

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:10-cv-02181-BMC**

A.M. et al v. Mattingly
Assigned to: Judge Brian M. Cogan
Cause: 42:1201 Civil Rights (Disability)

Date Filed: 05/12/2010
Date Terminated: 06/29/2011
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff

A.M.

a minor, by her next friend CB Mobley

represented by **Leonard Matthew Braman**
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Plaintiff

M.M.

*a minor, by his next friend Cynthia
Godsoe*

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Plaintiff

represented by

S.M.

*a minor, by his next friend Kinda Serafi;
on behalf of themselves and all others
similarly situated*

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V.

Defendant

John B. Mattingly
*in his official capacity as Commissioner
of the New York City Administration for
Children's Services*

represented by **Carolyn Elizabeth Kruk**
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Date Filed	#	Docket Text
05/12/2010	<u>1</u>	COMPLAINT against John B. Mattingly Disclosure Statement on Civil Cover Sheet completed –yes,, filed by A.M., S.M., M.M.. (Attachments: # <u>1</u> Civil Cover Sheet) (Bowens, Priscilla) (Entered: 05/13/2010)
05/12/2010	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by A.M., M.M., S.M.. (Bowens, Priscilla) (Entered: 05/13/2010)
05/12/2010		Summons Issued as to John B. Mattingly. (Bowens, Priscilla) (Entered: 05/13/2010)
05/13/2010	<u>3</u>	Letter to Judge Cogan From Lisa E. Cleary Requesting That the Court Schedule a Pre-Motion Conference Regarding Plaintiff's Filing of a Motion for Class Certification by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 05/13/2010)
05/14/2010	<u>4</u>	Unsigned Order to Show Cause for a Preliminary Injunction by A.M., M.M., S.M. (Attachments: # <u>1</u> Declaration of Leslie Winston, L.M.S.W., # <u>2</u> Declaration of Clara Goetz, # <u>3</u> Declaration of Kimberly Forte) (Cleary, Lisa) (Entered: 05/14/2010)
05/14/2010	<u>5</u>	MEMORANDUM in Support re <u>4</u> Unsigned Order to Show Cause for a Preliminary Injunction filed by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 05/14/2010)
05/14/2010		Minute Entry and Order for Status Conference held before Judge Brian M. Cogan on 5/14/10. Both sides present. The Court will hold an evidentiary hearing on plaintiffs' motion for a preliminary injunction as to plaintiffs A.M., M.M., and S.M., on 5/20/10 at 1:00 pm in Courtroom 4F North. The parties are to submit direct testimony by affidavits, which are to be exchanged by 5/19/10, and if either side want to cross-examine any of the affiants, the affiants must be produced at the hearing. If the parties arrive at a plan to deal with the named plaintiffs, they may file a stipulation or place it on the record in lieu of the hearing. (Weisberg, Peggy) (Entered: 05/14/2010)
05/14/2010	<u>6</u>	SUMMONS Returned Executed by A.M., S.M., M.M.. John B. Mattingly served on 5/13/2010, answer due 6/3/2010. (Cleary, Lisa) (Entered: 05/14/2010)
05/17/2010	<u>7</u>	Subpoena by John B. Mattingly. (Weber, Steven) (Entered: 05/17/2010)
05/17/2010	<u>8</u>	NOTICE of Appearance by Leonard Matthew Braman on behalf of A.M., M.M., S.M. (aty to be noticed) (Braman, Leonard) (Entered: 05/17/2010)
05/18/2010	<u>9</u>	NOTICE of Appearance by Martha Anne Calhoun on behalf of John B. Mattingly (aty to be noticed) (Calhoun, Martha) (Entered: 05/18/2010)
05/18/2010	<u>10</u>	NOTICE of Appearance by Steven Douglas Weber on behalf of John B. Mattingly (aty to be noticed) (Weber, Steven) (Entered: 05/18/2010)
05/19/2010	<u>11</u>	STIPULATION re <u>4</u> Unsigned Order to Show Cause (<i>Withdrawing Without Prejudice Plaintiff's Motion for Preliminary Injunctive Relief</i>) by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 05/19/2010)
05/19/2010		ORDER re <u>11</u> Stipulation filed by S.M., M.M., A.M. The preliminary injunction hearing scheduled for 5/20 is canceled based on the parties' stipulation, which the Court will So Order and docket separately. Although the Court understands that the resolution is not final, the parties are to be congratulated for arriving at a common sense road map that at least presents the prospect of improving the difficult lives of these minors, something in which the Court believes both sides are interested in achieving. By separate Order, the Court will schedule an Initial Status Conference to

