

ADR, CLOSED

U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.3] (Binghamton)
CIVIL DOCKET FOR CASE #: 3:02-cv-01605-FJS-DEP

Powell v. American General, et al
Assigned to: Senior Judge Frederick J. Scullin, Jr
Referred to: Magistrate Judge David E. Peebles
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 12/31/2002
Date Terminated: 03/23/2004
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Tonya R. Powell**

represented by **Tonya R. Powell**
11 Holland Street
Binghamton, NY 13905
607-773-3413
PRO SE

V.

Defendant**American General Finance, Inc.**

represented by **Robert A. Barrer**
Hiscock, Barclay Law Firm - Syracuse
Office
One Park Place
300 South State Street
Syracuse, NY 13202-2078
315-425-2704
Fax: 315-425-8544
Email: rbarrer@hiscockbarclay.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Beneficial**

represented by **Paul K. Stecker**
Phillips, Lytle Law Firm - Buffalo Office
3400 HSBC Center
Buffalo, NY 14203
716-847-8400
Fax: 716-852-6100
Email: pstecker@phillipslytle.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**BSB Bank & Trust Company**

represented by **Paul T. Sheppard**
Hinman, Howard Law Firm - Binghamton
Office
P.O. Box 5250

80 Exchange Street
700 Security Mutual Building
Binghamton, NY 13902-5250
607-723-5341
Fax: 607-723-6605
Email: sheppard@hhk.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Charter One Bank, FSB

represented by **Andrew J. Romanow**
Buchanan, Ingersoll Law Firm - Buffalo
Office
268 Main Street
Suite 201
Buffalo, NY 14202
716-853-2330
Fax: 716-854-4277
Email: Andrew.Romanow@bipc.com
TERMINATED: 11/13/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Glenn M. Fjermedal
Lacy, Katzen Law Firm
130 East Main Street
The Granite Building
Rochester, NY 14604
585-454-5650
Fax: 585-269-3091
Email: gf@lacykatzen.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Citifinancial Inc.

represented by **David M. Cherubin**
Crane, Parente Law Firm
90 State Street
Suite 1515
Albany, NY 12207
518-432-8000
Fax: 518-432-0086
Email: dcherubin@cpclaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. McNamara
Certilman, Balin Law Firm
90 Merrick Avenue
The Financial Center at Mitchel Field
East Meadow, NY 11554
516-296-7000

Fax: Fax 516-296-7111
 TERMINATED: 05/01/2003
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

HSBC Bank

represented by **Paul K. Holbrook**
 HSBC Bank USA
 General Counsel Office
 One HSBC Center
 27th Floor
 Buffalo, NY 14203
 716-841-2784
 Fax: Fax 716-841-5087
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Scott D. Miller
 HSBC Bank USA
 One HSBC Center
 27th Floor
 Buffalo, NY 14203-2827
 716-841-4230
 Fax: Fax: 716-841-5087
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

M & T Bank Corporation

represented by **Christopher P. Schueller**
 Buchanan, