

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:17-cv-02990-KBF**

Center for Independence of the Disabled, New York et al v.  
Metropolitan Transportation Authority et al  
Assigned to: Judge Katherine B. Forrest  
Cause: 42:12131 Americans with Disabilities Act of 1990

Date Filed: 04/25/2017  
Jury Demand: None  
Nature of Suit: 446 Civil Rights:  
Americans with Disabilities – Other  
Jurisdiction: Federal Question

**Plaintiff**

**Center for Independence of the  
Disabled, New York**  
*a nonprofit organization*

represented by **Maia Beth Goodell**  
Disability Rights Advocates  
675 Third Ave., Ste. 2216  
New York, NY 10017  
(212) 644-8644  
Fax: (212) 644-8636  
Email: [mgoodell@dralegal.org](mailto:mgoodell@dralegal.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Daniel L. Brown**  
Sheppard, Mullin, Richter & Hampton  
30 Rockefeller Plaza  
New York, NY 10112  
(212)-332-3879  
Fax: (212)-332-3888  
Email: [dlbrown@sheppardmullin.com](mailto:dlbrown@sheppardmullin.com)  
**ATTORNEY TO BE NOTICED**

**Jelena Kolic**  
Disability Rights Advocates  
10 South LaSalle Street, 18th Fl.  
Chicago, IL 60613  
312-559-4660 Ext. 7560  
Fax: 212-644-8636  
Email: [jkolic@dralegal.org](mailto:jkolic@dralegal.org)  
**ATTORNEY TO BE NOTICED**

**Rebecca Juliet Rodgers**  
Disabilities Right Advocates  
675 Third Avenue, Suite 2216  
New York, NY 10017  
212-644-8644  
Email: [rrodgers@dralegal.org](mailto:rrodgers@dralegal.org)  
**ATTORNEY TO BE NOTICED**

**Sid Wolinsky**  
Disability Rights Advocates  
2001 Center Street, 4th floor  
Berkley, CA 94704  
(510)-665-8644  
Fax: (510)-665-8511  
Email: [swolinsky@dralegal.org](mailto:swolinsky@dralegal.org)  
**ATTORNEY TO BE NOTICED**

**Stuart John Seaborn**  
Disabilities Right Advocates  
2001 Center Street, 4th Floor  
Berkely, CA 94704  
(510) 665-8644  
Fax: (510)-665-8511

Email: [sseaborn@dralegal.org](mailto:sseaborn@dralegal.org)  
*TERMINATED: 09/27/2017*

**Michelle Anne Caiola**  
Disabilities Right Advocates  
675 Third Avenue, Suite 2216  
New York, NY 10017  
(212) 644-8644  
Fax: (212) 644-8636  
Email: [mcaiola@dralegal.org](mailto:mcaiola@dralegal.org)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Brooklyn Center for Independence of  
the Disabled**  
*a nonprofit organization*

represented by **Maia Beth Goodell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel L. Brown**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jelena Kolic**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rebecca Juliet Rodgers**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sid Wolinsky**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stuart John Seaborn**  
(See above for address)  
*TERMINATED: 09/27/2017*

**Michelle Anne Caiola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Bronx Independent Living Services**  
*a nonprofit organization*

represented by **Maia Beth Goodell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel L. Brown**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jelena Kolic**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rebecca Juliet Rodgers**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sid Wolinsky**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stuart John Seaborn**  
(See above for address)  
*TERMINATED: 09/27/2017*

**Michelle Anne Caiola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Harlem Independent Living Center**  
*a nonprofit organization*

represented by **Maia Beth Goodell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel L. Brown**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jelena Kolic**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rebecca Juliet Rodgers**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sid Wolinsky**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stuart John Seaborn**  
(See above for address)  
*TERMINATED: 09/27/2017*

**Michelle Anne Caiola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Disabled In Action of Metropolitan  
New York**  
*a nonprofit organization*

represented by **Maia Beth Goodell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel L. Brown**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jelena Kolic**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rebecca Juliet Rodgers**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sid Wolinsky**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stuart John Seaborn**  
(See above for address)  
*TERMINATED: 09/27/2017*