		address the final resolution of the case either consensually or by trial. Ordered by Judge Brian M. Cogan on 5/19/2010. (Cogan, Brian) (Entered: 05/19/2010)
05/20/2010	<u>12</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis. In addition, the Court will hold an Initial Status Conference on 6/11/10 at 9:30 a.m. in Chambers 717S. The joint summary letter requirement is waived, however the parties are required to bring to the conference a completed Civil Case Management Plan [see attachment]. Ordered by Judge Brian M. Cogan on 5/20/2010. (Weisberg, Peggy) (Entered: 05/20/2010)
06/02/2010	<u>13</u>	ANSWER to <u>1</u> Complaint by John B. Mattingly. (Weber, Steven) (Entered: 06/02/2010)
06/08/2010	<u>14</u>	STIPULATION and Proposed Order for Class Certification by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 06/08/2010)
06/10/2010	<u>15</u>	STIPULATION AND ORDER for Class Certification. Ordered by Judge Brian M. Cogan. See attached for details. (Abdallah, Fida) (Entered: 06/10/2010)
06/11/2010		Minute Entry and Order for Initial Status Conference held before Judge Brian M. Cogan on 6/11/10. Both sides present. The parties' Civil Case Management plan was adopted and will be docketed separately. Fact discovery to be completed by 11/15/10. (Weisberg, Peggy) (Entered: 06/11/2010)
06/14/2010	<u>16</u>	SCHEDULING ORDER/Case Management Plan is hereby adopted. (Ordered by Judge Brian M. Cogan on 6/11/2010) (Guzzi, Roseann) (Entered: 06/14/2010)
06/17/2010	<u>17</u>	ORDER dated 6/15/10 re <u>11</u> Stipulation filed. (Ordered by Judge Brian M. Cogan on 6/15/2010) (Guzzi, Roseann) (Entered: 06/17/2010)
07/01/2010	<u>18</u>	STIPULATION and (Proposed) Protective Order by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 07/01/2010)
07/02/2010	<u>19</u>	STIPULATION AND PROTECTIVE ORDER re <u>18</u> Stipulation and (Proposed) Protective Order. (Ordered by Judge Brian M. Cogan on 7/2/2010) (Guzzi, Roseann) (Entered: 07/02/2010)
10/13/2010	<u>20</u>	Letter from Lisa E. Cleary to Judge Cogan enclosing Stipulation and Order of Settlement for review and requesting court schedule a conference by A.M., M.M., S.M. (Attachments: # <u>1</u> STIPULATION and (Proposed) Order of Settlement) (Cleary, Lisa) (Entered: 10/13/2010)
10/13/2010		ORDER re <u>20</u> Letter, filed by plaintiffs. There is no reason to hold the conference before the parties file their proposed notice. The conference will be held promptly after it is filed, perhaps in a matter of hours but no more than several days. Ordered by Judge Brian M. Cogan on 10/13/2010. (Cogan, Brian) (Entered: 10/13/2010)
11/17/2010	<u>21</u>	Letter providing the Court with supplemental information to accompany the filed papers seeking preliminary approval of the Stipulation and Order of Settlement and approval of the agreed-upon notice and notice procedures by A.M., M.M., S.M. (Attachments: # <u>1</u> Declaration of Lisa E. Cleary in Support of Preliminary Approval of the Settlement, # <u>2</u> Declaration of Next Friend (Kinda Serafi), # <u>3</u> Declaration of Next Friend (Cynthia Godsoe), # <u>4</u> Declaration of Next Friend (Charla Beth Mobley), # <u>5</u> Memorandum of Law in Support of Plaintiff's Motion for Preliminary Approval of Settlement and Approval of Notice, # <u>6</u> Consent Order Pursuant to Fed.R.Civ.P. Rule 23(e)) (Cleary, Lisa) (Entered: 11/17/2010)
11/17/2010	<u>22</u>	MOTION for Settlement (for Preliminary Approval of Settlement and Approval of Notice) by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 11/17/2010)
11/18/2010		SCHEDULING ORDER: The Court will hold a telephone conference TODAY, 11/18/10. Parties will jointly call Chambers at 718-613-2230 at 12 noon. Ordered by Judge Brian M. Cogan on 11/18/2010. (Weisberg, Peggy) (Entered: 11/18/2010)
11/18/2010		Minute Entry and Order for telephone conference held before Judge Brian M. Cogan on 11/18/10. Both sides present. Parties are to submit a joint letter by 11/25/10 regarding the implications of class certification on notice requirements as discussed. See transcript for details. (Court Reporter Marie Foley). (Weisberg, Peggy) (Entered: 11/18/2010)

11/19/2010	<u>23</u>	Letter to Judge Cogan, dated November 19, 2010 by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 11/19/2010)
11/22/2010	<u>24</u>	ORDER re <u>21</u> Letter by A.M., M.M., S.M. The Court, having reviewed the parties' proposed Stipulation of Settlement and supporting documentation, preliminary approves the settlement and directs the parties to distribute notice in the original and complete format required under paragraphs 2, 3, 4, and 6 of the Consent Order by 12/15/2010, and post notice in the secondary format required by paragraph 1 of the Consent Order, by 12/30/2010. Defendant will serve notice on the New York Attorney General by 11/28/2010 and file proof of service. Any objections must be submitted, in the manner stated in the Settlement Notice, by 2/10/2011. The parties are directed to file a motion for final settlement approval, addressing the "Grinnell factors," see City of Detroit v. Grinnell Corp., 495 F.2d 448 (2d Cir.1974), overruled on other grounds by, Missouri v. Jenkins, 491 U.S. 274, 109 S.Ct. 2463 (1989), by 2/28/2011. The Court will hold a fairness hearing on 3/11/2011 at 9:30 a.m. in Courtroom N4F. Ordered by Judge Brian M. Cogan on 11/22/2010. (Clarke, Melonie) (Entered: 11/22/2010)
11/22/2010	<u>25</u>	NOTICE of Appearance by David Alan Rosinus, Jr on behalf of John B. Mattingly (aty to be noticed) (Rosinus, David) (Entered: 11/22/2010)
11/29/2010	<u>26</u>	NOTICE by John B. Mattingly of Proposed Class Action Settlement Under 28 U.S.C. § 1715 (Attachments: # <u>1</u> Exhibit A: Complaint, # <u>2</u> Exhibit B: Proposed Rule 23(e)(1) Notice, # <u>3</u> Exhibit C: Proposed Stipulation and Order of Settlement, # <u>4</u> Exhibit D: Stipulation and Order for Class Certification, # <u>5</u> Exhibit E: Consent Order Pursuant to Rule 23(e)) (Rosinus, David) (Entered: 11/29/2010)
11/29/2010	<u>27</u>	CERTIFICATE OF SERVICE by John B. Mattingly re <u>26</u> Notice(Other), Notice(Other) of Proposed Class Action Settlement Under 28 U.S.C. § 1715 (Rosinus, David) (Entered: 11/29/2010)
12/23/2010		Reset Hearing Time: Fairness Hearing set for 9:30 a.m. on 3/11/2011 is reset to 2:15 PM in Courtroom 4F North. (Weisberg, Peggy) (Entered: 12/23/2010)
02/28/2011	<u>28</u>	DECLARATION of David A. Rosinus, Jr. in support of the proposed settlement by John B. Mattingly (Attachments: # <u>1</u> Exhibit A: Declaration of Francene Mann, # <u>2</u> Exhibit B: Declaration of Michael Hannon, # <u>3</u> Exhibit C: Memorandum from Deirdre Newton of NYC HHC) (Rosinus, David) (Entered: 02/28/2011)
02/28/2011	<u>29</u>	MOTION for Settlement Notice of Plaintiffs' Motion for Final Approval of Proposed Settlement by A.M., M.M., S.M.. (Attachments: # <u>1</u> Proposed Order) (Cleary, Lisa) (Entered: 02/28/2011)
02/28/2011	<u>30</u>	MEMORANDUM in Support re <u>29</u> MOTION for Settlement Notice of Plaintiffs' Motion for Final Approval of Proposed Settlement filed by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 02/28/2011)
02/28/2011	<u>31</u>	AFFIDAVIT/DECLARATION in Support re <u>29</u> MOTION for Settlement Notice of Plaintiffs' Motion for Final Approval of Proposed Settlement Declaration of Lisa E. Cleary in Support of Final Approval of Proposed Settlement filed by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 02/28/2011)
02/28/2011	<u>32</u>	AFFIDAVIT/DECLARATION in Support re <u>29</u> MOTION for Settlement Notice of Plaintiffs' Motion for Final Approval of Proposed Settlement Declaration of Next Friend Cynthia Godsoe filed by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 02/28/2011)
02/28/2011	<u>33</u>	AFFIDAVIT/DECLARATION in Support re <u>29</u> MOTION for Settlement Notice of Plaintiffs' Motion for Final Approval of Proposed Settlement Declaration of Next Friend C.B. Mobley in Support of Motion filed by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 02/28/2011)
02/28/2011	<u>34</u>	AFFIDAVIT/DECLARATION in Support re <u>29</u> MOTION for Settlement Notice of Plaintiffs' Motion for Final Approval of Proposed Settlement Declaration of Next Friend Kinda Serafi in Support of Motion filed by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 02/28/2011)
02/28/2011	<u>35</u>	STIPULATION re <u>29</u> MOTION for Settlement Notice of Plaintiffs' Motion for Final Approval of Proposed Settlement ; Stipulation and (Proposed) Order of Settlement by

