment requests will not be considered unless made in accordance with this Court's Individual Rules. Ordered by Magistrate Judge Steven M. Gold on 11/20/2020. (Gillespie, Saudia) (Entered: 11/20/2020)
12/04/2020	98	Letter to <i>Honorable Steven M. Gold setting forth Defendants' proposed schedule for ESI production</i> by The United States of America (Mahoney, Kathleen) (Entered: 12/04/2020)
12/07/2020	99	OBJECTION to 95 Report and Recommendations <i>only as to the portion pertaining to Federal Tort Claims Act claims</i> filed by The United States of America. (Eichenholtz, Seth) (Entered: 12/07/2020)
12/07/2020	100	Letter <i>the Court excuse defendant from delivering a courtesy copy of its memorandum to chambers in light of limitations caused by the ongoing public health emergency</i> by The United States of America (Eichenholtz, Seth) (Entered: 12/07/2020)
12/07/2020	101	OBJECTION to 95 Report and Recommendations filed by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Katovich, Scout) (Entered: 12/07/2020)
12/07/2020	102	Letter <i>Joint Letter to Judge Gold re Updates and Disputes for December 17, 2020 Status Conference</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 12/07/2020)
12/07/2020		ORDER re 100 Letter Request. The Court grants defendant's request to be excused from delivering a courtesy copy of its memorandum to chambers. Ordered by Judge Margo K. Brodie on 12/7/2020. (Ajagu, Vanessa) (Entered: 12/07/2020)
12/09/2020	103	Letter to <i>Judge Gold re Addresses of Additional Putative Class Members Released from BOP Custody</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Attachments: # 1 Proposed Order Order for the Production of Information Concerning Individuals No Longer in the Custody of the Federal Bureau of Prisons) (Katovich, Scout) (Entered: 12/09/2020)
12/09/2020	104	Letter [<i>CORRECTED</i>] Letter to <i>Judge Gold re Addresses of Additional Putative Class Members Released from BOP Custody</i> by

		Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Attachments: # 1 Proposed Order Order for the Production of Information Concerning Individuals No Longer in the Custody of the Federal Bureau of Prisons) (Katovich, Scout) (Entered: 12/09/2020)
12/09/2020	105	ORDER: The proposed order filed as attachment # 1 is hereby approved and entered as an Order of the Court. Ordered by Magistrate Judge Steven M. Gold on 12/9/2020. (Gillespie, Saudia) VACATED pursuant to 107 Order of Judge Gold. This entry has been modified on December 11, 2020 to indicate order 105 has been vacated. Modified on 12/11/2020 (Piper, Francine). (Entered: 12/09/2020)
12/10/2020	106	MOTION to Vacate 105 Order and replace with the proposed order at Docket No. 104-1 by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 12/10/2020)
12/10/2020	107	ORDER: Granting 106 Motion to Vacate. Order filed as Dkt. 105 is hereby vacated. See attached Order approving proposed Order for the Production of Information Concerning Individuals No Longer in the Custody of the Federal Bureau of Prisons as Dkt. 104 . Ordered by Magistrate Judge Steven M. Gold on 12/10/2020. (Gillespie, Saudia) (Entered: 12/10/2020)
12/11/2020	108	Mail Returned as Undeliverable, "Return to Sender, Not Deliverable As Addressed, Unable to Forward." Minute Entry dated 5/26/2020 previously sent to Mohamed Saeed. (Galeano, Sonia) (Entered: 12/11/2020)
12/15/2020	109	Letter MOTION to Appear by Telephone - <i>Request permission for Sonya Levitova, a Legal Fellow working at this firm for one year, to participate in a speaking role at the telephonic status conference scheduled for this Thursday, December 17, 2020</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Rosenfeld, Katherine) (Entered: 12/15/2020)
12/16/2020		ORDER: Granting 109 Motion to Appear by Telephone. Ordered by Magistrate Judge Steven M. Gold on 12/16/2020. (Gillespie, Saudia) (Entered: 12/16/2020)
12/17/2020	110	Consent MOTION for Extension of Time to File Response/Reply as to 99 Objection to Report and Recommendations, 101 Objection to

