

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:96-cv-01657-DC**

John Doe, et al v. Pataki, et al
Assigned to: Judge Denny Chin
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 03/06/1996
Date Terminated: 12/03/2007
Jury Demand: None
Nature of Suit: 950 Constitutional – State Statute
Jurisdiction: Federal Question

Plaintiff

John Doe

represented by **Thomas M. O'Brien**
The Legal Aid Society
Crim. Defense Div.
15 Park Row, 10th Fl.
NY, NY 10038
212/ 577-3551
LEAD ATTORNEY

Plaintiff

Richard Roe

represented by **Thomas M. O'Brien**
(See above for address)
LEAD ATTORNEY

Plaintiff

Samuel Poe
*individually and on behalf of all others
similarly situated*

represented by **Thomas M. O'Brien**
(See above for address)
LEAD ATTORNEY

V.

Defendant

Hon. George E. Pataki
*in his official capacity as Governor of the
State of New York*

represented by **Christine E. Morrison**
Dennis C. Vacco
Attorney General of the State of NY
120 Broadway
New York, NY 10271
(212) 416-8660
LEAD ATTORNEY

Defendant

Paul Schectman
*in his official capacity as Commissioner of
the New York State Dept. of Criminal
Justice Services*

represented by **Christine E. Morrison**
(See above for address)
LEAD ATTORNEY

Defendant

**The New York State Dept. of Criminal
Justice Services**

represented by **Christine E. Morrison**
(See above for address)
LEAD ATTORNEY

Defendant

Brion Travis
*in his official capacity as Chairman of the
New York State Board of Parole*

represented by **Christine E. Morrison**
(See above for address)
LEAD ATTORNEY

Defendant

New York State Division of Parolerepresented by **Christine E. Morrison**
(See above for address)
*LEAD ATTORNEY***Defendant****George Sanchez***in his official capacity as Commissioner of
the New York State Div. of Probation*represented by **Christine E. Morrison**
(See above for address)
*LEAD ATTORNEY***Defendant****The New York State Division of
Probation**represented by **Christine E. Morrison**
(See above for address)
*LEAD ATTORNEY***Defendant****Elizabeth M. Devane***in her official capacity as Chairperson of
the New York State Board of Examiners of
Sex Offenders*represented by **Christine E. Morrison**
(See above for address)
*LEAD ATTORNEY***Defendant****The New York State Board of
Examiners of Sex Offenders**represented by **Christine E. Morrison**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
03/06/1996	1	Order endorsed on declaration and support of request to proceed in forma pauperis, granted ; (signed by Judge Leonard B. Sand) (sc) (Entered: 03/07/1996)
03/06/1996	2	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ IFP RECEIPT # IFP (sc) (Entered: 03/07/1996)
03/06/1996		It is suggested that the case be classified as exped.. Magistrate Judge Eaton is so Designated. (sc) (Entered: 03/07/1996)
03/07/1996	3	ORDER TO SHOW CAUSE by John Doe -, Richard Roe, Samuel Poe Show Cause Hearing set for 3:00 3/18/96 for temporary restraining order , for preliminary injunction and class action Certification Defendants shall serve (by hand) and file opposition papers by 03/13/96 at 5pm and plaintiffs shall serve (by hand) and file reply papers, if any, by 03/15/96 at 5pm. signed by Judge Denny Chin); Copies mailed. (djc) (Entered: 03/08/1996)
03/07/1996	4	Affidavit of service of Order to Show Cause, annexed affdvts., plttfs' Memorandum of Law and plttfs' complt. by personal svc. upon Ellen B. Villalobos, an agent duly authorized to accept svc. on behalf of the U.S. Attny's Office, S.D.N.Y at 100 Church St., NY, NY 10007. and also upon the Dept. of Treasury, U.S. Customs Svc., Regional Counsel's office at 6 World Trade Ctr., NY, Ny at 10:30 a.m. on 3/5/96 (ls) (Entered: 03/08/1996)
03/07/1996	5	MEMORANDUM by John Doe -, Richard Roe, Samuel Poe in support of [3-1] motion for temporary restraining order, [3-2] motion for preliminary injunction, [3-3] motion class action Certification (ls) (Entered: 03/08/1996)
03/13/1996	6	MEMORANDUM OF LAW by George E. Pataki, Paul Schectman, N.Y.S. Dept. Crim., Brion Travis, NYS Div. of Parole, George Sanchez, Div. of Probat., Elizabeth M. Devane, NYS Bd. of Ex. Sex opposition to [3-2] motion for preliminary injunction, and [3-3] motion for class action certification. (ae) (Entered: 03/14/1996)
03/13/1996	7	AFFIRMATION of Paul Shechtman by George E. Pataki in opposition to Re: [3-2] motion for preliminary injunction, [3-3] motion for class action certification. (ae) (Entered: 03/14/1996)