		A.M., M.M., S.M. (Cleary, Lisa) (Entered: 02/28/2011)
03/11/2011		Minute Entry for Fairness Hearing held on 3/11/11 before Judge Brian M. Cogan. Counsel for both sides present. No objections were made to the proposed settlement. The Court approved the terms of the Stipulation of Settlement entered into between and among the parties to this litigation as fair and reasonable. The Consent Judgment will be separately entered. The parties will file a proposed stipulation of settlement for the claims of individual named plaintiffs by 4/21/11 and the Court will hold an infant compromise hearing on 4/28/11 at 11:00 a.m. in Courtroom 8D South. See transcript for details. (Court reporter Michele Nardone.) (Weisberg, Peggy) (Entered: 03/11/2011)
03/14/2011	<u>36</u>	ORDER Approving Settlement re: <u>29</u> Motion for Settlement. (Ordered by Judge Brian M. Cogan on 3/11/2011) (Guzzi, Roseann) (Entered: 03/14/2011)
03/14/2011	<u>37</u>	Stipulation and Order of Settlement. (Ordered by Judge Brian M. Cogan on 3/11/2011) (Guzzi, Roseann) (Entered: 03/14/2011)
04/20/2011	<u>38</u>	Letter from Lisa E. Cleary to Judge Cogan requesting an extension of time to submit papers in support of settlement by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 04/20/2011)
04/20/2011		ORDER GRANTING <u>38</u> Letter requesting an extension of time to submit papers in support of settlement to 5/18/2011. Infant Compromise Hearing is adjourned to 5/25/11 at 4:30 pm in Courtroom 8D South. Ordered by Judge Brian M. Cogan on 4/20/2011. (Weisberg, Peggy) (Entered: 04/20/2011)
05/17/2011	<u>39</u>	Letter to Judge Cogan requesting an additional three week extension to submit papers in support of the settlement and adjournment of the infant compromise hearing by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 05/17/2011)
05/20/2011		ORDER re <u>39</u> Letter extending time to submit papers in support of settlement to 6/10. Infant Compromise Hearing is rescheduled for 6/24/2011 at 11:30 AM in Courtroom 8D South. Ordered by Judge Brian M. Cogan on 5/20/2011. (Clarke, Melonie) (Entered: 05/20/2011)
05/27/2011	<u>40</u>	MOTION for Attorney Fees by A.M., M.M., S.M.. (Attachments: # <u>1</u> Declaration of Lisa Cleary, # <u>2</u> Stipulation and Proposed Order of Settlement as to Attorneys' Fees) (Cleary, Lisa) (Entered: 05/27/2011)
05/27/2011	<u>41</u>	MEMORANDUM in Support re <u>40</u> MOTION for Attorney Fees filed by A.M., M.M., S.M.. (Cleary, Lisa) (Entered: 05/27/2011)
05/27/2011	<u>42</u>	MOTION for Approval of Infant Compromise by A.M., M.M., S.M.. (Attachments: # <u>1</u> Declaration of Lisa Cleary, # <u>2</u> Declaration of Kinda Serafi, # <u>3</u> Declaration of Cynthia Godsoe, # <u>4</u> Declaration of Charla Beth Mobley, # <u>5</u> Proposed Order) (Cleary, Lisa) (Entered: 05/27/2011)
06/03/2011	<u>43</u>	Letter regarding counsel by A.M., M.M., S.M. (Rosenbloom, Nancy) (Entered: 06/03/2011)
06/24/2011		MINUTE ENTRY AND ORDER for infant compromise hearing held before Judge Brian M. Cogan on 6/24/11. For the reasons stated on the record, the Court approves the settlement and grants leave to establish the described trusts for S.M., A.M., and M.M. conditional upon the filing of a successful motion for the Court's appointment of plaintiffs' next friends. See transcript for details (Court reporter Lisa Schmid). (Weisberg, Peggy) (Entered: 06/24/2011)
06/28/2011	<u>44</u>	Letter Motion on consent regarding confirmation and appointment of Next Friends by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 06/28/2011)
06/28/2011	<u>45</u>	Letter amending the previously filed Letter Motion on consent regarding confirmation and appointment of Next Friends by A.M., M.M., S.M. (Cleary, Lisa) (Entered: 06/28/2011)
06/29/2011	<u>46</u>	STIPULATION AND ORDER OF SETTLEMENT AS TO ATTORNEY FEES re: <u>40</u> Motion for Attorney Fees. (Ordered by Judge Brian M. Cogan on 6/24/2011) (Guzzi, Roseann) (Entered: 06/29/2011)