		Report and Recommendations <i>until January 4, 2021</i> by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 12/17/2020)
12/17/2020	111	Minute Entry: Status Conference held on 12/17/2020 before Magistrate Judge Steven M. Gold. Katovich and Levitova for plaintiffs, with Rosenfeld, Reinert, Ginsberg; Eichenholtz and Mahoney and Priore and Greene-Delgado for defendants. Discovery rulings on the records. With respect to production of ESI, plaintiffs will identify a sequence of custodians for production by December 30, and defendants will produce responsive ESI on a rolling, weekly basis in equal installments such that all responsive ESI is produced by April 1, 2021. With respect to the after-action report, plaintiffs' application to accelerate production of the report to a date earlier than one week after any decision denying defendants pending motion to dismiss is denied. (FTR Log #4:00-4:34.) (Gillespie, Saudia) (Entered: 12/18/2020)
12/18/2020		ORDER granting 110 Motion for Extension of Time to File Response/Reply. The Court grants the parties' motion for extension of time to file a response/reply. The parties shall file their response/reply on or before January 4, 2021. Ordered by Judge Margo K. Brodie on 12/18/2020. (Ajagu, Vanessa) (Entered: 12/18/2020)
12/28/2020	112	TRANSCRIPT of Proceedings held on December 17, 2020, before Judge Gold. Court Reporter/Transcriber Fiore Reporting and Transcription Service, Inc., Telephone number 203-929-9992. Email address: cmfiore@sbcglobal.net. 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.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 1/18/2021. Redacted Transcript Deadline set for 1/28/2021. Release of Transcript Restriction set for 3/29/2021. (Hong, Loan) (Entered: 12/28/2020)
01/04/2021	113	MEMORANDUM in Opposition re 99 Objection to Report and Recommendations - <i>Plaintiffs' Response to Defendant United States' Objections to Report and Recommendations</i> filed by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Rosenfeld, Katherine) (Entered: 01/04/2021)
01/04/2021	114	MEMORANDUM in Opposition re 101 Objection to Report and Recommendations filed by John Maffeo, Herman E. Quay, The United States of America. (Greene, Sean) (Entered: 01/04/2021)

01/08/2021		Case Reassigned to Magistrate Judge Peggy Kuo. Magistrate Judge Steven M. Gold no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Gillespie, Saudia) (Entered: 01/08/2021)
01/21/2021	115	Consent MOTION to Amend/Correct/Supplement 111 Status Conference,,, <i>to modify the ESI production schedule to allow productions every other week, to be completed by April 22, 2021</i> by John Maffeo, Herman E. Quay, The United States of America. (Eichenholtz, Seth) (Entered: 01/21/2021)
01/22/2021		ORDER granting 115 Motion to Amend/Correct/Supplement. Defendants are directed to produce responsive ESI every other week in equal installments such that all responsive ESI is produced by April 22, 2021 . Ordered by Magistrate Judge Peggy Kuo on 1/22/2021. (O'Neil-Berven, Ryan) (Entered: 01/22/2021)
02/09/2021	116	Letter MOTION to Adjourn Conference by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Katovich, Scout) (Entered: 02/09/2021)
02/10/2021		ORDER granting 116 Motion to Adjourn Conference. The Telephone Status Conference previously scheduled before Judge Gold is adjourned to March 29, 2021 at 10:00 a.m. before Magistrate Judge Peggy Kuo. The parties are directed to call toll free (877) 336-1274 and input the Access Code 1453850 at the time of the Conference. No additional security code is needed. Once all parties are on the line, the call will be connected. (The parties are reminded that, pursuant to Local Civil Rule 1.8, they may not independently record any court proceedings. A transcript of the proceedings may be ordered from the Clerk's Office.) Ordered by Magistrate Judge Peggy Kuo on 2/10/2021. (O'Neil-Berven, Ryan) (Entered: 02/10/2021)
02/10/2021	117	Letter <i>Re: Briefing Schedule for Plaintiffs' Rule 23 Motion for Class Certification</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Ginsberg, Betsy) (Entered: 02/10/2021)
02/11/2021		ORDER re 117 Plaintiffs' Letter Proposing Briefing Schedule for Rule 23 Motion for Class Certification. The Court adopts Plaintiffs' proposed briefing schedule for their motion for class certification in part and denies it in part. Plaintiffs shall serve their motion on or before February 17, 2021; Defendants shall serve their opposition on or before April 30, 2021; and Plaintiffs shall serve their reply, if any,

		on or before May 31, 2021. Ordered by Chief Judge Margo K. Brodie on 2/11/2021. (Ajagu, Vanessa) (Entered: 02/11/2021)
02/16/2021		ORDER REASSIGNING CASE. Case reassigned to Judge Edward R. Korman for all further proceedings. Chief Judge Margo K. Brodie no longer assigned to case Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Ordered by Chief Judge Margo K. Brodie on 2/16/2021. (Bowens, Priscilla) (Entered: 02/16/2021)
02/17/2021	118	Letter to Defendants Enclosing Plaintiffs' Motion for Class Certification by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 02/17/2021)
03/22/2021		ORDER: I assume familiarity with the facts as laid out in 95 , the Report and Recommendation (R&R) filed by Magistrate Judge Steven M. Gold on November 16, 2020, which recommends that 65 defendants' motion to dismiss be granted with respect to the <i>Bivens</i> claims asserted against defendants Quay and Maffeo and denied with respect to the Federal Tort Claims Act claim brought by plaintiffs Scott and Cerda against the United States. Plaintiffs and defendants timely filed objections to the R&R. See 99 , 101 . Applying <i>de novo</i> review, 28 U.S.C. § 636(b)(1), I adopt Judge Gold's R&R in its entirety. Defendants' motion to dismiss is granted in part and denied in part. Ordered by Judge Edward R. Korman on 3/22/2021. (Adams, Casey) Modified on 3/22/2021 to correct typo(Magnas, Talia). (Entered: 03/22/2021)
03/22/2021		I am considering consolidating this case with related matters <i>Haskins v. US BOP</i> , No. 19-cv-2568, and <i>O'Neal v. United States</i> , No. 19-cv-5039, with which it shares common questions of law and fact. See Fed. R. Civ. P. 42. Any party opposing consolidation is ordered to show cause why the actions should not be consolidated by April 2, 2021. Ordered by Judge Edward R. Korman on 3/22/2021. (Adams, Casey) (Entered: 03/22/2021)
03/23/2021		On consent of the parties in this case, as well as in 19cv5039 and 19cv2568, Status Conference set for 4/7/2021 @ 02:00 PM before Judge Edward R. Korman. The conference will be held via telephone. Please dial the toll free number 888-273-3658 and enter access code 9473181. Ordered by Judge Edward R. Korman on 3/23/2021. (Magnas, Talia) (Entered: 03/23/2021)

03/24/2021	119	Letter <i>Providing Joint Status Update in Advance of March 29 Status Conference</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott (Ginsberg, Betsy) (Entered: 03/24/2021)
03/25/2021		SCHEDULING ORDER: Due to the Court's unavailability, the Telephone Status Conference previously scheduled for March 29, 2021 is adjourned to March 31, 2021 at 10:00 a.m. before Magistrate Judge Peggy Kuo. The parties are directed to call toll free (877) 336-1274 and input the Access Code 1453850 at the time of the Conference. No additional security code is needed. Once all parties are on the line, the call will be connected. (The parties are reminded that, pursuant to Local Civil Rule 1.8, they may not independently record any court proceedings. A transcript of the proceedings may be ordered from the Clerks Office.) Ordered by Magistrate Judge Peggy Kuo on 3/25/2021. (O'Neil-Berven, Ryan) (Entered: 03/25/2021)
03/26/2021		On consent of the parties in this case, as well as in 19cv5039 and 19cv2568, the Status Conference via telephone is rescheduled for 4/2/2021 @ 02:00 PM before Judge Edward R. Korman. Please dial the toll free number 888-273-3658 and enter access code 9473181. Ordered by Judge Edward R. Korman on 3/26/2021. (Magnas, Talia) (Entered: 03/26/2021)
