

CLOSED,RELATED

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:00-cv-06498-RJW-THK**

M., et al v. Giuliani, et al  
Assigned to: Judge Robert J. Ward  
Referred to: Magistrate Judge Theodore H. Katz  
Demand: \$4,500,000  
Related Case: 1:99-cv-00648-KTD  
Cause: 42:1983 Civil Rights Act

Date Filed: 08/30/2000  
Date Terminated: 12/19/2001  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Jeremy M.**

*a minor, by and through his parent and  
natural guardian Joanne M.*

represented by **Ira P. Lustbader**  
Children's Rights Incorporated  
330 Seventh Avenue  
4th Floor  
New York, NY 10001  
(212) 683-2210  
Fax: (212)683-4015  
*LEAD ATTORNEY*

**Jeffrey Kenneth Powell**  
US Attorney's Office, SDNY  
86 Chambers Street, Room 620  
New York, NY 10007  
(212)-637-2706  
Fax: (212)-637-2686  
Email: [jeffrey.powell@usdoj.gov](mailto:jeffrey.powell@usdoj.gov)  
*LEAD ATTORNEY*

**Marcia Robinson Lowry**  
Children's Rights, Inc.  
404 Park Avenue South  
11th Floor  
New York, NY 10016  
(212) 683-2210  
*LEAD ATTORNEY*

**Miriam M. Robinson**  
Liddle & Robinson  
685 Third Avenue  
New York, NY 10017  
(212) 687-8500  
*LEAD ATTORNEY*

**Plaintiff**

**Joanne M.**

represented by **Michael S. Popkin**  
277 West End Avenue  
Apartment # 15E  
New York, NY 10023  
(212) 877-8464  
*LEAD ATTORNEY*

V.

**Defendant**

**Rudolph Giuliani**

*in his official capacity as Mayor of the  
City of New York*

represented by **Antoinette W Blanchette**  
Michael D. Hess  
Corp. Counsel of the City of New York  
100 Church Street

2-318  
New York, NY 10007  
(212) 788-0408  
Email: [Antoinette.Blanchette@oag.state.ny.us](mailto:Antoinette.Blanchette@oag.state.ny.us)  
**LEAD ATTORNEY**

**Defendant**

**City of New York**

represented by **Antoinette W Blanchette**  
(See above for address)  
**LEAD ATTORNEY**

**Defendant**

**Nicholas Scoppetta**  
*in his official capacity as Commissioner  
of the New York City Administration for  
Children's Services*

represented by **Antoinette W Blanchette**  
(See above for address)  
**LEAD ATTORNEY**

**Defendant**

**New York City Administration for  
Children's Services**

represented by **Antoinette W Blanchette**  
(See above for address)  
**LEAD ATTORNEY**

**Defendant**

**Seamen's Society for Children and  
Families**

represented by **Kaufman, Borgeest**  
Kaufman, Borgeest & Ryan  
747 Third Avenue  
New York, NY 10017  
212-980-9600  
**LEAD ATTORNEY**

**Marianne J. Walker**  
Slevin, Sold, Neubardt, Weisman,  
Samberg, Faillace & Mezzacappa  
195 Lake Louise Road  
POB 8000  
Rock Hill, NY 12775  
845-796-2187  
*TERMINATED: 06/19/2001*  
**LEAD ATTORNEY**

**Cross Claimant**

**Rudolph Giuliani**

represented by **Antoinette W Blanchette**  
(See above for address)  
**LEAD ATTORNEY**

**Cross Claimant**

**City of New York**

represented by **Antoinette W Blanchette**  
(See above for address)  
**LEAD ATTORNEY**

**Cross Claimant**

**Nicholas Scoppetta**

represented by **Antoinette W Blanchette**  
(See above for address)  
**LEAD ATTORNEY**

**Cross Claimant**

**New York City Administration for  
Children's Services**

represented by **Antoinette W Blanchette**  
(See above for address)  
**LEAD ATTORNEY**

V.