03/14/1996	11	NOTICE OF MOTION by Daniel L. Feldman, Member of the Assembly of the State of New York for preliminary injunction against implementation of New York's Sex Offender Registration Act. , Return date not indicated. (ae) (Entered: 03/18/1996)
03/15/1996	8	ORDER, It does not appear that an evidentiary hearing is required with respect to plttffs' motion for a preliminary injunction, on 3/18/96, the parties will simply present oral argument. (signed by Judge Denny Chin); Copies faxed Chambers. (lam) (Entered: 03/18/1996)
03/15/1996	9	REPLY MEMORANDUM OF LAW by John Doe -, Richard Roe, Samuel Poe in support of re: [3-2] motion for preliminary injunction. (ae) (Entered: 03/18/1996)
03/15/1996	10	Reply Affirmation of Susan L. Hendricks by John Doe -, Richard Roe, Samuel Poe in support of [3-2] motion for preliminary injunction (ae) (Entered: 03/18/1996)
03/15/1996	12	MEMORANDUM OF LAW of The U.S.A. as Amicus Curiae in opposition to [3-2] motion for preliminary injunction (ae) (Entered: 03/18/1996)
03/21/1996	13	OPINION and ORDER # 76317 granting [11-1] motion for preliminary injunction against implementation of New York's Sex Offender Registration Act. (Signed by Judge Denny); Copies mailed. (djc) (Entered: 03/25/1996)
04/03/1996	14	Filed Memo_Endorsement on letter dated 3/28/96, answer due for 4/10/96 for NYS Bd. of Ex. Sex, for Elizabeth M. Devane, for NYS Div. of Probat., for George Sanchez, for NYS Div. of Parole, for Brion Travis, for N.Y.S. Dept. Crim., for Paul Schectman, for George E. Pataki (signed by Judge Denny Chin) (cd) (Entered: 04/04/1996)
04/10/1996	15	ANSWER to Complaint by George E. Pataki, Paul Schectman, N.Y.S. Dept. Crim., Brion Travis, NYS Div. of Parole, George Sanchez, NYS Div. of Probat., Elizabeth M. Devane, NYS Bd. of Ex. Sex (Attorney Christine E. Morrison), RCBNDNB on 4/10/96 at 5:52pm) by attorney Christine E. Morrison for defendant NYS Bd. of Ex. Sex (pl) (Entered: 04/12/1996)
04/30/1996		Pre-trial conference held (cd) (Entered: 05/08/1996)
05/01/1996	16	ORDER, set discovery due for 6/30/96 , set Defendants' summary judgment motion filing deadline for 6/30/96 , set Plaintiffs' opposition to motion filing deadline for set for 7/30/96 , Defendants' Reply to Response and opposition to Cross-Motion by 8/13/96 , set Any amici curiae who have been granted leave to appear in support of the constitutionality of the N.Y. State Sec offender Registration Act shall submit any amicus briefs by 8/13/96..... ..So Ordered....(signed by Judge Denny Chin); Copies mailed (pl) (Entered: 05/02/1996)
05/09/1996	17	Transcript of record of proceedings filed for dates of 3/18/96 before Judge Chin. (rag) (Entered: 05/09/1996)
05/09/1996	18	Transcript of record of proceedings filed for dates of 3/7/96 (cd) (Entered: 05/09/1996)
07/03/1996	19	MEMORANDUM by Amici Curiae, the American Aliance for Rights and Responsibilities IN SUPPORT OF defts' motion for summary jdgmt. dismissing the action (ls) (Entered: 07/08/1996)
07/05/1996	20	NOTICE OF MOTION by defendants for summary judgment. (kw) (Entered: 07/09/1996)
07/05/1996	20	Rule 3(g) statement filed by defendants. (kw) (Entered: 07/09/1996)
07/05/1996	20	DECLARATION of Dennis O'Connell in connection to Re: [20-1] motion for summary judgment. (kw) (Entered: 07/09/1996)
07/05/1996	20	AFFIDAVIT of Maureen E. Casey in connection to Re: [20-1] motion for summary judgment. (kw) (Entered: 07/09/1996)
07/05/1996	20	AFFIDAVIT of Elizabeth M. Devane in connection to Re: [20-1] motion for summary judgment. (kw) (Entered: 07/09/1996)