03/29/2021		ORDER: The briefing schedule for plaintiffs' motion for class certification will be modified in the interest of ensuring this case proceeds expeditiously. Plaintiffs served a copy of their motion on defendants on February 17, 2021. Defendants shall serve their opposition on or before April 15, 2021; and plaintiffs shall serve their reply, if any, on or before April 30, 2021. Ordered by Judge Edward R. Korman on 3/29/2021. (Adams, Casey) (Entered: 03/29/2021)
03/29/2021	120	Letter <i>Request that the Court Permit Sonya Levitova to Participate in the March 31, 2021 Telephonic Status Conference</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) Modified on 3/30/2021 to reflect this is a motion to appear (O'Neil-Berven, Ryan). (Entered: 03/29/2021)
03/30/2021	121	NOTICE of Appearance by Paulina Stamatelos on behalf of John Maffeo, Herman E. Quay, The United States of America (aty to be noticed) (Stamatelos, Paulina) (Entered: 03/30/2021)
03/30/2021		ORDER granting 120 Motion to Appear. Ms. Levitova is permitted to participate in a speaking role at the telephone Status Conference scheduled for March 31, 2021 . Ordered by Magistrate Judge Peggy Kuo on 3/30/2021. (O'Neil-Berven, Ryan) (Entered: 03/30/2021)

03/31/2021	<p>MINUTE ORDER: Telephone Status Conference held on March 31, 2021 before Magistrate Judge Peggy Kuo. Attorneys Scout Katovich, Betsy Ginsberg, and Alexander Reinert appeared on behalf of Plaintiffs. Non-admitted legal fellow Sonya Levitova also appeared on behalf of Plaintiffs with the Court's permission. Assistant United States Attorneys Kathleen Mahoney, Sean Green, and Paulina Stamatelos appeared on behalf of Defendants.</p> <p>The parties were heard on the status of ongoing discovery. The parties agreed to continue discussions concerning the production of Electronically Stored Information. Plaintiffs are directed to send a letter to Defendants' counsel as soon as possible clarifying which of the discovery requests first propounded in December 2019 remain relevant in light of the partial grant of the Motion to Dismiss. (See Order dated March 22, 2021.) Defendants are directed to send a letter to Plaintiff's counsel regarding production of information from BOP "email resource boxes," and text and phone logs, by April 15, 2021. The parties are directed to meet and confer by April 23, 2021 and to file a new joint proposed discovery plan based on these discussions by April 28, 2021. The parties may raise any discovery disputes in that letter consistent with Magistrate Judge Kuo's individual rules. Ordered by Magistrate Judge Peggy Kuo on March 31, 2021. (FTR Log 10:04-10:32. (Jochnowitz, David) (Entered: 04/01/2021)</p>
04/02/2021	<p>ORDER *** In the interest of expediting this case, the discovery schedule is modified as follows: the <i>Scott</i> plaintiffs will send a letter by April 6 advising defendants of their outstanding discovery requests and proposing a schedule for the completion of all remaining discovery. The <i>Scott</i> parties shall confer on those requests and proposals by April 15. By April 23, the <i>Scott</i> parties shall send me a joint letter with proposed dates for the completion of discovery and advising me of any disagreements they may have about the timing or scope of discovery.</p> <p>Defendants' deadline to serve their opposition to class certification is extended until April 22. Plaintiffs shall have until May 6 to serve their reply and file the bundle.</p> <p>The parties in <i>Scott, O'Neal, and Haskins</i> having voiced no objection, these cases are hereby consolidated. Ordered by Judge Edward R. Korman on 4/2/2021 (Rosh, Samuel). (Entered: 04/02/2021)</p>
04/02/2021	Case Consolidated. (Tavarez, Jennifer) (Entered: 04/06/2021)

04/02/2021	123	Minute Entry for proceedings held before Judge Edward R. Korman: Status Conference held on 4/2/2021 via Teleconference. The Court directs the parties to move discovery forward since it has been dragging along for no reason. Discovery issues heard, see order dated 4/2/2021 for new deadlines. No objections to consolidating the Scott, O'Neal and Haskins cases. Plaintiff Terrance Haskins PRO SE was not present in today's teleconference despite efforts to reach him at his last known address via mail. (FTR Log #Hong.) Associated Cases: 1:19-cv-01075-ERK-PK, 1:19-cv-02568-ERK-PK, 1:19-cv-05039-ERK-PK (Tavarez, Jennifer) (Entered: 04/06/2021)