**Cross Defendant****Seamen's Society for Children and Families**represented by **Kaufman, Borgeest**  
(See above for address)  
*LEAD ATTORNEY***Marianne J. Walker**  
(See above for address)  
*TERMINATED: 06/19/2001*  
*LEAD ATTORNEY*

Date Filed	#	Docket Text
08/30/2000	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$150.00. RECEIPT # 383372. (em) (Entered: 08/31/2000)
08/30/2000		CASE REFERRED TO: Judge Robert J. Ward. (em) (Entered: 08/31/2000)
09/05/2000	2	Affidavit of service as to Seamen's Society by Charles Rose, VP on 9/1/00. Answer due on 9/21/00 for Seamen's Society. (lam) (Entered: 09/06/2000)
09/05/2000	3	Affidavit of service as to Children's Services by Sylvia Vallejo, Process Clerk on 8/31/00. Answer due on 9/20/00 for Children's Services. (lam) (Entered: 09/06/2000)
09/05/2000	4	Affidavit of service as to Nicholas Scoppetta by Sylvia Vallejo, Process Clerk on 8/31/00. Answer due on 9/20/00 for Nicholas Scoppetta. (lam) (Entered: 09/06/2000)
09/05/2000	5	Affidavit of service as to City of New York by Sylvia Vallejo, Process Clerk on 8/31/00. Answer due on 9/20/00 for City of New York. (lam) (Entered: 09/06/2000)
09/05/2000	6	Affidavit of service as to Rudolph Giuliani by Sylvia Vallego, Process Clerk on 8/31/00. Answer due on 9/20/00 for Rudolph Giuliani. (lam) (Entered: 09/06/2000)
09/08/2000		Case accepted as related to 1:99cv 648. Notice of assignment to follow. (bm) (Entered: 09/11/2000)
09/08/2000	7	Notice of assignment to Judge Robert J. Ward . Copy of notice and judge's rules mailed to Attorney(s) of record: Michael S. Popkin, Miriam M. Robinson, Jeffrey K. Powell, Ira P. Lustbader, Marcia Robinson Lowry . (bm) (Entered: 09/11/2000)
10/20/2000	8	STIPULATION and ORDER; reset answer due for 11/3/00 for Seamen's Society, for Children's Services, for Nicholas Scoppetta, for City of New York, for Rudolph Giuliani. No further extensions of the depts' time to answer to the complaint in this action ; ( signed by Judge Robert J. Ward)(djc) Modified on 10/24/2000 (Entered: 10/23/2000)
11/01/2000	9	ANSWER to Complaint by Rudolph Giuliani, City of New York, Nicholas Scoppetta, Children's Services (Attorney Antoinette Wavene Blanchette from the Firm: Michael D. Hess) . (djc) (Entered: 11/02/2000)
11/21/2000	10	SCHEDULING ORDER: Discovery cutoff 3/14/01; Deadline for filing of summary judgment motions 3/28/01; Joint Pretrial order to be submitted on or before 3/28/01; in the event plntfs fail to comply with the Court's direction, or to seek an extension by timely application, the Court on its own motion will dismiss plntfs' claims for lack of prosecution and in the event any deft fails to comply with this or any subsequent scheduling order, the answer will be stricken and an inquest directed in favor of plntfs upon a default judgment ( signed by Judge Robert J. Ward ); Copies mailed. (cd) (Entered: 11/22/2000)
11/21/2000		Pretrial Conference held before Judge Robert J. Ward; scheduling order signed: discovery to be completed by 3/14/01 and motions for summary judgment and the filing of a joint pretrial order by 3/28/01. (lam) (Entered: 11/29/2000)