07/05/1996	20	AFFIDAVIT of Ann Horowitz in connection to Re: [20-1] motion for summary judgment. (kw) (Entered: 07/09/1996)
07/05/1996	20	AFFIDAVIT of Linda J. Valenti in connection to Re: [20-1] motion for summary judgment. (kw) (Entered: 07/09/1996)
07/05/1996	21	MEMORANDUM by defendants in support of [20-1] motion for summary judgment. (kw) (Entered: 07/09/1996)
07/23/1996	22	Affidavit of service of Defendants' Responses to Plaintiffs' Interrogatories and Request for Document Production as to Robert M. Baum, Attorney in Charge, Criminal Defense Division, The Legal Aid Society, 15 Park Row, 10th Floor, NYC 10038 by Personal Service on 7/19/96 (kk) (Entered: 07/24/1996)
08/02/1996	23	SEALED DOCUMENT placed in vault (sp) (Entered: 08/02/1996)
08/02/1996	24	NOTICE OF MOTION by John Doe -, Richard Roe, Samuel Poe for summary judgment , Return date 8/27/96; attached are papers in support (cd) (Entered: 08/02/1996)
08/02/1996	25	MEMORANDUM by John Doe -, Richard Roe, Samuel Poe in support of [24-1] motion for summary judgment (cd) (Entered: 08/02/1996)
08/05/1996	26	ORDER, All materials supplied to plaintiffs' counsel in this matter that are subject to the seal order issued in W.P. v. Verniero, Civ. #96-97 (D.N.J) (Hon. John W. Bissell), shall be confidential and shall not be disclosed except as follows....(see order).... ..So Ordered...(signed by Judge Denny Chin); Copies mailed (pl) (Entered: 08/06/1996)
08/07/1996	27	ORDER, all materials supplied to defendants' counsel in this matter that are subject to the sealing order issued in W.P. v. Verniero, Civ. no. 96-97 (D.N.J) (Hon. John W. Bissell), shall be confidential and shall not be disclosed except as follows:....(1) the relevant documents shall not be disseminated to any person other than defendants' counsel or their employees or other personnel who are working on this matter and then only for the purposes of work on this matter; (2) any protected document that is filed with this court in conjunction with this matter shall be filed under seal; and (3) any protected document that is filed with this court under seal shall be provided to plaintiffs' counsel, who shall not disseminate them to any person for any reason except to their employees or other personnel who are working on this matter and then only for the purposes of work on this matter. SO ORDERED. (signed by Judge Denny Chin); Copies mailed (djc) (Entered: 08/08/1996)
08/13/1996	28	MEMORANDUM The United States of America as AMICUS CURIAE in SUPPORT of defts' [20-1] motion for summary judgment, and in OPPOSITION to plttfs' [24-1] motion for summary judgment (lam) (Entered: 08/14/1996)
08/13/1996	29	DECLARATION of Daniel S. Alter, AUSA for the United States of America, AMICUS CURIAE. (lam) (Entered: 08/14/1996)
08/13/1996	30	MEMORANDUM in further support, by George E. Pataki, Paul Schectman, N.Y.S. Dept. Crim., Brion Travis, NYS Div. of Parole, George Sanchez, NYS Div. of Probat., Elizabeth M. Devane, NYS Bd. of Ex. Sex in support of [20-1] motion for summary judgment. (cd) (Entered: 08/14/1996)
08/20/1996	31	STIPULATION concerning classification of offenders. (signed by Judge Denny Chin). (lam) (Entered: 08/21/1996)
08/27/1996	32	REPLY MEMORANDUM by John Doe -, Richard Roe, Samuel Poe in support of re: Permanent Injunction (pl) (Entered: 08/29/1996)
08/27/1996	33	Affirmation of service of Plaintiffs' Reply Memoradum in support of Permanent Injunction upon christine Morrison, Esq. off. of Dennis Vacco by first-class mail on 8/27/96 (pl) (Entered: 08/29/1996)
09/03/1996	34	STIPULATION and ORDER, of Undisputed Facts (signed by Judge Denny Chin). (djc) (Entered: 09/04/1996)