**Michelle Anne Caiola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**New York Statewide Senior Action  
Council**  
*a nonprofit organization*

represented by **Maia Beth Goodell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel L. Brown**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jelena Kolic**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rebecca Juliet Rodgers**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sid Wolinsky**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stuart John Seaborn**  
(See above for address)  
*TERMINATED: 09/27/2017*

**Michelle Anne Caiola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Sasha Blair–Goldensohn**  
*an individual*

represented by **Maia Beth Goodell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel L. Brown**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jelena Kolic**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Rebecca Juliet Rodgers**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sid Wolinsky**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stuart John Seaborn**  
(See above for address)  
*TERMINATED: 09/27/2017*

**Michelle Anne Caiola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Chris Pangilinan**  
*an individual*

represented by **Maia Beth Goodell**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Daniel L. Brown**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Jelena Kolic**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Rebecca Juliet Rodgers**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Sid Wolinsky**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Stuart John Seaborn**  
(See above for address)  
**TERMINATED: 09/27/2017**

**Michelle Anne Caiola**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Dustin Jones**  
*an individual, on behalf of themselves and  
all others similarly situated*

represented by **Maia Beth Goodell**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Daniel L. Brown**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Rebecca Juliet Rodgers**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Sid Wolinsky**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Stuart John Seaborn**  
(See above for address)  
**TERMINATED: 09/27/2017**

**Michelle Anne Caiola**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Metropolitan Transportation Authority**  
*a public benefit corporation*

represented by **Eamonn F. Foley**  
New York City Transit Authority  
130 Livingston Street,

Brooklyn, NY 11201  
718-694-3905  
Fax: 718-694-1070  
Email: [Eamonn.Foley@nyct.com](mailto:Eamonn.Foley@nyct.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Luke Kerwin**  
New York City Transit Authority- Law  
Department  
130 Livingston Street  
Brooklyn, NY 00000  
718-694-3989  
Fax: 718-694-1070  
Email: [james.kerwin@nyct.com](mailto:james.kerwin@nyct.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Helene Rachel Hechtkopf**  
Hoguet Newman Regal & Kenney, LLP  
10 East 40th Street  
New York, NY 10016  
(212) 689-8808  
Fax: (212)689-5101  
Email: [hhechtkopf@hnrklaw.com](mailto:hhechtkopf@hnrklaw.com)  
*ATTORNEY TO BE NOTICED*

**Ira Jonathan Lipton**  
Hoguet Newman Regal & Kenney, LLP  
10 East 40th Street  
New York, NY 10016  
(212)-689-8808  
Fax: (212)-689-5101  
Email: [ilipton@hnrklaw.com](mailto:ilipton@hnrklaw.com)  
*ATTORNEY TO BE NOTICED*

**Miriam Jerry Manber**  
Hoguet Newman Regal & Kenney, LLP  
10 East 40th Street  
New York, NY 10016  
(212)-689-8808  
Email: [mmanber@hnrklaw.com](mailto:mmanber@hnrklaw.com)  
*ATTORNEY TO BE NOTICED*

**Steven Mark Silverberg**  
Hoguet Newman Regal & Kenney, LLP  
10 East 40th Street  
New York, NY 10016  
212-689-8808  
Fax: 212-689-5101  
Email: [ssilverberg@hnrklaw.com](mailto:ssilverberg@hnrklaw.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Veronique Hakim**  
*in her official capacity as interim  
executive director of the Metropolitan  
Transportation Authority*

represented by **Eamonn F. Foley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Luke Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Helene Rachel Hechtkopf**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Ira Jonathan Lipton**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Miriam Jerry Manber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Mark Silverberg**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**New York City Transit Authority**  
*a public benefit corporation*

represented by **Eamonn F. Foley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Luke Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Helene Rachel Hechtkopf**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Ira Jonathan Lipton**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Miriam Jerry Manber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven Mark Silverberg**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Darryl C. Irick**  
*in his official capacity as acting president*  
*of the New York City Transit Authority*