11/30/2000	11	ANSWER to Complaint by Seamen's Society (Attorney Marianne J. Walker from the Firm: Slevin, Sold, Neubardt, Weisman, Samberg, Faillace & Mezzacappa) w. Rule 1.9 Certificate (djc) (Entered: 12/04/2000)
12/04/2000	13	STIPULATION and ORDER; that the parties shall have until 11/29/00, to negotiate and submit to the Court for approval an agreed Protective Order in connection with the records produced in response to Pltffs' First Reequst for Production of Documents; if the parties are unable to reach agreement by that date, the parties shall each submit to the Court a proposed Protective Order no later than 11/30/00, after which the Court shall issue a Protective Order which shall govern the parties ; that defts Rudolph Giuliani, The City of New York, Nicholas Scoppetta and the New York City Administration For Children's Services (collectively the "City Defts") shall produce documents in response to Pltffs' First Request for the Production of Documents within three days of the date of the Court's approval of the parties' agreed Protective Order or the Court's issuance of its own Protective Order, whichever occurs; that deft Seamen's Society For Children and Families ("Seamen's Society"), shall produce documents in response to Pltffs' First Request for the Production of Documents within seven days of the date of the Court's approval of the parties' agreed Protective Order or the Court's issuance of its own Protective Order, whichever occurs ; ( signed by Judge Robert J. Ward ) (lf) (Entered: 12/04/2000)
12/04/2000	12	AGREED PROTECTIVE ORDER; effective immediately, any individually-identifying information, regarding any plaintiff, such plaintiff's family members, foster family members, casework and supervisory staff working directly on the plaintiff's protective, preventive, foster care, and/or social service case, and persons included in any case files as the source of reports to the State Central Registry (including but not limited to these persons' names, addresses, telephone numbers, social security numbers, dates of birth, and other information in the circumstances of each case likely to enable a reasonable member of the general public to ascertain their identities) that is obtained by the parties or their counsel exclusively through the discovery process herein, may be disclosed by them only to such persons as are necessary for the effective prosecution of this litigation (including, but not limited to, plaintiffs' counsel, experts and consultants), and any such persons to whom this information is to be disclosed shall sign a copy of the agreement attached hereto and made a part hereof as Exhibit A, prior to receiving any such nformation . ( signed by Judge Robert J. Ward ); Copies mailed. (djc) Modified on 12/05/2000 (Entered: 12/05/2000)
12/12/2000	14	ANSWER by Rudolph Giuliani, City of New York, Nicholas Scoppetta, Children's Services to crossclaim of Seamen's Society for Children and Families; Firm of: Corporation Counsel of N.Y.C. (pl) (Entered: 12/13/2000)
12/12/2000	14	CROSSCLAIM by Rudolph Giuliani, City of New York, Nicholas Scoppetta, Children's Services against Seamen's Society (pl) (Entered: 12/13/2000)
03/09/2001	15	Order that the case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial/Including Initial Case Management Conference. Referred to Magistrate Judge Theodore H. Katz ( signed by Judge Thomas P. Griesa ) (cd) (Entered: 03/09/2001)
04/06/2001	16	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for discovery disputes only when District Judge is unavailable; Referred to Magistrate Judge Theodore H. Katz. (signed by Judge J. Ward ) (djc) (Entered: 04/09/2001)
04/13/2001		Pretrial Conference held before Judge Robert J. Ward. (kw) (Entered: 04/18/2001)
04/27/2001	17	NOTICE OF MOTION by Jeremy M. for protective order imposing procedural safeguards in connection with deposition of plntf Jeremy M ; Return date 5/14/01. (cd) (Entered: 04/30/2001)
04/27/2001	18	CERTIFICATION of Jeffrey K. Powell by Jeremy M. in support of [17-1] motion for protective order imposing procedural safeguards in connection with deposition of plntf Jeremy M . (cd) (Entered: 04/30/2001)