09/24/1996	35	OPINION # 77338 granting in part, denying in part [24-1] motion for summary judgment, granting in part, denying in part [20-1] motion for summary judgment. The Clerk of the Court shall enter judgment.....So Ordered... (Signed by Judge Denny Chin); (sent to J.C. on 9/24/96) (pl) (Entered: 09/24/1996)
09/25/1996	36	JUDGMENT – ORDERED, ADJUDGED AND DECREED: ;that thr the reasons stated in the Court's Opinion (77338) of September 24, 1996, judgment is entered as follows: (1) in favor of plaintiff on their claim that retroactive appication of the notification provisions of the Act would violate the Ex Post Facto Clause; (ii) permanently enjoining defendants, their agents, employees, and all persons acting in concert with them from enforcing the public notification provisions of the Act including sects 168-1(6)(b) and (c), 168-p, and 169-q, against perons who committed their crimes before January 21, 1996; (iii) in favor of defendants dismissing with prejudice plaintiff's claim that retroactive application of the registration provisions of the Act would violate the Ex Post Facto Clause; and (iv) in favor of defendants dismissing without prejudice plaintiffs' due process and statutory claims as moot. (by James M. Parkison); eod – 09/26/96; Mailed copies and notice of right to appeal. (dj) (Entered: 09/26/1996)
09/25/1996		Case closed (dj) (Entered: 09/26/1996)
10/02/1996	37	NOTICE OF APPEAL by John Doe –, Richard Roe, Samuel Poe ; from [36-1] judgment order, [35-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Thomas M. O'Brien , Norman Siegel, Mary Jo White, Eliot Spitzer, Dennis Saffran , Fee pd. \$105, rec # 271768. (as) Modified on 10/07/1996 (Entered: 10/07/1996)
10/16/1996	38	NOTICE OF CROSS-APPEAL by John Doe –, Richard Roe, Samuel Poe From: The part of the final Judgment of this court, entered on September 25, 1996, and opinion dated September 24, 1996. (NO FEE DUE) The Legal Aid Society. (dt) (Entered: 10/17/1996)
11/13/1996	39	Notice that the original record on appeal has been certified and transmitted to the U.S. Court of Appeals on 11/12/96: [37-1] appeal by Samuel Poe, Richard Roe, John Doe (pl) (Entered: 11/18/1996)
01/09/1997	40	NOTICE of change of address by Christopher M. Ferrara; Please correct your records to show may new address as follows: Christopher M. Ferrara, P.tff., Pro Se, P.O. Box 342, Holley, NY 14470-0342 (ls) (Entered: 01/10/1997)
12/22/1997	41	MANDATE OF USCA (certified copy) Re: [37-1] appeal by Samuel Poe, Richard Roe, John Doe – It is now hereby ordered, adjudged, and decreed that the judgment of said district court be and it hereby is affirmed in part, reversed in part, and remanded to said district court for further proceeding. (96-6249, 96-6269) George Lange, III, CLerk, USCA. (as) (Entered: 12/29/1997)
12/22/1997		Case reopened (rag) (Entered: 05/14/1998)
02/25/1998	42	ORDER, the parties shall appear for a conference on 3/11/98 at 9:30 to discuss further proceedings in this action (signed by Judge Denny Chin); Copies mailed (ae) (Entered: 02/26/1998)
03/17/1998	43	ORDER; that the permanent injunction ordered by this Court, enjoining the defts from the retroactive application of notification provisions of New York's Sex Offender Registration Act is vacated in its entirety ; (signed by Judge Denny Chin); Copies mailed (ls) Modified on 03/19/1998 (Entered: 03/18/1998)
03/17/1998	45	DECLARATION of Susan Hendricks Re: service of two copies of plaintiffs' application for a temporary restraining order and the memorandum of law in support thereof on Dennis Vacco, Atty. Gen. of N.Y.S. (ys) (Entered: 03/19/1998)
03/17/1998	46	DECLARATION in support by John Doe –, Richard Roe, Samuel Poe re: plaintiff's motion for an order temporarily restraining defendants from undertaking community notification for persons classified as sex offenders under New York Correction Law Article 6-C. (ys) (Entered: 03/19/1998)
03/17/1998	47	MEMORANDUM by John Doe –, Richard Roe, Samuel Poe in support of TRO (cd) (Entered: 03/20/1998)

03/18/1998	44	ORDER, for temporary restraining order with respect to individuals who were convicted of designated sex offenses prior to and who were under the supervision of either the NYS Division of Parole or a local dept of probation on 1/21/96 etc (signed by Judge Denny Chin); Copies mailed (cd) (Entered: 03/19/1998)
03/30/1998	48	NOTICE OF MOTION by John Doe –, Richard Roe, Samuel Poe for preliminary injunction and for leave to file an amended complaint , Return date 4/7/98; Declaration in support attached. (djc) (Entered: 04/02/1998)
03/30/1998	49	MEMORANDUM of LAW by John Doe –, Richard Roe, Samuel Poe in support of [48–1] motion for preliminary injunction, [48–2] motion for leave to file an amended complaint (djc) (Entered: 04/02/1998)
04/15/1998	50	Filed Memo–Endorsement on letter by Christine E. Morrison to Judge Chin dated 4/9/98, defendants' response to motion reset to 4/20/98 for [48–1] motion for preliminary injunction; reset to 4/20/98 for [48–2] motion for leave to file an amended complaint ; plaintiffs' reply to response to motion reset to 4/24/98 for [48–1] motion for preliminary injunction; reset to 4/24/98 for [48–2] motion for leave to file an amended complaint ; the TRO shall expire at 5:00 p.m. on 5/1/98 unless continued by a subsequent order of this Court (signed by Judge Denny Chin) (ae) (Entered: 04/16/1998)
04/20/1998	51	DECLARATION in opposition by Christine E. Morrison for defts George E. Pataki, Paul Schectman, N.Y.S. Dept. Crim., Brion Travis, NYS Div. of Parole, George Sanchez, NYS Div. of Probat., Elizabeth M. Devane, NYS Bd. of Ex. Sex re [48–1] motion for preliminary injunction, [48–2] motion for leave to file an amended complaint (ls) (Entered: 04/22/1998)
04/20/1998	52	MEMORANDUM by George E. Pataki, Paul Schectman, N.Y.S. Dept. Crim., Brion Travis, NYS Div. of Parole, George Sanchez, NYS Div. of Probat., Elizabeth M. Devane, NYS Bd. of Ex. Sex in opposition to [48–1] motion for preliminary injunction, [48–2] motion for leave to file an amended complaint (ls) (Entered: 04/22/1998)
04/24/1998	53	REPLY MEMORANDUM by John Doe, Richard Roe, Samuel Poe in support of re: [48–1] motion for preliminary injunction; [48–2] motion for leave to file an amended complaint (ae) (Entered: 04/27/1998)
04/24/1998	54	Reply Declaration of Susan L. Hendricks by John Doe, Richard Roe, Samuel Poe in support of [48–1] motion for preliminary injunction; [48–2] motion for leave to file an amended complaint (ae) (Entered: 04/27/1998)
05/04/1998	55	ORDER; the temporary restraining order set forth in paragraph 3 of the Court's 3/17/98 order is extended until 5/7/98 at 5:00 p.m. (signed by Judge Denny Chin); Copies mailed (sac) Modified on 05/05/1998 (Entered: 05/04/1998)
05/06/1998	56	Transcript of record of proceedings before Judge Chin filed for dates of March 16, 1998 (jp) (Entered: 05/06/1998)
05/06/1998	57	Transcript of record of proceedings before Judge Chin filed for dates of 3/16/98 (bm) (Entered: 05/06/1998)
05/07/1998	58	OPINION #80564, with respect to the members of the Probationer–Parolee class, plaintiffs' motion for summary judgment is granted and defendants' cross–motion for summary judgment is denied ; defendants, their agents, employees, and all persons acting in concert with them are hereby permanently enjoined from classifying members of the Probationer–Parolee class at higher than risk level one unless and until they are reclassified by a court in accordance with procedures that satisfy the requirements of due process as set forth above ; with respect to the members of the proposed additional class, granting [48–2] motion for leave to file an amended complaint; and granting [48–1] motion for a preliminary injunction; defendants, their agents, employees, and all persons acting in concert with them are hereby preliminarily enjoined, pending final resolution of this action, from classifying members of the Proposed Additional class at higher than risk level one unless and until they are reclassified by a court in accordance with procedures that satisfy the requirements of due process as set forth above ; with respect to the remaining claims, that is, the claims of the Proposed Additional class, any and all discovery is to be completed by 7/19/98 ; cross–motions for summary judgment

