

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:16-cv-03455-GBD-GWG**

Trowbridge et al v. Cuomo et al
Assigned to: Judge George B. Daniels
Referred to: Magistrate Judge Gabriel W. Gorenstein
Cause: 42:1983dp Civil Right Denial of Due Process

Date Filed: 05/10/2016
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Christopher Trowbridge
*individually and on behalf of a class of all
others similarly situated*

represented by **Gary Solomon Lee**
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Plaintiff

Michael Torres
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Johanna Beth Steinberg
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Matthew D. Brinckerhoff
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Scott Duffield Levy
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Plaintiff

Ronnie Pagan
*individually and on behalf of a class of all
others similarly situated*

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Plaintiff

Juan Ortiz
*individually and on behalf of a class of all
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Plaintiff

Joseph Joshua

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Plaintiff

Luis Virella

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Plaintiff

Jason Garcia

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Scott Duffield Levy
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V.

Defendant

Andrew Cuomo
*in his official capacity as the Governor of
the State of New York*
TERMINATED: 12/22/2016

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Defendant

Janet DiFiore
*in her official capacity as Chief Judge of
the State of New York and Chief Judicial
Officer of the Unified Court System*

represented by **Alissa Schecter Wright**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Renee Lambert
(See above for address)

Defendant

Lawrence Marks
*in his capacity as Chief Administrative
 Judge of the Unified Court System*

represented by **Alissa Schecter Wright**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle Renee Lambert
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/10/2016	<u>1</u>	COMPLAINT against Andrew Cuomo, Janet DiFiore, Lawrence Marks. (Filing Fee \$ 400.00, Receipt Number 0208-12280684) Document filed by Christopher Trowbridge, Juan Ortiz, Ronnie Pagan, Michael Torres.(Levy, Scott) (Entered: 05/10/2016)
05/10/2016	<u>2</u>	CIVIL COVER SHEET filed. (Levy, Scott) (Entered: 05/10/2016)
05/10/2016	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Andrew Cuomo, re: <u>1</u> Complaint. Document filed by Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Levy, Scott) (Entered: 05/10/2016)
05/10/2016	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Janet DiFiore, re: <u>1</u> Complaint. Document filed by Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Levy, Scott) (Entered: 05/10/2016)
05/10/2016	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Lawrence Marks, re: <u>1</u> Complaint. Document filed by Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Levy, Scott) (Entered: 05/10/2016)
05/10/2016	<u>6</u>	NOTICE OF APPEARANCE by Matthew D. Brinckerhoff on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Brinckerhoff, Matthew) (Entered: 05/10/2016)
05/10/2016	<u>7</u>	NOTICE OF APPEARANCE by Ilann M. Maazel on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Maazel, Ilann) (Entered: 05/10/2016)
05/10/2016	<u>8</u>	NOTICE OF APPEARANCE by Douglas Edward Lieb on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Lieb, Douglas) (Entered: 05/10/2016)
05/10/2016	<u>9</u>	NOTICE OF APPEARANCE by Gary Solomon Lee on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Lee, Gary) (Entered: 05/10/2016)
05/10/2016	<u>10</u>	NOTICE OF APPEARANCE by Ruti Smithline on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Smithline, Ruti) (Entered: 05/10/2016)
05/10/2016	<u>11</u>	NOTICE OF APPEARANCE by Jennifer Kay Brown on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Brown, Jennifer) (Entered: 05/10/2016)
05/10/2016	<u>12</u>	NOTICE OF APPEARANCE by Katie Louise Viggiani on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Viggiani, Katie) (Entered: 05/10/2016)
05/10/2016	<u>13</u>	NOTICE OF APPEARANCE by James Andrew Newton on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Newton, James) (Entered: 05/10/2016)
05/10/2016		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Scott Duffield Levy. The party information for the following party/parties has been modified: Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. The information for the party/parties has been

		modified for the following reason/reasons: party text was omitted. (rch) (Entered: 05/10/2016)
05/10/2016	<u>14</u>	ELECTRONIC SUMMONS ISSUED as to Andrew Cuomo. (rch) (Entered: 05/10/2016)
05/10/2016	<u>15</u>	ELECTRONIC SUMMONS ISSUED as to Janet DiFiore. (rch) (Entered: 05/10/2016)
05/10/2016	<u>16</u>	ELECTRONIC SUMMONS ISSUED as to Lawrence Marks. (rch) (Entered: 05/10/2016)
05/10/2016		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge George B. Daniels. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (rch) (Entered: 05/10/2016)
05/10/2016		Magistrate Judge Gabriel W. Gorenstein is so designated. (rch) (Entered: 05/10/2016)
05/10/2016		Case Designated ECF. (rch) (Entered: 05/10/2016)
05/10/2016	<u>17</u>	NOTICE OF APPEARANCE by Johanna Beth Steinberg on behalf of Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Steinberg, Johanna) (Entered: 05/10/2016)
05/12/2016	<u>18</u>	INITIAL PRETRIAL CONFERENCE: Initial Conference set for 6/15/2016 at 09:30 AM in Courtroom 11A, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels. (Signed by Judge George B. Daniels on 5/11/2016) (spo) (Entered: 05/12/2016)
05/16/2016	<u>19</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. Andrew Cuomo served on 5/11/2016, answer due 6/1/2016. Service was accepted by Denise Gagnon, Person Authorized to Accept Service. Document filed by Christopher Trowbridge; Juan Ortiz; Ronnie Pagan; Michael Torres. (Smithline, Ruti) (Entered: 05/16/2016)
05/16/2016	<u>20</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. Janet DiFiore served on 5/11/2016, answer due 6/1/2016. Service was accepted by Lisa Evans, Person Authorized to Accept Service. Document filed by Christopher Trowbridge; Juan Ortiz; Ronnie Pagan; Michael Torres. (Smithline, Ruti) (Entered: 05/16/2016)
05/16/2016	<u>21</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. Lawrence Marks served on 5/11/2016, answer due 6/1/2016. Service was accepted by Lisa Evans, Person Authorized to Accept Service. Document filed by Christopher Trowbridge; Juan Ortiz; Ronnie Pagan; Michael Torres. (Smithline, Ruti) (Entered: 05/16/2016)
05/26/2016	<u>22</u>	NOTICE OF APPEARANCE by Alissa Schecter Wright on behalf of Andrew Cuomo, Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 05/26/2016)
05/26/2016	<u>23</u>	FIRST LETTER addressed to Judge George B. Daniels from Alissa S. Wright dated May 26, 2016 re: Extension of Time to Respond to the Complaint and Adjournment of Initial Pretrial Conference. Document filed by Andrew Cuomo, Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 05/26/2016)
05/26/2016	<u>24</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated 05/26/2016 re: Response to Defendants Request to Adjourn Initial Pretrial Conference. Document filed by Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge.(Levy, Scott) (Entered: 05/26/2016)
05/27/2016	<u>25</u>	NOTICE OF APPEARANCE by Michelle Renee Lambert on behalf of Andrew Cuomo, Janet DiFiore, Lawrence Marks. (Lambert, Michelle) (Entered: 05/27/2016)
06/01/2016	<u>26</u>	ORDER: Defendants' request for an extension of time to answer, move, or otherwise respond to the Complaint from June 1, 2016 to June 30, 2016 is GRANTED. Defendants' request to adjourn the June 15, 2016 9:30 a.m. initial conference is

		DENIED. SO ORDERED., Andrew Cuomo answer due 6/30/2016; Janet DiFiore answer due 6/30/2016; Lawrence Marks answer due 6/30/2016. (Signed by Judge George B. Daniels on 5/31/2016) (ama) (Entered: 06/01/2016)
06/08/2016	<u>27</u>	JOINT LETTER addressed to Judge George B. Daniels from Alissa Wright & Scott Levy dated June 8, 2016 re: Proposed Case Management Plan. Document filed by Andrew Cuomo, Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 06/08/2016)
06/14/2016	<u>28</u>	LETTER addressed to Judge George B. Daniels from Katie L. Viggiani dated June 14, 2016 re: Copies of Transmittal Letters Pursuant to the Court's 5/11/16 Order. Document filed by Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Viggiani, Katie) (Entered: 06/14/2016)
06/15/2016		Minute Entry for proceedings held before Judge George B. Daniels: Initial Pretrial Conference held on 6/15/2016. Plaintiff Counsel: Matthew D. Brinckerhoff; Ilann M. Maazel; James Andrew Newton; Katie Louise Viggiani; Johanna Beth Steinberg; Scott Duffield LevyDefense Counsel: Michelle Renee Lambert; Alissa Schecter Wright and Court Reporter present. The Oral argument is scheduled for September 7, 2016 at 10:30 a.m. (Vega, Elizabeth) (Entered: 06/15/2016)
06/30/2016	<u>29</u>	MOTION to Dismiss . Document filed by Andrew Cuomo, Janet DiFiore, Lawrence Marks. Responses due by 7/29/2016(Wright, Alissa) (Entered: 06/30/2016)
06/30/2016	<u>30</u>	MEMORANDUM OF LAW in Support re: <u>29</u> MOTION to Dismiss . . Document filed by Andrew Cuomo, Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 06/30/2016)
07/13/2016	<u>31</u>	TRANSCRIPT of Proceedings re: conference held on 6/15/2016 before Judge George B. Daniels. Court Reporter/Transcriber: Jerry Harrison, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/8/2016. Redacted Transcript Deadline set for 8/18/2016. Release of Transcript Restriction set for 10/14/2016.(McGuirk, Kelly) (Entered: 07/13/2016)
07/13/2016	<u>32</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 6/15/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 07/13/2016)
07/29/2016	<u>33</u>	MEMORANDUM OF LAW in Opposition re: <u>29</u> MOTION to Dismiss . . Document filed by Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge. (Levy, Scott) (Entered: 07/29/2016)
08/19/2016	<u>34</u>	REPLY MEMORANDUM OF LAW in Support re: <u>29</u> MOTION to Dismiss . . Document filed by Andrew Cuomo, Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 08/19/2016)
09/07/2016		Minute Entry for proceedings held before Judge George B. Daniels: Oral Argument held on 9/7/2016 re: <u>29</u> MOTION to Dismiss . filed by Lawrence Marks, Janet DiFiore, Andrew Cuomo. Plaintiff Counsel: Matthew D. Brinckerhoff; Douglas Edward Lieb; Ilann M. Maazel; James Andrew Newton; Ruti Smithline; Katie Louise Viggiani; Johanna Beth Steinberg; Scott Duffield LevyDefense Counsel: Michelle Renee Lambert; Alissa Schecter Wright; Charles Sanders and Court Reporter present. The subsequent conference is scheduled for January 11, 2017 at 10:30 a.m. (Vega, Elizabeth) (Entered: 09/08/2016)
09/13/2016	<u>35</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated 09/13/16 re: Discovery Schedule. Document filed by Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge.(Levy, Scott) (Entered: 09/13/2016)
09/13/2016	<u>36</u>	LETTER addressed to Judge George B. Daniels from Alissa S. Wright dated September 13, 2016 re: Response to Plaintiffs' Letter Concerning Discovery.