06/29/2011	<u>47</u>	ORDER re: retroactively appoint Kinda Serafi, Cynthia Godsoe, and Charla Beth Mobley as next friends for the infant–plaintiffs S.M., M.M., and A.M. (Ordered by Judge Brian M. Cogan on 6/28/2011) (Guzzi, Roseann) (Entered: 06/29/2011)
06/29/2011	<u>48</u>	ORDER OF COMPROMISE re: <u>42</u> Motion for Approval of Infant Compromise. (Ordered by Judge Brian M. Cogan on 6/28/2011) (Guzzi, Roseann) (Entered: 06/29/2011)
06/29/2011	<u>49</u>	ORDER/Memorandum of Understanding. (Ordered by Judge Brian M. Cogan on 6/28/2011) (Guzzi, Roseann) (Entered: 06/29/2011)
07/01/2011	<u>50</u>	ORDER dated 6/30/11 re: retroactively appoint Kinda Serafi, Cynthia Godsoe, and Charla Beth Mobley and next friends for the infant–plaintiffs S.M., M.M., and A.M., respectively. (Ordered by Judge Brian M. Cogan on 6/30/11) (Guzzi, Roseann) (Entered: 07/01/2011)
07/07/2011	<u>51</u>	ENDORSED STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE AS TO INDIVIDUALLY NAMED PLTFFS on document #42–1, the claims of the Individually Named Pltffs for damages resulting from the facts alleged in this action are hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount in paragraph 2 below. The Deft hereby agrees to pay to the Individually Named Pltffs, within 90 days of the so–ordering of this Stipulation and Order of Settlement and Discontinuance and receipt of all papers necessary to effectuate the settlement as follows: to Pltff A.M., the sum of \$210,000; to Pltff M.M., the sum of \$237,000; and to Pltff S.M., the sum of \$107,500. (Ordered by Judge Brian M. Cogan on 7/6/2011) c/m (Galeano, Sonia) (Entered: 07/07/2011)
01/19/2016	<u>52</u>	NOTICE of Appearance by Carolyn Elizabeth Kruk on behalf of All Defendants (aty to be noticed) (Kruk, Carolyn) (Entered: 01/19/2016)
01/22/2016	<u>53</u>	Joint MOTION to Alter Judgment by A.M.. (Attachments: # <u>1</u> Proposed Order Amending Stipulation) (Freeman, Lisa) (Entered: 01/22/2016)
01/22/2016	<u>54</u>	AMENDMENT NO. 1 to Stipulation and Order of Settlement re: <u>53</u> Motion to Alter Judgment. (Ordered by Judge Brian M. Cogan on 1/22/2016) (Guzzi, Roseann) (Entered: 01/22/2016)