04/27/2001	19	AFFIDAVIT of Alan Levy by Jeremy M. in support of [17-1] motion for protective order imposing procedural safeguards in connection with deposition of plntf Jeremy M . (cd) (Entered: 04/30/2001)
04/27/2001	20	MEMORANDUM OF LAW by Jeremy M. in support of [17-1] motion for protective order imposing procedural safeguards in connection with deposition of plntf Jeremy M . (cd) (Entered: 04/30/2001)
05/02/2001	21	SEALED DOCUMENT placed in vault. (rp) (Entered: 05/02/2001)
05/14/2001	22	AFFIRMATION of Michael P. Mezzacappa, Esq. by Seamen's Society in opposition to Re: [17-1] motion for protective order imposing procedural safeguards in connection with deposition of plntf Jeremy M. (kw) (Entered: 05/15/2001)
05/14/2001	23	MEMORANDUM OF LAW by Seamen's Society in opposition to [17-1] motion for protective order imposing procedural safeguards in connection with deposition of plntf Jeremy M. (kw) (Entered: 05/15/2001)
05/22/2001	28	REPLY MEMORANDUM by plaintiffs in support of motion for a protective order imposing procedural safeguards in connection with deposition of plaintiff Jeremy M. (kw) (Entered: 10/31/2001)
05/25/2001	24	DISCOVERY ORDER; that no later than 6/11/01, counsel for ACS will inform Plaintffs in writing of the progress which ACS has made is identifying and location additional documents responsive to Documents Request Nos. 5,6,7, and shall be specify the source of any responsive documents produced as of that date as well as any further efforts necessary to identify other responsive documents ; no later than 6/18/01, dft. ACS shall produce all documents responsive to Document Requests Nos. 5,6,7, and inform plaintiffs in writing of other efforts, if any, then being made to locate additional responsive documents ; that within 7 days of the dat of this Order, dft. ACS shall (a) designate appropriate individual(s) to testify on each of the subject matters set forth in the Notice of Deposition of dft. ACS Pursuant to F.R.C.P. 30(b)(6); (b) specify on which subject matters in the Ntc. each witness will testify; and (c) specify when the witness(es) is available to testify in June 2001. The parties shall schedule the depositions(s) for the earliest possible convenient time for all parties and shall make all reasonable efforts to schedule the deposition(s) to take place no later than 6/29/01 ; the current Court-ordered deadline for the completion of discovery in this case of 6/14/01 shall be adjourned without date, and the Court will set a new discovery schedule after hearing the positions of all parties on this matter . ( signed by Judge Robert J. Ward ); Copies mailed. (pl) (Entered: 05/30/2001)
06/07/2001		Hearing held on plttf Jermemy M's motion for a protective order before Judge Ward. (lam) (Entered: 06/07/2001)
06/08/2001	25	AMENDED SCHEDULING ORDER: the Court held a pretrial conference on this date at which time the parties were directed to furnish their experts' reports by 9/7/01 and complete dicoverly by 10/5/01 and file their dispositive motions or a joint pretrial order on or before 11/2/01. That in the event any plttf fails to comply with the Court's direction, or to seek an extension by timely application, the Court on its own motion will dismiss plttf's claims for lack of prosecution. That in the event any deft fails to comply with this or any subsequent scheduling order, the answer will be stricken and an inquest directed in favor of plttfs upon a default judgment. ( signed by Judge Robert J. Ward ); Copies mailed. (sac) (Entered: 06/11/2001)
06/19/2001	26	CONSENT ORDER to CHANGE ATTORNEY; the firm of Kaufman, Borgeest & Ryan is substituted as attorneys of record for Seamen's Society for Children and Families ; ( signed by Judge Robert J. Ward ); (djc) (Entered: 06/25/2001)
07/18/2001		Settlement Conference held before Judge Robert J. Ward . (djc) (Entered: 07/20/2001)
07/30/2001	27	Transcript of record of proceedings before Judge Robert J. Ward on 6/7/01. (kw) (Entered: 07/31/2001)

07/31/2001		Pretrial Conference held before Judge Robert J. Ward. (kw) (Entered: 08/03/2001)
08/08/2001		Pretrial Conference held before Judge Robert J. Ward. (kw) (Entered: 08/16/2001)
12/03/2001	29	ORDER, all papers filed in support of plaintiffs' motion for an infant compromise order approving the settlement reached in this action shall be filed with the office of the Clerk of the Court under seal solely in order to protect the confidentiality of the identity of the plaintiffs in this action . ( signed by Judge Robert J. Ward ); Copies mailed. (kw) (Entered: 12/04/2001)
12/07/2001	30	SEALED DOCUMENT placed in vault. (wv) (Entered: 12/07/2001)
12/12/2001	31	NOTICE of change of address by Seamen's Society, new location: Kaufman, Borgeest & Ryan 200 Summit Lake Dr. 1st Floor Valhalla, NY 10595. phone (914) 741-6100 . (bai) (Entered: 12/12/2001)
12/19/2001	32	INFANT COMPROMISE ORDER, that this matter is settled at a cost to defendants of the sum of \$260,000.00, with Frontier Insurance Company, the insurer of defendant Seamen's Society for Children and Families, agreeing to pay \$150,000.00, and the City Defendants agreeing to pay \$110,000.00, and the City Defendants agreeing to waive enforcement of any right they may have to recoup any benefit payments as further set forth on this Order. That upon making and receipt of all of the payments above directed in compliance with this Order, as well as the assignment to Metropolitan Insurance & Annuity Company, as set forth, the defendants shall then be discharged from any and all responsibility as to the causes of action set forth in this action . ( signed by Judge Robert J. Ward ); Copies mailed. (tp) (Entered: 12/20/2001)
12/19/2001		Case closed. (tp) (Entered: 01/02/2002)
01/02/2002	33	SEALED DOCUMENT placed in vault. (wv) (Entered: 01/02/2002)
03/11/2002	34	STIPULATION AND ORDER of discontinuance of this action purs. to 41(a)(1)(ii) of the FRCP w/ prejudice and the parties have settled this action purs. to a separate settlement agreement. ( signed by Judge Robert Ward ) (ae) Modified on 03/12/2002 (Entered: 03/12/2002)