		Document filed by Andrew Cuomo, Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 09/13/2016)
10/05/2016	<u>37</u>	TRANSCRIPT of Proceedings re: motion held on 9/7/2016 before Judge George B. Daniels. Court Reporter/Transcriber: Thomas Murray, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/31/2016. Redacted Transcript Deadline set for 11/10/2016. Release of Transcript Restriction set for 1/6/2017.(Siwik, Christine) (Entered: 10/05/2016)
10/05/2016	<u>38</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a motion proceeding held on 9/7/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Siwik, Christine) (Entered: 10/05/2016)
12/22/2016	<u>39</u>	MEMORANDUM DECISION AND ORDER. Defendants' Motion to Dismiss each named Plaintiff's claims for lack of standing is GRANTED. Defendants' Motion to Dismiss on abstention grounds is DENIED. Defendants' Motion to Dismiss for failure to state a claim against Chief Judge DiFiore and Chief Administrative Judge Marks pursuant to Rule 12(b)(6) is DENIED. Governor Cuomo is DISMISSED as a defendant from this action. Accordingly, Plaintiffs may move to file an amended Complaint within sixty days of this Order provided amendment would not be futile. The Clerk of Court is directed to close the motion at ECF No. 29. Andrew Cuomo (in his official capacity as the Governor of the State of New York) terminated. Motions terminated: <u>29</u> MOTION to Dismiss filed by Lawrence Marks, Janet DiFiore, Andrew Cuomo. (Signed by Judge George B. Daniels on 12/21/2016) (rjm). (Entered: 12/22/2016)
12/22/2016	<u>40</u>	INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>39</u> Order of Dismissal, Add and Terminate Parties, Terminate Motions. (Attachments: # <u>1</u> Internet Citation, # <u>2</u> Internet Citation, # <u>3</u> Internet Citation, # <u>4</u> Internet Citation, # <u>5</u> Internet Citation, # <u>6</u> Internet Citation, # <u>7</u> Internet Citation) (vf) (Entered: 01/11/2017)
01/23/2017	<u>41</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Janet DiFiore, Lawrence Marks.Document filed by Ronnie Pagan, Michael Torres, Juan Ortiz, Christopher Trowbridge, Joseph Joshua, Luis Virella, Jason Garcia. Related document: <u>1</u> Complaint filed by Michael Torres, Christopher Trowbridge, Juan Ortiz, Ronnie Pagan.(Levy, Scott) Modified on 1/24/2017 (laq). Modified on 1/25/2017 (laq). (Entered: 01/23/2017)
01/25/2017	<u>42</u>	LETTER MOTION for Leave to File Amended Complaint (Pursuant to the Court's 12/22/16 Order) addressed to Judge George B. Daniels from Katie L. Viggiani dated January 25, 2017. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Attachments: # <u>1</u> Exhibit A: Amended Complaint)(Viggiani, Katie) (Entered: 01/25/2017)
01/26/2017	<u>43</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge George B. Daniels from Alissa S. Wright dated January 26, 2017 re: <u>42</u> LETTER MOTION for Leave to File Amended Complaint (Pursuant to the Court's 12/22/16 Order) addressed to Judge George B. Daniels from Katie L. Viggiani dated January 25, 2017. . Document filed by Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 01/26/2017)
01/26/2017	<u>44</u>	ORDER: (Status Conference set for 3/8/2017 at 09:45 AM before Judge George B. Daniels.) The parties shall next appear before this Court for a conference on March 8, 2017 at 9:45 a.m. (Signed by Judge George B. Daniels on 1/25/2016) (jwh) (Entered: 01/26/2017)
01/26/2017		***DELETED DOCUMENT. Deleted document number <u>45</u> ORDER. The document was incorrectly filed in this case. (ama) (Entered: 01/31/2017)
03/08/2017		Minute Entry for proceedings held before Judge George B. Daniels: Interim Pretrial Conference held on 3/8/2017. Plaintiff Counsel: Matthew D. Brinckerhoff, Ilann M.