		are to be filed, simultaneously, no later than 8/21/98, with opposition papers to be filed, simultaneously, no later than 9/18/98. If the parties decide they do not need discovery, the briefing schedule will be accelerated (Signed by Judge Denny Chin); Copies mailed. (ae) Modified on 05/13/1998 (Entered: 05/08/1998)
05/19/1998		Memo endorsed on motion,, motion granted per Opinion dated 5/7/98 (signed by Judge Denny Chin); Copies mailed. (cd) (Entered: 05/20/1998)
06/18/1998	59	ORDER, plaintiffs' motion for leave to amend the complaint to add claims and named plaintiffs from the "Additional Class" is granted; plaintiffs' motion for a preliminary injunction is granted, whereby defendants, their agents, employees, and all persons acting in concert with them are preliminarily enjoined, pending final resolution of the action, from classifying members of the Additional Class at higher than risk level one for purposes of community notification unless they have been reclassified by a court in accordance with procedures that satisfy the requirements of due process as set out in the Court's Opinion (signed by Judge Denny Chin); Copies mailed (kw) (Entered: 06/19/1998)
07/14/1998	60	NOTICE OF APPEAL by George E. Pataki, Paul Schectman, N.Y.S. Dept. Crim., Brion Travis, NYS Div. of Parole, George Sanchez, NYS Div. of Probat., Elizabeth M. Devane, NYS Bd. of Ex. Sex ; from [59-1] order plaintiffs' motion for leave to amend the complaint to add claims and named plaintiffs from the "Additional Class" is granted; plaintiffs' motion for a preliminary injunction is granted, whereby defendants, their agents, employees, and all persons acting in concert with them are preliminarily enjoined, pending final resolution of the action, from classifying members of the Additional Class at higher than risk level one for purposes of community notification unless they have been reclassified by a court in accordance with procedures that satisfy the requirements of due process as set out in the Court's Opinion, [59-2] relief, [58-1] order with respect to the members of the Probationer-Parolee class, plaintiffs' motion for summary judgment is granted and defendants' cross-motion for summary judgment is denied, [58-2] order defendants, their agents, employees, and all persons acting in concert with them are hereby permanently enjoined from classifying members of the Probationer-Parolee class at higher than risk level one unless and until they are reclassified by a court in accordance with procedures that satisfy the requirements of due process as set forth above, [58-3] order defendants, their agents, employees, and all persons acting in concert with them are hereby preliminarily enjoined, pending final resolution of this action, from classifying members of the Proposed Additional class at higher than risk level one unless and until they are reclassified by a court in accordance with procedures that satisfy the requirements of due process as set forth above, [58-4] order with respect to the remaining claims, that is, the claims of the Proposed Additional class, any and all discovery is to be completed by 7/19/98, [58-5] order cross-motions for summary judgment are to be filed, simultaneously, no later than 8/21/98, with opposition papers to be filed, simultaneously, no later than 9/18/98. If the parties decide they do not need discovery, the briefing schedule will be accelerated, [58-6] order . Copies of notice of appeal mailed to Attorney(s) of Record: Thomas M. O'Brien, Esq. \$105.00 Appeal filing fee paid on July 14, 1998 on receipt # E 320920. (dt) (Entered: 07/14/1998)
01/14/1999	61	MANDATE OF USCA WITHDRAWING APPEAL (certified copy) Re: withdrawing [60-1] appeal by NYS Bd. of Ex. Sex, Elizabeth M. Devane, NYS Div. of Probat., George Sanchez, NYS Div. of Parole, Brion Travis, N.Y.S. Dept. Crim., Paul Schectman, George E. Pataki, [38-1] cross appeal by Samuel Poe, Richard Roe, John Doe -. Withdrawal to be without prejudice to a reinstatement. (98-7951) Carolyn Clark Campbell, Clerk, USCA. (as) (Entered: 01/19/1999)
05/10/1999	62	MANDATE OF USCA WITHDRAWING APPEAL (certified copy) Re: withdrawing [60-1] appeal by NYS Bd. of Ex. Sex, Elizabeth M. Devane, NYS Div. of Probat., George Sanchez, NYS Div. of Parole, Brion Travis, N.Y.S. Dept. Crim., Paul Schectman, George E. Pataki. (98-7951) Carolyn Clark Campbell, Clerk, USCA. (as) (Entered: 05/10/1999)
08/18/1999	63	True Copy of Order from the USCA as to John Doe - RE: [62-1] withdraw appeal . Previous withdrawl of appeal shall be extended to September 15, 1999. (98-7951) Karen Greve Milton, Clerk, USCA. (as) (Entered: 08/19/1999)