represented by **Eamonn F. Foley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Luke Kerwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Helene Rachel Hechtkopf**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Ira Jonathan Lipton**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Miriam Jerry Manber**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Steven Mark Silverberg**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The City Of New York ,**  
*TERMINATED: 09/06/2017*

represented by **Martin John Bowe , Jr**  
 NYC Law Department  
 100 Church Street Room 3–212  
 New York, NY 10007  
 212 788–0878  
 Fax: 2127880940  
 Email: [mbowe@law.nyc.gov](mailto:mbowe@law.nyc.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mark Galen Toews**  
 NYC Law Department  
 100 Church Street Room 3–212  
 New York, NY 10007  
 (212) 356–0871  
 Fax: (212)–788–8877  
 Email: [mtoews@law.nyc.gov](mailto:mtoews@law.nyc.gov)  
*ATTORNEY TO BE NOTICED*

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 04/25/2017 | <u>1</u> | COMPLAINT against Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority, The City Of New York,. (Filing Fee \$ 400.00, Receipt Number 0208–13580030)Document filed by New York Statewide Senior Action Council, Bronx Independent Living Services, Sasha Blair–Goldensohn, Dustin Jones, Brooklyn Center for Independence of the Disabled, Chris Pangilinan, Center for Independence of the Disabled, New York, Harlem Independent Living Center, Disabled In Action of Metropolitan New York.(Caiola, Michelle) (Entered: 04/25/2017) |
| 04/25/2017 | <u>2</u> | CIVIL COVER SHEET filed. (Caiola, Michelle) (Entered: 04/25/2017)   |
| 04/25/2017 | <u>3</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan.(Caiola, Michelle) (Entered: 04/25/2017)  |
| 04/25/2017 | <u>4</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan.(Caiola, Michelle) (Entered: 04/25/2017)  |
| 04/25/2017 | <u>5</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan.(Caiola, Michelle) (Entered: 04/25/2017)  |
| 04/25/2017 | <u>6</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council,  |



|            |           |  |
|------------|-----------|--|
|            |           | Chris Pangilinan.(Caiola, Michelle) (Entered: 04/25/2017)  |
| 04/25/2017 | <u>7</u>  | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan.(Caiola, Michelle) (Entered: 04/25/2017)   |
| 04/25/2017 | <u>8</u>  | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan.(Caiola, Michelle) (Entered: 04/25/2017)   |
| 04/25/2017 | <u>9</u>  | REQUEST FOR ISSUANCE OF SUMMONS as to Metropolitan Transportation Authority, re: <u>1</u> Complaint,,. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Caiola, Michelle) (Entered: 04/25/2017) |
| 04/25/2017 | <u>10</u> | REQUEST FOR ISSUANCE OF SUMMONS as to New York City Transit Authority, re: <u>1</u> Complaint,,. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Caiola, Michelle) (Entered: 04/25/2017)       |
| 04/25/2017 | <u>11</u> | REQUEST FOR ISSUANCE OF SUMMONS as to The City of New York, re: <u>1</u> Complaint,,. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Caiola, Michelle) (Entered: 04/25/2017)                  |
| 04/25/2017 | <u>12</u> | REQUEST FOR ISSUANCE OF SUMMONS as to Veronique Hakim, re: <u>1</u> Complaint,,. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Caiola, Michelle) (Entered: 04/25/2017)                       |
| 04/25/2017 | <u>13</u> | REQUEST FOR ISSUANCE OF SUMMONS as to Darryl C. Irick, Acting President, re: <u>1</u> Complaint,,. Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Caiola, Michelle) (Entered: 04/25/2017)     |
| 04/25/2017 | <u>14</u> | NOTICE OF APPEARANCE by Jelena Kolic on behalf of Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, New York Statewide Senior Action Council, Chris Pangilinan. (Kolic, Jelena) (Entered: 04/25/2017)   |
| 04/25/2017 | <u>15</u> | NOTICE OF APPEARANCE by Rebecca Juliet Rodgers on behalf of Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Rodgers, Rebecca) (Entered: 04/25/2017)  |
| 04/26/2017 |           | <b>***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Michelle Anne Caiola. The party information for the following</b>  |