		Maazel, Katie Louise Viggiani, Scott Duffield Levy Defense Counsel: Alissa Schechter Wright and Court Reporter present. The subsequent conference is scheduled for May 10, 2017 at 9:45 a.m. (Vega, Elizabeth) (Entered: 03/08/2017)
03/08/2017	<u>45</u>	MOTION to Certify Class . Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Brinckerhoff, Matthew) (Entered: 03/08/2017)
03/08/2017	<u>46</u>	DECLARATION of Matthew D. Brinckerhoff in Support re: <u>45</u> MOTION to Certify Class .. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Errata H, # <u>9</u> Exhibit I)(Brinckerhoff, Matthew) (Entered: 03/08/2017)
03/08/2017	<u>47</u>	MEMORANDUM OF LAW in Support re: <u>45</u> MOTION to Certify Class . . Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Brinckerhoff, Matthew) (Entered: 03/08/2017)
03/17/2017	<u>48</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated March 17, 2017 re: Jointly Proposed Case Management Plan and Scheduling Order. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Attachments: # <u>1</u> Exhibit Proposed Case Management Plan and Scheduling Order)(Levy, Scott) (Entered: 03/17/2017)
03/17/2017	<u>49</u>	TRANSCRIPT of Proceedings re: conference held on 3/8/2017 before Judge George B. Daniels. Court Reporter/Transcriber: Lisa Picciano Fellis, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/7/2017. Redacted Transcript Deadline set for 4/17/2017. Release of Transcript Restriction set for 6/15/2017.(McGuirk, Kelly) (Entered: 03/17/2017)
03/17/2017	<u>50</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a confererence proceeding held on 3/8/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 03/17/2017)
03/20/2017	<u>51</u>	MEMO ENDORSEMENT on re: <u>48</u> Letter, filed by Jason Garcia, Luis Virella, Michael Torres, Christopher Trowbridge, Juan Ortiz, Ronnie Pagan, Joseph Joshua. ENDORSEMENT: SO ORDERED. (Responses due by 5/5/2017, Replies due by 5/19/2017.) (Signed by Judge George B. Daniels on 3/20/2017) (mro) (Entered: 03/20/2017)
03/20/2017	<u>52</u>	CASE MANAGEMENT PLAN AND SCHEDULING ORDER: Status Conference set for 5/10/2017 at 09:45 AM before Judge George B. Daniels. Janet DiFiore answer due 4/7/2017; Lawrence Marks answer due 4/7/2017. Amended Pleadings due by 6/7/2017. Joinder of Parties due by 6/7/2017. Dispositive Motions due by 11/15/2017. Fact Discovery due by 8/16/2017. Expert Discovery due by 10/11/2017. (Signed by Judge George B. Daniels on 3/20/2017) (jwh) (Entered: 03/20/2017)
03/22/2017	<u>53</u>	MOTION for Reconsideration of <i>Court's Acceptance of Plaintiffs' Amended Complaint</i> . Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 03/22/2017)
03/22/2017	<u>54</u>	MEMORANDUM OF LAW in Support re: <u>53</u> MOTION for Reconsideration of <i>Court's Acceptance of Plaintiffs' Amended Complaint</i> . . Document filed by Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 03/22/2017)
03/22/2017	<u>55</u>	LETTER MOTION to Stay <i>Defendants' Time to Answer</i> addressed to Judge George B. Daniels from Alissa S. Wright dated March 22, 2017. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 03/22/2017)
03/22/2017	<u>56</u>	LETTER MOTION for Local Rule 37.2 Conference <i>Seeking a Stay of Discovery</i> addressed to Judge George B. Daniels from Alissa S. Wright dated March 22, 2017. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 03/22/2017)