04/06/2021	122	TRANSCRIPT of Proceedings held on April 2, 2021, before Judge Korman. Court Transcriber: Transcription Plus II, Inc. Email address: laferrara44@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 4/27/2021. Redacted Transcript Deadline set for 5/7/2021. Release of Transcript Restriction set for 7/5/2021. (Rocco, Christine) (Entered: 04/06/2021)
04/17/2021	124	Letter MOTION for Extension of Time to File Answer re 29 Amended Complaint, <i>until 4/30/21, on consent</i> by The United States of America. (Mahoney, Kathleen) (Entered: 04/17/2021)
04/19/2021		ORDER granting 124 Motion for Extension of Time to Answer. The deadline for Defendants to file their answer is extended <i>nunc pro tunc</i> to April 30, 2021 . Ordered by Magistrate Judge Peggy Kuo on 4/19/2021. (O'Neil-Berven, Ryan) (Entered: 04/19/2021)
04/22/2021	125	Letter to <i>Plaintiffs' counsel enclosing the Memorandum of Law in Opposition to Motion for Certification of Classes and Appointment of Plaintiffs' Counsel as Class Counsel</i> by The United States of America (Mahoney, Kathleen) (Entered: 04/22/2021)
04/23/2021	126	Letter (<i>Joint</i>) <i>Re: Outstanding Discovery</i> by Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Wilson, O. Andrew) (Entered: 04/23/2021)
04/26/2021		ORDER re 126 discovery disputes *** The parties' proposed dates for the completion of discovery is so ordered. Defendants are directed to take all efforts necessary to comply with their obligation to produce discoverable electronic information.

		<p>Defendants are ordered to advise plaintiffs by May 7, 2021 as to (1) the location and functionality of all mobile devices subject to litigation holds, (2) the identities of those people who were issued litigation holds or preservation notices for their devices, (3) the estimated time required to conduct searches of said mobile devices, (4) the retention schedule for resource email boxes, and (5) the estimated time required to search the resource email boxes. Moreover, I remind defendants that violations of their preservation obligations could result in appropriate sanctions for spoliation. <i>See, e.g., Kronisch v. United States</i>, 150 F.3d 112, 126-27 (2d Cir. 1998); <i>Lekomtsev v. City of New York</i>, 2020 WL 5878258, at *3-4 (E.D.N.Y. Oct. 2, 2020) (Kovner, J.) (citing <i>Zubulake v. UBS Warburg LLC</i>, 220 F.R.D. 212 (S.D.N.Y. 2003)).</p> <p>Plaintiffs are entitled to document requests no. 47, 48 and 49. The requested documents are potentially relevant to plaintiffs' claim of negligence (or defendants' defense thereto) and are proportional to the needs of the case. Any confidentiality concerns can be dealt with under the existing protective order.</p> <p>I will await defendants' motion for an order pursuant to Fed. R. Civ. P. 26(c) to keep the after-action report confidential. When they file such a motion, defendants should also file the report under seal so that I can consider it when resolving the motion. Ordered by Judge Edward R. Korman on 4/26/2021 (Rosh, Samuel). (Entered: 04/26/2021)</p>
04/28/2021	127	STATUS REPORT <i>Joint Letter in Response to Magistrate Judge Kuo's March 31 Order re: Discovery</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Ginsberg, Betsy) (Entered: 04/28/2021)
04/30/2021	128	ANSWER to 29 Amended Complaint, by All Defendants. (Mahoney, Kathleen) (Entered: 04/30/2021)
05/03/2021	129	TRANSCRIPT of Proceedings held on March 31, 2021, before Judge Kuo. Court Reporter/Transcriber Fiore Reporting and Transcription Service, Inc, Telephone number 203-929-9992. Email address: cmfiore@sbcglobal.net. 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. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 5/24/2021. Redacted Transcript Deadline set for 6/3/2021. Release of Transcript Restriction set for 8/2/2021. (Hong, Loan) (Entered: 05/03/2021)