|            |           |  |
|------------|-----------|--|
|            |           | <b>party/parties has been modified: Darryl C. Irick, New York City Transit Authority, Veronique Hakim, Metropolitan Transportation Authority, Dustin Jones, Chris Pangilinan, Sasha Blair-Goldensohn, New York Statewide Senior Action Council, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York. The information for the party/parties has been modified for the following reason/reasons: party text was omitted. (kl)</b> (Entered: 04/26/2017)  |
| 04/26/2017 |           | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Katherine B. Forrest. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . 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 <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (kl) (Entered: 04/26/2017)  |
| 04/26/2017 |           | Magistrate Judge Debra C. Freeman is so designated. (kl) (Entered: 04/26/2017)   |
| 04/26/2017 |           | Case Designated ECF. (kl) (Entered: 04/26/2017)  |
| 04/26/2017 | <u>16</u> | ELECTRONIC SUMMONS ISSUED as to Metropolitan Transportation Authority. (kl) (Entered: 04/26/2017)  |
| 04/26/2017 | <u>17</u> | ELECTRONIC SUMMONS ISSUED as to New York City Transit Authority. (kl) (Entered: 04/26/2017)  |
| 04/26/2017 | <u>18</u> | ELECTRONIC SUMMONS ISSUED as to The City Of New York. (kl) (Entered: 04/26/2017)   |
| 04/26/2017 | <u>19</u> | ELECTRONIC SUMMONS ISSUED as to Veronique Hakim. (kl) (Entered: 04/26/2017)  |
| 04/26/2017 | <u>20</u> | ELECTRONIC SUMMONS ISSUED as to Darryl C. Irick. (kl) (Entered: 04/26/2017)  |
| 04/27/2017 | <u>21</u> | ORDER: Initial Conference set for 6/12/2017 at 01:00 PM before Judge Katherine B. Forrest. (Signed by Judge Katherine B. Forrest on 4/27/2017) (cla) (Entered: 04/27/2017)   |
| 04/28/2017 | <u>22</u> | <b>FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION</b> for Sidney M. Wolinsky to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-13600430. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Sasha Blair-Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Text of Proposed Order)(Wolinsky, Sid) Modified on 4/28/2017 (ma). (Entered: 04/28/2017)  |
| 04/28/2017 | <u>23</u> | <b>FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION</b> for Stuart J. Seaborn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-13600747. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Sasha Blair-Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Text of Proposed Order)(Seaborn, Stuart) Modified on 4/28/2017 (ma). (Entered: 04/28/2017) |
| 04/28/2017 |           | <b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>23</u> MOTION for Stuart J. Seaborn to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-13600747. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>22</u> MOTION for Sidney M. Wolinsky to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-13600430. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): MISSING AFFIDAVIT OR DECLARATION PURSUANT TO LOCAL RULE 1.3;. Re-file the motion as a Motion to Appear Pro Hac Vice – attach the correct signed PDF –</b>   |