		03/22/2017)
03/23/2017	<u>57</u>	LETTER addressed to Judge George B. Daniels from Douglas E. Lieb dated March 23, 2017 re: Defendants' Stay Requests. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Lieb, Douglas) (Entered: 03/23/2017)
03/24/2017	<u>58</u>	ORDER: denying <u>55</u> Letter Motion to Stay ; denying <u>56</u> Letter Motion for Local Rule 37.2 Conference. Defendants' March 22, 2017 letter request that Defendants' time to answer the amended complaint be stayed pending the outcome of Defendants' motion for reconsideration is DENIED. Defendants' separate letter request for a pre-motion conference and a stay of discovery is DENIED. (Signed by Judge George B. Daniels on 3/24/2017) (ap) (Entered: 03/27/2017)
03/30/2017	<u>59</u>	FIRST LETTER MOTION for Extension of Time to File Response/Reply as to <u>53</u> MOTION for Reconsideration of <i>Court's Acceptance of Plaintiffs' Amended Complaint. with consent</i> addressed to Judge George B. Daniels from Alissa S. Wright dated March 30, 2017. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 03/30/2017)
03/30/2017	<u>60</u>	ORDER: granting <u>59</u> Letter Motion for Extension of Time to File. SO ORDERED. Response/Reply re <u>59</u> FIRST LETTER MOTION for Extension of Time to File Response/Reply as to <u>53</u> MOTION for Reconsideration of <i>Court's Acceptance of Plaintiffs' Amended Complaint with consent</i> addressed to Judge George B. Daniels from Alissa S. Wright. Responses due by 4/14/2017 Replies due by 4/25/2017. (Signed by Judge George B. Daniels on 3/30/2017) (ap) (Entered: 03/30/2017)
04/07/2017	<u>61</u>	ANSWER to <u>41</u> Amended Complaint,. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 04/07/2017)
04/14/2017	<u>62</u>	MEMORANDUM OF LAW in Opposition re: <u>53</u> MOTION for Reconsideration of <i>Court's Acceptance of Plaintiffs' Amended Complaint.</i> . Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Levy, Scott) (Entered: 04/14/2017)
04/25/2017	<u>63</u>	REPLY MEMORANDUM OF LAW in Support re: <u>53</u> MOTION for Reconsideration of <i>Court's Acceptance of Plaintiffs' Amended Complaint.</i> . Document filed by Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 04/25/2017)
05/05/2017	<u>64</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated May 5, 2017 re: Rescheduling May 10 Conference. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Levy, Scott) (Entered: 05/05/2017)
05/05/2017	<u>65</u>	MEMORANDUM OF LAW in Opposition re: <u>45</u> MOTION to Certify Class . . Document filed by Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 05/05/2017)
05/05/2017	<u>66</u>	AFFIDAVIT of Chester Mount in Opposition re: <u>45</u> MOTION to Certify Class .. Document filed by Janet DiFiore, Lawrence Marks. (Attachments: # <u>1</u> Exhibit A – Chart of Arraignment to Disposition, # <u>2</u> Exhibit B – Top Arraignment Charge Chart, # <u>3</u> Exhibit C – Misdemeanor Disposition 2016)(Wright, Alissa) (Entered: 05/05/2017)
05/05/2017	<u>67</u>	AFFIRMATION of Alissa S. Wright in Opposition re: <u>45</u> MOTION to Certify Class .. Document filed by Janet DiFiore, Lawrence Marks. (Attachments: # <u>1</u> Exhibit 1– 2015 Annual Report, # <u>2</u> Exhibit 2 – Judicial Term Assignments, # <u>3</u> Exhibit 3 – Misdemeanor Activity Report, # <u>4</u> Exhibit 4 – WebCrim data on Plaintiff Virella, # <u>5</u> Exhibit 5 – WebCrim data of Plaintiff Garcia, # <u>6</u> Exhibit 6 – Weekly Changes in Misdemeanors, # <u>7</u> Exhibit 7 – NYCC Executive Summary)(Wright, Alissa) (Entered: 05/05/2017)
05/10/2017	<u>68</u>	MEMO ENDORSEMENT on re: <u>64</u> Letter, filed by Jason Garcia, Luis Virella, Michael Torres, Christopher Trowbridge, Juan Ortiz, Ronnie Pagan, Joseph Joshua. ENDORSEMENT: SO ORDERED. (Status Conference set for 6/28/2017 at 10:00 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 5/10/2017) (mro) (Entered: 05/10/2017)