12/02/1999	64	Memo-Endorsement on letter addressed to Judge Chin from Christine E. Morrison, dated 11/29/99, defendants request that your Honor calendar the case for the end of January or any date that is convenient for the Court; A conference will be held on 1/14/00 at 9:30 a.m. (signed by Judge Denny Chin); Copies mailed. (ri) (Entered: 12/06/1999)
03/20/2000	65	Memo-Endorsement on letter addressed to Judge Chin from Christine E. Morrison, dated 3/15/00. Re: Counsel for the state defts requests an extension of time to have a signed stipulation related to settlement of this case, to 5/31/00. Application granted, but only to 4/28/00 . (signed by Judge Denny Chin); Copies mailed. (sn) (Entered: 03/20/2000)
11/22/2000	66	Order; that this action, having been settled, is discontinued with prejudice, except that the discontinuance is without prejudice to reinstatement of the case by either side within 60 days, in the event that the parties are unable to execute a final stipulation of settlement before then. (signed by Judge Denny Chin) (jp) (Entered: 11/22/2000)
11/22/2000		Case closed. (jp) (Entered: 11/22/2000)
06/07/2004	67	ORDER, the case is reinstated so that the stipulation of settlement can be submitted and so ordered by the Court. (Signed by Judge Denny Chin on 6/4/04) copies sent by chambers(cd,) (Entered: 06/08/2004)
06/07/2004	68	STIPULATION OF SETTLEMENT; the following procedures will be implemented within the time frames specified in this document. The parties agree that this action should be dismissed with prejudice and the injunctions previously issued in this action vacated consistent with the terms of the Stipulation. (Signed by Judge Denny Chin on 6/4/04) (sac,) (Entered: 06/08/2004)
01/20/2006	69	MOTION for an order, enforcing the Stipulation of Settlement in this case. Document filed by Richard Roe, Samuel Poe. Affirmation of Thomas M. O'Brien in support attached. (sac,) (Entered: 01/24/2006)
01/23/2006	70	MEMORANDUM OF LAW in Support re: 69 MOTION for an order, enforcing the Stipulation of Settlement in this case. Document filed by Richard Roe, Samuel Poe. (sac,) (Entered: 01/24/2006)
02/15/2006	71	MEMORANDUM OF LAW in Opposition re: 69 MOTION for Settlement.. Document filed by George E. Pataki. (djc,) (Entered: 02/16/2006)
02/15/2006	72	AFFIDAVIT of Pamela G.S. Gaitor in Opposition re: 69 MOTION for Settlement.. Document filed by The New York State Board of Examiners of Sex Offenders. (djc,) (Entered: 02/16/2006)
02/22/2006	73	REPLY MEMORANDUM in response to arguments put forth by defendants in their Memorandum in opposition to motion to Enforce Settlement Agreement, dated February 15,2006. Document filed by Richard Roe, Samuel Poe. (jmi,) (Entered: 02/23/2006)
03/30/2006	74	TRANSCRIPT of proceedings held on 2/28/06 at 10:00 a.m. before Judge Denny Chin. (js,) (Entered: 03/30/2006)
04/12/2006	75	OPINION # 93000, Granting re: 69 MOTION for enforce the Stipulation of Settlement. filed by Richard Roe., Samuel Poe,. Defendants will be enjoined from applying the Amendment to class members in a manner inconsistent w/ the terms of the Stipulation. Defendants are not precluded from applying the Amendment to individuals not covered by the Stipulation. Plaintiff shall submit a proposed order on notice w/in 7 days hereof. In the meantime, and until the Court enters a final order, this decision is stayed. The parties shall confer on the question of a stay pending appeal. If they are unable to agree on the issuance of a stay pending appeal, they are to submit letters setting forth their respective position w/in 7 days hereof. (Signed by Judge Denny Chin on 4/12/06) (ae,) (Entered: 04/12/2006)
04/12/2006	<u>76</u>	OPINION: For the foregoing reasons, plaintiffs' motion to enforce the stipulation is granted. Defendants will be enjoined from applying the amendment to class members in a manner inconsistent with the terms of the stipulation. Defendants are not precluded from applying the amendment to individuals not covered by the