|            |           |   |
|------------|-----------|---|
|            |           | <b>select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (ma)</b> (Entered: 04/28/2017)   |
| 05/02/2017 | <u>24</u> | MOTION for Sidney M. Wolinsky to Appear Pro Hac Vice . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Attachments: # <u>1</u> Errata Certificate of Good Standing, # <u>2</u> Affidavit of Sidney Wolinsky, # <u>3</u> Text of Proposed Order)(Wolinsky, Sid) (Entered: 05/02/2017)  |
| 05/02/2017 | <u>25</u> | MOTION for Stuart J. Seaborn to Appear Pro Hac Vice . <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Affidavit of Stuart Seaborn, # <u>3</u> Text of Proposed Order)(Seaborn, Stuart) (Entered: 05/02/2017) |
| 05/03/2017 |           | <b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>25</u> MOTION for Stuart J. Seaborn to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff., <u>24</u> MOTION for Sidney M. Wolinsky to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu)</b> (Entered: 05/03/2017)  |
| 05/04/2017 | <u>26</u> | ORDER FOR ADMISSION PRO HAC VICE: granting <u>24</u> Motion for Sidney M. Wolinsky to Appear Pro Hac Vice. (Signed by Judge Katherine B. Forrest on 5/4/2017) (ap) (Entered: 05/04/2017)  |
| 05/05/2017 | <u>27</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>25</u> Motion for Stuart J. Seaborn to Appear Pro Hac Vice. (Signed by Judge Katherine B. Forrest on 5/5/2017) (mro) (Entered: 05/05/2017)   |
| 05/08/2017 | <u>28</u> | NOTICE OF APPEARANCE by James Luke Kerwin on behalf of Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority. (Kerwin, James) (Entered: 05/08/2017)  |
| 05/08/2017 | <u>29</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,, Metropolitan Transportation Authority served on 5/2/2017, answer due 5/23/2017. Service was accepted by Jana Parker, Legal Clerk. Document filed by New York Statewide Senior Action Council; Bronx Independent Living Services; Sasha Blair–Goldensohn ; Dustin Jones; Brooklyn Center for Independence of the Disabled; Chris Pangilinan; Center for Independence of the Disabled, New York ; Harlem Independent Living Center; Disabled In Action of Metropolitan New York. (Caiola, Michelle) (Entered: 05/08/2017)   |
| 05/08/2017 | <u>30</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,, New York City Transit Authority served on 5/2/2017, answer due 5/23/2017. Service was accepted by Laverne Sterling, Legal Clerk. Document filed by New York Statewide Senior Action Council; Bronx Independent Living Services; Sasha Blair–Goldensohn ; Dustin Jones; Brooklyn Center for Independence of the Disabled; Chris Pangilinan; Center for Independence of the Disabled, New York ; Harlem Independent Living Center; Disabled In Action of Metropolitan New York. (Caiola, Michelle) (Entered: 05/08/2017)  |
| 05/08/2017 | <u>31</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,, The City Of New York, served on 5/2/2017, answer due 5/23/2017. Service was accepted by Betty Mazyck, Legal Clerk. Document filed by New York Statewide Senior Action Council; Bronx Independent Living Services; Sasha Blair–Goldensohn ; Dustin Jones; Brooklyn Center for Independence of the Disabled; Chris Pangilinan; Center for Independence of the Disabled, New York ; Harlem Independent Living Center; Disabled In Action of Metropolitan New York. (Caiola, Michelle) (Entered: 05/08/2017)  |