05/06/2021	130	Letter <i>re Plaintiffs' Motion for Class Certification Documents</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 05/06/2021)
05/06/2021	131	MOTION to Certify Class by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Attachments: # 1 Memorandum of Law in Support of Motion for Certification of Classes and Appointment of Plaintiffs' Counsel as Class Counsel, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Defendants' Memorandum of Law in Opposition to Motion for Certification of Classes and Appointment of Plaintiffs' Counsel as Class Counsel) (Katovich, Scout) (Entered: 05/06/2021)
05/06/2021	132	MOTION to Seal by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Attachments: # 1 Reply Memorandum of Law in Further Support of Plaintiffs' Motion for Class Certification and Appointment of Plaintiffs' Counsel as Class Counsel, # 2 Exhibit 1) (Katovich, Scout) (Entered: 05/06/2021)
05/07/2021		ORDER granting 132 Motion to Seal *** The motion to seal is granted. Plaintiffs shall file a redacted copy of the reply brief on the public docket. Ordered by Judge Edward R. Korman on 5/7/2021 (Rosh, Samuel). (Entered: 05/07/2021)
05/07/2021	133	REPLY in Support re 131 MOTION to Certify Class filed by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Attachments: # 1 Exhibit 1) (Katovich, Scout) (Entered: 05/07/2021)
05/25/2021	134	ORDER granting (131) Motion to Certify Class in case 1:19-cv-01075-ERK-PK. Ordered by Judge Edward R. Korman on 5/25/2021. Associated Cases: 1:19-cv-01075-ERK-PK, 1:19-cv-02568-ERK-PK, 1:19-cv-05039-ERK-PK (Adams, Casey) (Entered: 05/25/2021)
05/26/2021	135	Letter MOTION for Protective Order / <i>Pursuant to April 15, 2020 Protective Order, Respectfully Requesting Order Maintaining Defendants' Designation of the BOP After Action Report as "Confidential"</i> by John Maffeo, Herman E. Quay, The United States of America. (Greene-Delgado, Sean) (Entered: 05/26/2021)
05/27/2021	136	Letter <i>Confirming Intent to Respond to Defendant's Letter Motion, ECF No. 135</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh

		Patel, David Scott, Larry Williams (Katovich, Scout) (Entered: 05/27/2021)
05/27/2021		ORDER: Plaintiffs' counsel sent an email to chambers in response to 135 Defendant's Motion for Protective Order, stating their intent to reply to that Motion. Plaintiffs' counsel is reminded that pursuant to Magistrate Judge Peggy Kuo's Individual Rule I.A., except in emergencies, "All communications with Chambers must be done through [ECF]." Additionally, Defendants' Motion fails to comply with Magistrate Judge Kuo's individual rule VI.A.2.a., which requires a certification that Defendants contacted Plaintiffs and gave them an opportunity to consent to the motion. Defendants are reminded to comply with the Court's individual rules. Ordered by Magistrate Judge Peggy Kuo on May 27, 2021. (Jochowitz, David) (Entered: 05/27/2021)
06/01/2021		ORDER: The Court so-orders the deadline proposed by Plaintiff of June 10, 2021 to file a response to Defendants 135 Motion for Protective Order. Ordered by Magistrate Judge Peggy Kuo on 6/1/2021. (O'Neil-Berven, Ryan) (Entered: 06/01/2021)
06/10/2021	137	REPLY in Opposition re 135 Letter MOTION for Protective Order / Pursuant to April 15, 2020 Protective Order, Respectfully Requesting Order Maintaining Defendants' Designation of the BOP After Action Report as "Confidential" filed by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Katovich, Scout) (Entered: 06/10/2021)
06/10/2021	138	NOTICE of Appearance by Sonya Levitova on behalf of Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams (aty to be noticed) (Levitova, Sonya) (Entered: 06/10/2021)
06/11/2021	139	MOTION for Discovery <i>re Production of Remaining ESI Discovery</i> by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Levitova, Sonya) (Entered: 06/11/2021)