		stipulation. Plaintiffs shall submit a proposed order on notice within 7 days hereof. In the meantime, and until the Court enters a final order, this decision is stayed. The parties shall confer on the question of a stay pending appeal. If they are unable to agree on the issuance of a stay pending appeal, they are to submit letters setting forth their respective position within 7 days hereof. (Signed by Judge Denny Chin on 4/12/2006) (lb,) (Entered: 04/12/2006)
04/27/2006	77	ORDER; plaintiffs' motion is granted, and the terms of the 10-year limit on the duration of registration for those who been designated a Risk Level One or a Risk Level Two under procedures of the Stipulation shall be enforced. The Court has considered the parties' letters addressing the issue of a stay pending appeal. Defendants' request for a stay of this order pending appeal is granted, on the condition that defendants promptly file their notice of appeal and promptly thereafter note in the Second Circuit for an expedited briefing and argument schedule. (Signed by Judge Denny Chin on 4/25/06) (sac,) (Entered: 04/27/2006)
05/01/2006	78	NOTICE OF APPEAL from 77 Order. Document filed by The New York State Division of Probation, Elizabeth M. Devane, The New York State Board of Examiners of Sex Offenders, George E. Pataki, Paul Schectman, The New York State Dept. of Criminal Justice Services, Brion Travis, New York State Division of Parole, George Sanchez. Filing fee \$ 455.00, receipt number E 577959. Copies of Notice of Appeal mailed to Attorney(s) of Record: The Legal Aid Society. (tp,) (Entered: 05/02/2006)
05/02/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 78 Notice of Appeal. (tp,) (Entered: 05/02/2006)
05/02/2006		Transmission of Notice of Appeal to the District Judge re: 78 Notice of Appeal. (tp,) (Entered: 05/02/2006)
06/07/2006	79	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 78 Notice of Appeal, filed by George Sanchez,, New York State Division of Parole,, Brion Travis,, George E. Pataki,, Paul Schectman,, The New York State Dept. of Criminal Justice Services,, The New York State Division of Probation,, Elizabeth M. Devane,, The New York State Board of Examiners of Sex Offenders,, USCA Case Number 06-2126, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (nd,) (Entered: 06/07/2006)
07/18/2006	80	ORDER; the stay contained in the order is hereby modified to permit continued application of the Act to level 1 and 2 members of the class, pending appeal, only as the Act existed on 4/25/2006; defendants are enjoined from applying any subsequent amendments to the Act, including the New Amendment, to level 1 and 2 members of the class during the pendency of the current appeal. Of course, defendants are free to apply the New Amendment to level 1 and 2 offenders who are not covered by the Stipulation. (Signed by Judge Denny Chin on 7/17/06) (kco,) (Entered: 07/18/2006)
07/26/2006	81	ORDER;...the July 17th Order stands and defendants' request for modification or clarification is denied. (Signed by Judge Denny Chin on 7/24/06) (djc,) (Entered: 07/27/2006)
08/07/2006	82	NOTICE OF APPEAL from 80 Order,, 81 Order. Document filed by The New York State Division of Probation, Elizabeth M. Devane, The New York State Board of Examiners of Sex Offenders, George E. Pataki, Paul Schectman, The New York State Dept. of Criminal Justice Services, Brion Travis, New York State Division of Parole, George Sanchez. Filing fee \$ 455.00, receipt number E 586989. Copies of Notice of Appeal mailed to Attorney(s) of Record: The Legal Aid Society. (nd,) (Entered: 08/07/2006)
08/07/2006		Transmission of Notice of Appeal to the District Judge re: 82 Notice of Appeal,. (nd,) (Entered: 08/07/2006)
08/07/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 82 Notice of Appeal,. (nd,) (Entered: 08/07/2006)