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| 05/08/2017 | <u>32</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,, Veronique Hakim served on 5/2/2017, answer due 5/23/2017. Service was accepted by Jana Parker, Legal Clerk. Document filed by New York Statewide Senior Action Council; Bronx Independent Living Services; Sasha Blair–Goldensohn ; Dustin Jones; Brooklyn Center for Independence of the Disabled; Chris Pangilinan; Center for Independence of the Disabled, New York ; Harlem Independent Living Center; Disabled In Action of Metropolitan New York. (Caiola, Michelle) (Entered: 05/08/2017)  |
| 05/08/2017 | <u>33</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,, Darryl C. Irick served on 5/2/2017, answer due 5/23/2017. Service was accepted by Laverne Sterling, Legal Clerk. Document filed by New York Statewide Senior Action Council; Bronx Independent Living Services; Sasha Blair–Goldensohn ; Dustin Jones; Brooklyn Center for Independence of the Disabled; Chris Pangilinan; Center for Independence of the Disabled, New York ; Harlem Independent Living Center; Disabled In Action of Metropolitan New York. (Caiola, Michelle) (Entered: 05/08/2017)   |
| 05/11/2017 | <u>34</u> | NOTICE OF APPEARANCE by Daniel L. Brown on behalf of Sasha Blair–Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Brown, Daniel) (Entered: 05/11/2017)  |
| 05/16/2017 | <u>35</u> | JOINT LETTER MOTION to Adjourn Conference <i>and to Extend Time to Answer Complaint</i> addressed to Judge Katherine B. Forrest from James L. Kerwin dated May 16, 2017. Document filed by Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority.(Kerwin, James) (Entered: 05/16/2017)  |
| 05/18/2017 | <u>36</u> | ORDER granting <u>35</u> Letter Motion to Adjourn Conference. Ordered. 1. IPTC adjourned to 7/26/17 at 1pm. (I'm not available on your August 11 date). 2. Time to respond/answer extended to 8/21/17. (Initial Conference set for 7/26/2017 at 01:00 PM before Judge Katherine B. Forrest.) (Signed by Judge Katherine B. Forrest on 5/17/17) (yv) (Entered: 05/18/2017)  |
| 05/18/2017 |           | Set/Reset Deadlines: Veronique Hakim answer due 8/21/2017; Metropolitan Transportation Authority answer due 8/21/2017; New York City Transit Authority answer due 8/21/2017. (yv) (Entered: 05/18/2017)  |
| 07/20/2017 | <u>37</u> | JOINT PRE–CONFERENCE STATEMENT / <i>Proposed Scheduling Order</i> . Document filed by Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority.(Kerwin, James) (Entered: 07/20/2017)   |
| 07/25/2017 | <u>38</u> | NOTICE OF APPEARANCE by Ira Jonathan Lipton on behalf of Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority. (Lipton, Ira) (Entered: 07/25/2017)   |
| 07/25/2017 | <u>39</u> | NOTICE OF APPEARANCE by Helene Rachel Hechtkopf on behalf of Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority. (Hechtkopf, Helene) (Entered: 07/25/2017)   |
| 07/26/2017 | <u>40</u> | NOTICE OF APPEARANCE by Eamonn F. Foley on behalf of Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority. (Foley, Eamonn) (Entered: 07/26/2017)   |
| 07/26/2017 | <u>41</u> | NOTICE OF APPEARANCE by Mark Galen Toews on behalf of The City Of New York,. (Toews, Mark) (Entered: 07/26/2017)   |
| 07/26/2017 |           | Minute Entry for proceedings held before Judge Katherine B. Forrest: Initial Pretrial Conference held on 7/26/2017. (jp) (Entered: 07/26/2017)   |
| 07/26/2017 | <u>42</u> | SCHEDULING ORDER: Application to extend discovery based on rule 16 conference should by 9/15/2017. class cert. motion (R.23) 11/6/2017, 12/22/2017 and 1/25/2018. All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. 636(c). Trial will not be before a jury. trial is anticipated to take 1 week. Motions due by 9/4/2018. Responses due by 9/25/2018 Replies due by 10/2/2018. Fact Discovery due by 6/21/2018. Expert Discovery due by 8/21/2018. Final Pretrial Conference set for 12/4/2018 at 01:00 PM |