06/15/2021		SCHEDULING ORDER: A Telephone Motion Hearing on the 135 Motion for Protective Order and 139 Motion for Discovery Regarding Production of Remaining ESI Discovery is scheduled for June 24, 2021 at 11:00 a.m. before Magistrate Judge Peggy Kuo. The parties are directed to call toll free (877) 336-1274 and input the Access Code 1453850 at the time of the Conference. No

	<p>additional security code is needed. Once all parties are on the line, the call will be connected. (The parties are reminded that, pursuant to Local Civil Rule 1.8, they may not independently record any court proceedings. A transcript of the proceedings may be ordered from the Clerk's Office.) Ordered by Magistrate Judge Peggy Kuo on 6/15/2021. (Tran, Tammy) (Entered: 06/15/2021)</p>
<p>06/24/2021</p>	<p>MINUTE ENTRY: Telephone Conference held on June 24, 2021 before Magistrate Judge Peggy Kuo. Attorneys Scout Katovich, Sonya Levitova, and Katherine Ruth Rosenfeld appeared on behalf of Plaintiffs. Attorneys Sean Patrick Greene-Delgado, Kathleen Anne Mahoney, Seth D. Eichenholtz, and Shana C. Priore appeared on behalf of Defendants.</p> <p>The parties were heard on Defendants' 135 Motion for Protective Order continuing to designate the Bureau of Prisons After Action Report ("Report") as Confidential for Attorneys' Eyes Only. Defendants stated that they are not relying on any self-critical analysis privilege, but rather on fairness grounds and a balance of interests. Defendants relied on the affidavit of Correctional Services Administrator Richard Hollingsworth [89-1] for the harms that would occur if the Report were not kept confidential, primarily that the free flow of ideas and opinions would be chilled if those ordering an investigation or being interviewed by an after action investigative team knew the contents of any report would be made public. Plaintiffs stated that the Report is crucial to the case and will be referenced in most of their filings, and Defendants have not met their burden under Federal Rule of Civil Procedure 26(c) to show a sufficient harm to the Bureau of Prison in maintaining the Report's confidentiality designation.</p> <p>The Court denies the request 135 . The Court found that Defendants have not met their burden to identify sufficient harm to maintain the confidentiality designation of the Report. The Hollingsworth declaration does not identify any specific harm that would result from public disclosure of the factual or analytical sections of the Report. Defendants' argument that public institutions would be less likely to conduct a thorough investigation just because the results of those investigations may be made public does not outweigh the public's interest in the contents of the Report, especially since it is a judicial document. In addition, no privacy interests are implicated in the Report. The "Recommendations" section of the Report was previously ordered redacted and will remain redacted. Such redaction is sufficient to encourage and protect the free flow of</p>

		<p>ideas and suggestions. Defendants are directed to produce the Report without the confidentiality designation by June 24, 2021.</p> <p>The parties were also heard on the 139 Motion for Discovery Regarding Production of Remaining ESI Discovery. The Court denies Plaintiffs' request to order Defendants to respond to Plaintiffs' ESI demand by June 30, 2021, and grants Defendants' request to permit Defendants until August 30, 2021 to respond to Plaintiffs' ESI demand. Defendants must respond to Plaintiffs' ESI demand no later than August 30, 2021. The parties are directed to confer about an order of priority so Defendants can make their productions on a rolling basis. In order to ensure that potential witnesses are available for depositions, Plaintiffs are directed to provide as complete a list of potential deponents as possible to Defendants, so the parties can begin to schedule depositions well in advance. (FTR: 11:06-12:10) (Tran, Tammy) (Entered: 06/24/2021)</p>
06/30/2021	140	<p>Letter MOTION to Unseal Document 132 MOTION to Seal filed by Osman Ak, Merudh Patel, Jeremy Cerda, David Scott, Larry Williams, Gregory Hardy by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Katovich, Scout) (Entered: 06/30/2021)</p>