05/12/2017	<u>69</u>	JOINT LETTER addressed to Judge George B. Daniels from Douglas E. Lieb dated May 12, 2017 re: Stipulated Protective Order. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Attachments: # <u>1</u> Exhibit A – Stipulated Protective Order)(Lieb, Douglas) (Entered: 05/12/2017)
05/17/2017	<u>70</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material...SO ORDERED. (Signed by Judge George B. Daniels on 5/17/17) (yv) (Entered: 05/17/2017)
05/18/2017	<u>71</u>	STIPULATION AND ORDER TO STAY LITIGATION, IT IS HEREBY STIPULATED AND AGREED between the parties that: To enable the parties to engage in meaningful settlement negotiations, this litigation, including all pending deadlines and motions, is hereby STAYED for a period of six months from the date of the parties' signatures below; The parties will confer and negotiate in good faith with the goal of reaching an enforceable settlement agreement; Material exchanged in the course of negotiations may be designated Confidential under the Stipulated Protective Order entered by the Court on May 17, 2017; The parties recognize that it may be helpful in the course of negotiations to share material designated Confidential with other persons and entities involved in the day-to-day functioning of the Bronx Criminal Court, such as the Office of the Bronx District Attorney and other criminal defense providers (collectively, "Stakeholders"). If a party shares material that it has designated Confidential with Stakeholders for the purpose of facilitating settlement negotiations, such materials may only be shared pursuant to the terms of the Protective Order, and the party shall not be deemed to have waived the confidentiality designation or otherwise waived its rights under the Stipulated Protective Order. The parties will submit a status letter updating the Court on their status one month before the scheduled expiration of the stay. If any party believes in good faith that settlement negotiations have irretrievably broken down, that party may apply to the Court for such relief as it deems appropriate. Any party intending to seek relief from the Court will notify the opposing party at least seven days in advance to allow the parties to meet and confer prior to making any application to the Court. So Ordered. (Case stayed.) (Signed by Judge George B. Daniels on 5/18/17) (yv) (Entered: 05/18/2017)
10/18/2017	<u>72</u>	JOINT LETTER addressed to Judge George B. Daniels dated October 18, 2017 re: Status. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 10/18/2017)
11/09/2017	<u>73</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated November 9, 2017 re: Request to Extend Stay of Litigation by Two Weeks. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Levy, Scott) (Entered: 11/09/2017)
11/13/2017	<u>74</u>	MEMO ENDORSEMENT: on re: <u>73</u> Letter, filed by Jason Garcia, Luis Virella, Michael Torres, Christopher Trowbridge, Juan Ortiz, Ronnie Pagan, Joseph Joshua. ENDORSEMENT: SO ORDERED. (Signed by Judge George B. Daniels on 11/13/2017) (ap) (Entered: 11/13/2017)
12/02/2017	<u>75</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated December 2, 2017 re: Second Joint Request for Extension of Stay. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Levy, Scott) (Entered: 12/02/2017)
12/05/2017	<u>76</u>	MEMO ENDORSEMENT on re: <u>75</u> Letter, filed by Jason Garcia, Luis Virella, Michael Torres, Christopher Trowbridge, Juan Ortiz, Ronnie Pagan, Joseph Joshua. ENDORSEMENT: SO ORDERED. (Signed by Judge George B. Daniels on 12/5/2017) (jwh) (Entered: 12/05/2017)
01/17/2018	<u>77</u>	JOINT LETTER addressed to Judge George B. Daniels from Alissa Wright dated January 17, 2018 re: Request for Extension of the Stay. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 01/17/2018)
01/18/2018	<u>78</u>	MEMO ENDORSEMENT on re: <u>77</u> Letter filed by Lawrence Marks, Janet DiFiore. ENDORSEMENT: SO ORDERED. (Signed by Judge George B. Daniels on 1/18/2018) (jwh) (Entered: 01/18/2018)