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|            |           | before Judge Katherine B. Forrest. Status Conference set for 10/20/2018 at 10:00 AM before Judge Katherine B. Forrest. Joint Pretrial Order due by 11/28/2018. Settlement discussions must occur in parallel to this (schedule will not be adjourned, except in very unusual situations, for settlement discussions). So Ordered. (Signed by Judge Katherine B. Forrest on 7/26/2017) (js) Modified on 8/9/2017 (js). (Entered: 07/27/2017)   |
| 08/16/2017 | <u>43</u> | LETTER MOTION to Stay <i>the action as against the City of New York</i> addressed to Judge Katherine B. Forrest from Martin Bowe dated August 16, 2017. Document filed by The City Of New York,. (Attachments: # <u>1</u> Text of Proposed Order)(Bowe, Martin) (Entered: 08/16/2017)   |
| 08/17/2017 |           | <b>***DELETED DOCUMENT. Deleted document number 44 So-Ordered Stipulation. The document was incorrectly filed in this case. (rjm)</b> (Entered: 09/08/2017)   |
| 08/17/2017 | <u>54</u> | MEMO ENDORSEMENT on PROPOSED STIPULATION. ENDORSEMENT: Ordered. I don't want to "stay" the action as to NYC. Either NYC is in or out. It sounds like you can dismiss subject to a tolling agreement that would allow either party to trigger it and refile the action. Let me know if that would work. Motions terminated: <u>43</u> LETTER MOTION to Stay the action as against the City of New York addressed to Judge Katherine B. Forrest from Martin Bowe dated August 16, 2017. Document filed by The City Of New York. (Signed by Judge Katherine B. Forrest on 8/17/2017) (rjm) (Entered: 09/08/2017) |
| 08/18/2017 | <u>45</u> | LETTER MOTION for Extension of Time <i>of the City's time to respond to the complaint</i> addressed to Judge Katherine B. Forrest from Martin Bowe dated August 18, 2017. Document filed by The City Of New York,.(Bowe, Martin) (Entered: 08/18/2017)  |
| 08/18/2017 | <u>46</u> | NOTICE OF APPEARANCE by Martin John Bowe, Jr on behalf of The City Of New York,. (Bowe, Martin) (Entered: 08/18/2017)   |
| 08/21/2017 | <u>47</u> | ORDER granting <u>45</u> Letter Motion for Extension of Time to respond to the Complaint. So Ordered.. (Signed by Judge Katherine B. Forrest on 8/21/2017) (js) (Entered: 08/21/2017)   |
| 08/21/2017 |           | Set/Reset Deadlines: The City Of New York, answer due 9/6/2017. (js) (Entered: 08/21/2017)  |
| 08/21/2017 | <u>48</u> | ANSWER to <u>1</u> Complaint,., Document filed by Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority.(Hechtkopf, Helene) (Entered: 08/21/2017)  |
| 08/24/2017 | <u>49</u> | TRANSCRIPT of Proceedings re: conference held on 7/26/2017 before Judge Katherine B. Forrest. Court Reporter/Transcriber: Andrew Walker, (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 9/14/2017. Redacted Transcript Deadline set for 9/25/2017. Release of Transcript Restriction set for 11/22/2017.(McGuirk, Kelly) (Entered: 08/24/2017)  |
| 08/24/2017 | <u>50</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 7/26/17 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: 08/24/2017)  |
| 08/25/2017 | <u>51</u> | NOTICE OF APPEARANCE by Maia Beth Goodell on behalf of Sasha Blair-Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan. (Goodell, Maia) (Entered: 08/25/2017)   |