08/09/2006	83	ORDER: Defendants' request for a stay of the relief granted in the July 17th and July 24th orders is DENIED. (Signed by Judge Denny Chin on 8/8/2006) (lb,) (Entered: 08/09/2006)
09/15/2006	<u>84</u>	ORDER of USCA (Certified Copy) as to 82 Notice of Appeal, filed by George Sanchez,, New York State Division of Parole,, Brion Travis,, George E. Pataki,, Paul Schectman,, The New York State Dept. of Criminal Justice Services,, The New York State Division of Probation,, Elizabeth M. Devane,, The New York State Board of Examiners of Sex Offenders,, 78 Notice of Appeal, filed by George Sanchez,, New York State Division of Parole,, Brion Travis,, George E. Pataki,, Paul Schectman,, The New York State Dept. of Criminal Justice Services,, The New York State Division of Probation,, Elizabeth M. Devane,, The New York State Board of Examiners of Sex Offenders, USCA Case Number 06-2126-cv, 06-3709-cv. Upon consideration of the Appellants` motion to consolidate No. 06-3709-cv with No. 06-2126-cv, the motion is GRANTED. Scheduling Order #1, entered August 18, 2006, in No. 06-3709-cv is modified to the following extent: The parties` briefs may be submitted in letter form; Appellants` brief will be filed by September 25, 2006, Appellees` brief will be filed by October 10, 2006, and Appellants` reply brief will be filed by October 17, 2006, and the appeal will be submitted without oral argument. Upon consideration of the Appellants` motion for a stay of the District Court`s injunction entered July 17, 2006, as clarified by the Court`s order entered July 24, 2006, and the Appellants` motion for a full stay of the District Court`s injunction entered April 25, 2006 (that injunction having been partially stayed by the District Court), both stay motions are DENIED. By denying the pending stay motions, this Court intends to permit the State to apply the expanded duration requirements of the Sex Offender Registration Act ("SORA") (imposed by legislative amendment effective January 18, 2006) but not the expanded scope-of-notification requirements of SORA (imposed by legislative amendment effective June 23, 2006) during the pendency of these consolidated appeals. Roseann B. MacKechnie, Clerk USCA. Certified: 9/13/2006. (nd,) (Entered: 09/18/2006)
06/05/2007	<u>85</u>	MANDATE of USCA (Certified Copy) as to 78 Notice of Appeal, filed by The New York State Dept. of Criminal Justice Services, George Sanchez, Brion Travis, New York State Division of Parole, Paul Schectman, The New York State Board of Examiners of Sex Offenders, Elizabeth M. Devane, The New York State Division of Probation, George E. Pataki, 82 Notice of Appeal, filed by The New York State Dept. of Criminal Justice Services, George Sanchez, Brion Travis, New York State Division of Parole, The New York State Board of Examiners of Sex Offenders, Paul Schectman, Elizabeth M. Devane, The New York State Division of Probation, George E. Pataki USCA Case Number 06-2126-cv(L), 06-3709-cv(CON). Ordered, Adjudged and Decreed that the orders of said District Court be and they hereby are VACATED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 6/5/2007. (nd) (Entered: 06/06/2007)
06/06/2007		Transmission of USCA Mandate/Order to the District Judge re: <u>85</u> USCA Mandate. (nd) (Entered: 06/06/2007)
08/29/2007	86	ENDORSED LETTER addressed to Judge Denny Chin from Thomas M. O'Brien dated 8/22/07 re: a request for the following briefing schedule in regards to plaintiff's motion to modify the stipulation: Plaintiffs' Brief due by 8/31/2007. Defendants' Brief due by 9/21/2007. Plaintiffs' Reply Brief due by 9/28/2007. Oral Argument set for 10/23/2007 at 4:00 PM before Judge Denny Chin. ENDORSEMENT: Approved. SO ORDERED. (Signed by Judge Denny Chin on 8/27/07) (kco) (Entered: 08/29/2007)
08/31/2007	87	AFFIRMATION of Thomas O,Brien in Support of Plaintiffs' Motion to Modify the Stipulation of Settlement. Document filed by John Doe, Richard Roe, Samuel Poe. (cd) (Entered: 09/04/2007)
08/31/2007	88	MEMORANDUM OF LAW in Support of Plaintiffs' Motion to Modify Stipulation. Document filed by John Doe, Richard Roe, Samuel Poe. (cd) (Entered: 09/04/2007)

09/21/2007	89	MEMORANDUM OF LAW in Opposition to Motion To Modify Stipulation. Document filed by George E. Pataki et al. (cd) (Entered: 09/24/2007)
09/21/2007	90	AFFIDAVIT of Louis Willenken in Opposition to Plaintiffs' Motion to Modify Stipulation. Document filed by George E. Pataki et al. (cd) (Entered: 09/24/2007)
09/28/2007	91	REPLY BRIEF re: 89 Memorandum of Law in Opposition. Document filed by John Doe, Richard Roe, Samuel Poe. (pl) (Entered: 10/01/2007)
10/24/2007	92	ORDER; that plaintiffs application for modification of the consent decree is denied. (Signed by Judge Denny Chin on 10/23/07) (pl) (Entered: 10/24/2007)
12/03/2007	93	MINUTE ORDER PURSUANT TO MEMORANDUM FROM THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS, DATED JUNE 15TH, 1973. Case Closed administratively pursuant to Memorandum from the Administrative Office of the United States Courts dated June 15th, 1973. Original filed in 1:95-cv-00165(RO). (Signed by Judge Kimba M. Wood on 12/3/07) (jco) (Entered: 12/07/2007)
02/05/2008	94	TRANSCRIPT of proceedings held on 10/23/07 before Judge Denny Chin. (jbe) (Entered: 02/05/2008)