02/08/2018	<u>79</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated 2/8/18 re: Joint Request for Briefing Schedule on Plaintiffs' Motion for Class Certification. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Levy, Scott) (Entered: 02/08/2018)
02/08/2018	<u>80</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated 2/8/18 re: Plaintiffs' Request to Order Settlement Conference. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Levy, Scott) (Entered: 02/08/2018)
02/08/2018	<u>81</u>	LETTER addressed to Judge George B. Daniels from Alissa Wright dated February 8, 2018 re: Defendants' Response to Plaintiffs' Request for a Settlement Conference. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 02/08/2018)
02/08/2018	<u>82</u>	MEMO ENDORSEMENT on re: <u>79</u> Letter. ENDORSEMENT: SO ORDERED. (Set Deadlines/Hearing as to <u>79</u> Letter, <u>45</u> MOTION to Certify Class: Responses due by 2/26/2018, Replies due by 3/12/2018.) (Signed by Judge George B. Daniels on 2/8/2018) (jwh) (Entered: 02/08/2018)
02/12/2018	<u>83</u>	ORDER: This case is referred to Magistrate Judge Gabriel W. Gorenstein for settlement. (Signed by Judge George B. Daniels on 2/12/2018) (jwh) (Entered: 02/12/2018)
02/12/2018	<u>84</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge George B. Daniels on 2/12/2018) (jwh) (Entered: 02/12/2018)
02/12/2018	<u>85</u>	ORDER: A telephone conference to discuss the parties' preferred process and timing for a settlement conference is scheduled for Wednesday, February 14, 2018, at 4:00 p.m. The parties should discuss this topic among themselves prior to the telephone conference. At the above date and time, Mr. Scott D. Levy or another attorney is directed to place a call to the Court at (212) 805-4260 with all parties on the line. All counsel who intend to speak during the call must use a landline. Also, when addressing the Court, counsel must not use a speakerphone. Upon receipt of this order each party is directed to ensure that all other parties on the case are aware of the conference date and time. The parties should follow paragraph 1.F of this Court's Individual Practices (available at: www.nysd.uscourts.gov/judge/Gorenstein) for any request for an adjournment. SO ORDERED., (Telephone Conference set for 2/14/2018 at 04:00 PM before Magistrate Judge Gabriel W. Gorenstein.) (Signed by Magistrate Judge Gabriel W. Gorenstein on 2/12/2018) (ama) (Entered: 02/12/2018)
02/14/2018		Minute Entry for proceedings held before Magistrate Judge Gabriel W. Gorenstein: Telephone Conference held on 2/14/2018. (rch) (Entered: 02/14/2018)
02/14/2018	<u>86</u>	ORDER SCHEDULING SETTLEMENT CONFERENCE: A settlement conference in this matter is scheduled for Wednesday, March 7, 2018 at 10:00 a.m. in Courtroom 6-B, 500 Pearl Street, New York, New York. All persons attending the conference must arrive at least fifteen minutes beforehand to allow for the time required to pass through the security process. Counsel must read the Court's "Standing Order Applicable to Settlement Conferences Before Judge Gorenstein," which is attached and is incorporated herein by reference. Upon receipt of this Order. Each counsel is directed to confirm with all other counsel that they have received a copy of this Order, and as further set forth in this order. (Settlement Conference set for 3/7/2018 at 10:00 AM in Courtroom 6B, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Gabriel W. Gorenstein.) (Signed by Magistrate Judge Gabriel W. Gorenstein on 2/14/2018) (ap) Modified on 2/15/2018 (ap). (Entered: 02/14/2018)
02/26/2018	<u>87</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: <u>45</u> MOTION to Certify Class . . Document filed by Janet DiFiore, Lawrence Marks. (Wright, Alissa) (Entered: 02/26/2018)
02/26/2018	<u>88</u>	AFFIRMATION of Alissa S. Wright in Opposition re: <u>45</u> MOTION to Certify Class .. Document filed by Janet DiFiore, Lawrence Marks. (Attachments: # <u>1</u> Exhibit 1 – 2016 Annual Report, # <u>2</u> Exhibit 2 – Judicial Term Assignments, # <u>3</u> Exhibit 3 – Misdemeanor Activity Report, # <u>4</u> Exhibit 4 – WebCrim data on Plaintiff Virella, # <u>5</u> Exhibit 5 – WebCrim data on Plaintiff Garcia, # <u>6</u> Exhibit 6 – Weekly Changes in