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| 09/01/2017 | <u>52</u> | <b>FILING ERROR – ELECTRONIC FILING OF NON-ECF DOCUMENT – STIPULATION OF VOLUNTARY DISMISSAL</b> It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, against the defendant(s) The City Of New York, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by The City Of New York,.(Bowe, Martin) Modified on 9/5/2017 (dt). (Entered: 09/01/2017)   |
| 09/05/2017 |           | <b>***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Martin Bowwe for noncompliance with Section 18.3 of the S.D.N.Y. Electronic Case Filing Rules &amp; Instructions. E-MAIL the PDF for Document <u>52</u> Stipulation of Voluntary Dismissal, to: judgments@nysd.uscourts.gov. (dt)</b> (Entered: 09/05/2017)   |
| 09/06/2017 | <u>53</u> | STIPULATION OF DISMISSAL WITHOUT PREJUDICE: Now therefore, with the agreement of all Parties, this action is dismissed without prejudice as against City of New York. So Ordered (Signed by Judge Katherine B. Forrest on 9/6/2017) (js) (Entered: 09/06/2017)   |
| 09/15/2017 | <u>55</u> | NOTICE OF APPEARANCE by Miriam Jerry Manber on behalf of Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority. (Manber, Miriam) (Entered: 09/15/2017)  |
| 09/15/2017 | <u>56</u> | LETTER MOTION for Extension of Time to Complete Discovery addressed to Judge Katherine B. Forrest from Ira J. Lipton dated September 15, 2017. Document filed by Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority.(Manber, Miriam) (Entered: 09/15/2017)   |
| 09/15/2017 | <u>57</u> | ORDER: granting <u>56</u> Letter Motion for Extension of Time to Complete Discovery. So ordered. A new schedule with all dates shall issue shortly. Motions due by 10/16/2017. Response due by 11/6/2018. Reply due by 11/13/2017. Pretrial order due by 1/9/2018. (Signed by Judge Katherine B. Forrest on 9/15/2017) (ap) (Entered: 09/15/2017)  |
| 09/15/2017 |           | Set/Reset Deadlines: Responses due by 11/6/2017. Replies due by 11/13/2017. (ap) (Entered: 09/15/2017)   |
| 09/19/2017 | <u>58</u> | ORDER: The Court received the defendants' request to extend the discovery deadlines. (ECF No. 56.) The Court hereby sets out the following amended schedule: ( Expert Discovery due by 10/2/2018., Fact Discovery due by 7/31/2018., Motions due by 10/16/2018., Joint Pretrial Order due by 1/9/2019., Responses due by 11/6/2018, Replies due by 11/13/2018., Final Pretrial Conference set for 1/16/2019 at 01:00 PM before Judge Katherine B. Forrest., Telephone Conference set for 10/20/2017 at 10:00 AM before Judge Katherine B. Forrest.) (Signed by Judge Katherine B. Forrest on 9/19/2017) (js) (Entered: 09/19/2017) |
| 09/19/2017 | <u>59</u> | NOTICE OF APPEARANCE by Steven Mark Silverberg on behalf of Veronique Hakim, Darryl C. Irick, Metropolitan Transportation Authority, New York City Transit Authority. (Silverberg, Steven) (Entered: 09/19/2017)   |
| 09/25/2017 | <u>60</u> | MOTION for Stuart J. Seaborn to Withdraw as Attorney . Document filed by Sasha Blair-Goldensohn, Bronx Independent Living Services, Brooklyn Center for Independence of the Disabled, Center for Independence of the Disabled, New York, Disabled In Action of Metropolitan New York, Harlem Independent Living Center, Dustin Jones, New York Statewide Senior Action Council, Chris Pangilinan.(Seaborn, Stuart) (Entered: 09/25/2017)   |
| 09/27/2017 | <u>61</u> | MEMO ENDORSEMENT: on re: <u>60</u> NOTICE OF MOTION TO WITHDRAWAL OF COUNSEL, for Stuart J. Seaborn to Withdraw as Attorney, filed by Center for Independence of the Disabled, New York, Brooklyn Center for Independence of the Disabled, Harlem Independent Living Center, Sasha Blair-Goldensohn, New York Statewide Senior Action Council, Disabled In Action of Metropolitan New York, Chris Pangilinan, Dustin Jones, Bronx Independent Living Services. ENDORSEMENT: So ordered. Attorney Stuart John Seaborn terminated. (Signed by Judge Katherine B. Forrest on 9/27/2017) (ap) (Entered: 09/27/2017)                    |
| 10/20/2017 | <u>62</u> | ORDER. The Court held a telephonic status conference on October 20, 2017. The Court now clarifies the questions it posed about notice for a Rule 23(b)(2) class for purely injunctive and declaratory relief. While the Court may require that notice be provided to a (b)(2) class, Rule 23(c)(2)(A) makes such notice discretionary. The   |

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|            |           | <p>Court declines to require notice at this stage of the litigation. Should the parties reach a settlement or other final disposition, the Court will at that time, per Rule 23(e), determine if/what type of notice shall be provided. Furthermore, the Court misspoke when it referred to an "opt out" provision, given that the plaintiffs seek purely injunctive and declaratory relief. The Court will hold another telephonic status conference on this matter on Friday, January 19, 2018 at 4:30 p.m. The parties shall call Chambers (212-805-0276) from one line at that time. SO ORDERED. (Telephone Conference set for 1/19/2018 at 04:30 PM before Judge Katherine B. Forrest.) (Signed by Judge Katherine B. Forrest on 10/20/2017) (rjm) (Entered: 10/20/2017)</p> |
| 11/03/2017 | <u>63</u> | <p>STIPULATION AND ORDER CERTIFYING CLASS:NOW, THEREFORE, IT IS STIPULATED AND SO ORDERED THAT: 1. The requirements of Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure having been met, this action is certified to proceed as a class action on behalf of all persons who use or seek to use the New York City subway system, and have a disability that requires them to use an elevator to access the subway system (the "Class"). 2. Sasha Blair-Goldensohn, Chris Pangilinan, and Dustin Jones are appointed representatives for the Class. 3. Disability Rights Advocates and Sheppard Mullin Richter &amp; Hampton LLP are appointed counsel for the Class. (Signed by Judge Katherine B. Forrest on 11/3/2017) (js) (Entered: 11/06/2017)</p>             |