06/30/2021		<p>ORDER granting 140 Motion to Unseal Document 132 *** The unopposed motion is granted. Ordered by Judge Edward R. Korman on 6/30/2021 Associated Cases: 1:19-cv-01075-ERK-PK, 1:19-cv-02568-ERK-PK, 1:19-cv-05039-ERK-PK (Rosh, Samuel) (Entered: 06/30/2021)</p>
07/01/2021	141	<p>REPLY in Support re Order on Motion to Unseal Document, (132 in 1:19-cv-01075-ERK-PK, 132 in 1:19-cv-01075-ERK-PK) MOTION to Seal filed by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Attachments: # 1 Exhibit 1) Associated Cases: 1:19-cv-01075-ERK-PK, 1:19-cv-02568-ERK-PK, 1:19-cv-05039-ERK-PK (Rosenfeld, Katherine) (Entered: 07/01/2021)</p>
07/01/2021		<p>MINUTE ENTRY: Telephone Pre Motion Conference held on June 30, 2021 before Magistrate Judge Peggy Kuo in <i>ONeal, et al. v. United States of America, et al.</i> (19-cv-05039). Attorney Justin Tyler Kelton appeared on behalf of Plaintiffs. Attorney Shana C. Priore appeared on behalf of Defendants. Attorney Seth D. Eichenholtz was also present.</p>

		<p>The Court heard the parties on 39 Plaintiffs' request to file a motion to stay this action pending resolution of the consolidated class action, <i>Scott, et al. v. United States of America, et al.</i>, 19-cv-1075. Plaintiffs' request to stay this action until such time as the class action is resolved, or Plaintiffs opt out of the class. Defendants argue that Plaintiffs should engage in discovery now, or move to dismiss the case with the option to refile it if they decide to opt out of the class later.</p> <p>The Court directed the parties to confer regarding the most efficient way to manage this case in light of the Court's April 2, 2021 consolidation decision and the possibility that any decision to opt out of the class would lead Plaintiffs to file a separate case later. They shall file a joint status report no later than July 14, 2021, informing the Court whether they have reached an agreement on whether to stay this case, and, if there is no agreement, stating their respective positions in detail.</p> <p>Defense counsel is directed to send a copy of this minute entry to <i>pro se</i> Plaintiff Terrance Haskins in the member case, <i>Haskins v. US BOP et al</i> (19-cv-2568). (FTR: 10:43-11:12) (Tran, Tammy) (Entered: 07/01/2021)</p>
07/14/2021	142	Letter <i>Joint Letter Pursuant to Court's July 1, 2021 Minute Entry</i> by Angelo Brown, Steven Brown, Naysean Chavis, Rudy Garcia, Jamell O'Neal Associated Cases: 1:19-cv-01075-ERK-PK, 1:19-cv-02568-ERK-PK, 1:19-cv-05039-ERK-PK (Marion, Amy) (Entered: 07/14/2021)
07/21/2021		ORDER: The Court has reviewed the 42 joint letter in <i>O'Neal, et al. v. United States of America, et al.</i> (19-cv-05039) regarding the parties' respective positions as to the <i>O'Neal</i> plaintiffs' request to stay their action pending resolution of the <i>Scott, et al. v. United States of America, et al.</i> (19-cv-01075) class action. Plaintiffs' request to stay the <i>O'Neal</i> action is denied. The Court grants Defendants' request to allow discovery in the <i>O'Neal</i> action to proceed simultaneously with the class discovery in the <i>Scott</i> action. The <i>O'Neal</i> parties are directed to file a Joint Discovery Plan no later than July 28, 2021 . Ordered by Magistrate Judge Peggy Kuo on 7/21/2021. (Tran, Tammy) (Entered: 07/21/2021)
08/06/2021	143	MOTION to Withdraw as Attorney by Osman Ak, Jeremy Cerda, Gregory Hardy, Merudh Patel, David Scott, Larry Williams. (Levitova, Sonya) (Entered: 08/06/2021)

08/06/2021	ORDER granting 143 Motion to Withdraw as Attorney. Attorney Sonya Levitova terminated. Ordered by Magistrate Judge Peggy Kuo on 8/6/2021. (O'Neil-Berven, Ryan) (Entered: 08/06/2021)
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Transaction Receipt			
09/07/2021 21:09:34			
PACER Login:	CRCclearinghouse	Client Code:	Sawyer-Kaplan
Description:	Docket Report	Search Criteria:	1:19-cv-01075-ERK-PK
Billable Pages:	26	Cost:	2.60