		Misdemeanors, # <u>7</u> Exhibit 7 – NYCC Executive Summary)(Wright, Alissa) (Entered: 02/26/2018)
02/26/2018	<u>89</u>	AFFIDAVIT of Chester Mount in Opposition re: <u>45</u> MOTION to Certify Class .. Document filed by Janet DiFiore, Lawrence Marks. (Attachments: # <u>1</u> Exhibit A – Chart of Arraignment to Disposition, # <u>2</u> Exhibit B – Top Arraignment Charge Chart, # <u>3</u> Exhibit C – Misdemeanor Disposition 2017)(Wright, Alissa) (Entered: 02/26/2018)
03/01/2018	<u>90</u>	LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Alissa Wright dated March 1, 2018 re: Request to Bring Electronic Device. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 03/01/2018)
03/09/2018	<u>91</u>	ORDER, The settlement conference is adjourned to March 21, 2018, at 10:00 a.m. SO ORDERED. (Settlement Conference set for 3/21/2018 at 10:00 AM before Magistrate Judge Gabriel W. Gorenstein.) (Signed by Magistrate Judge Gabriel W. Gorenstein on 3/7/18) (yv) (Entered: 03/09/2018)
03/12/2018	<u>92</u>	DECLARATION of Douglas E. Lieb in Support re: <u>45</u> MOTION to Certify Class .. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Attachments: # <u>1</u> Exhibit A)(Brinckerhoff, Matthew) (Entered: 03/12/2018)
03/12/2018	<u>93</u>	REPLY MEMORANDUM OF LAW in Support re: <u>45</u> MOTION to Certify Class . . Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Brinckerhoff, Matthew) (Entered: 03/12/2018)
03/23/2018	<u>94</u>	ORDER: The settlement conference is adjourned to April 9, 2018, at 10:00 a.m. SO ORDERED., (Settlement Conference set for 4/9/2018 at 10:00 AM before Magistrate Judge Gabriel W. Gorenstein.) (Signed by Magistrate Judge Gabriel W. Gorenstein on 3/23/2018) (ama) (Entered: 03/23/2018)
03/29/2018	<u>95</u>	JOINT LETTER addressed to Judge George B. Daniels from Scott Levy dated March 29, 2018 re: Request for Status Conference. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Levy, Scott) (Entered: 03/29/2018)
04/02/2018	<u>96</u>	AMENDED ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non–dispositive pretrial motions, and settlement) and Specific Non–Dispositive Motion/Dispute: ECF No. 95 – Discovery Dispute and Amendment to Case Management Deadlines. Referred to Magistrate Judge Gabriel W. Gorenstein. Motions referred to Gabriel W. Gorenstein. (Signed by Judge George B. Daniels on 4/2/2018) (jwh) (Entered: 04/03/2018)
04/09/2018		Minute Entry for proceedings held before Magistrate Judge Gabriel W. Gorenstein: Settlement Conference held on 4/9/2018. (rch) (Entered: 04/09/2018)
04/17/2018	<u>97</u>	LETTER addressed to Judge George B. Daniels from Scott D. Levy dated April 17, 2018 re: Notice of Tentative Settlement and Request to Hold Decisions in Abeyance. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella.(Levy, Scott) (Entered: 04/17/2018)
04/23/2018	<u>98</u>	NOTICE OF CHANGE OF ADDRESS by Alissa Schecter Wright on behalf of Janet DiFiore, Lawrence Marks. New Address: New York State Office of the Attorney General, 28 Liberty Street, New York, New York, 10005, 212–416–6035. (Wright, Alissa) (Entered: 04/23/2018)
05/04/2018	<u>99</u>	JOINT LETTER addressed to Judge George B. Daniels from Alissa S. Wright dated May 4, 2018 re: Status Update. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 05/04/2018)
05/25/2018	<u>100</u>	JOINT LETTER addressed to Judge George B. Daniels from Alissa S. Wright dated May 25, 2018 re: Status Update. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 05/25/2018)

05/29/2018	<u>101</u>	MEMO ENDORSEMENT on re: <u>100</u> Letter filed by Lawrence Marks, Janet DiFiore. ENDORSEMENT: SO ORDERED. (Signed by Judge George B. Daniels on 5/29/2018) (rro) (Entered: 05/29/2018)
06/14/2018	<u>102</u>	JOINT LETTER addressed to Judge George B. Daniels from Alissa S. Wright dated June 14, 2018 re: Status Update. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 06/14/2018)
06/19/2018	<u>103</u>	MEMO ENDORSEMENT on re: <u>102</u> Letter filed by Lawrence Marks, Janet DiFiore. ENDORSEMENT: SO ORDERED. (Signed by Judge George B. Daniels on 6/19/2018) (jwh) (Entered: 06/19/2018)
07/06/2018	<u>104</u>	JOINT LETTER addressed to Judge George B. Daniels from Alissa S. Wright dated July 6, 2018 re: Status Update. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 07/06/2018)
07/09/2018	<u>105</u>	MEMO ENDORSEMENT on re: <u>104</u> Letter filed by Lawrence Marks, Janet DiFiore. ENDORSEMENT: SO ORDERED. (Signed by Judge George B. Daniels on 7/9/2018) (jwh) (Entered: 07/09/2018)
07/19/2018	<u>106</u>	JOINT LETTER addressed to Judge George B. Daniels from Alissa S. Wright dated July 19, 2018 re: Status Update. Document filed by Janet DiFiore, Lawrence Marks.(Wright, Alissa) (Entered: 07/19/2018)
07/23/2018	<u>107</u>	MEMO ENDORSEMENT on re: <u>106</u> Letter filed by Lawrence Marks, Janet DiFiore. ENDORSEMENT: SO ORDERED. (Signed by Judge George B. Daniels on 7/23/2018) (rro) (Entered: 07/23/2018)
08/09/2018	<u>108</u>	PROPOSED STIPULATION AND ORDER. Document filed by Jason Garcia, Joseph Joshua, Juan Ortiz, Ronnie Pagan, Michael Torres, Christopher Trowbridge, Luis Virella. (Brinckerhoff, Matthew) (Entered: 08/09/2018)
08/09/2018	<u>109</u>	STIPULATION AND ORDER OF SETTLEMENT: The Litigation, including all pending deadlines and motions, shall be stayed for a period of four years from the date this Agreement is so-ordered by the Court (the "Settlement Period"), unless the Litigation is reinstated pursuant to Paragraph 2, and as further set forth in this stipulation. (Signed by Judge George B. Daniels on 8/9/2018) (jwh) (Entered: 08/09/2018)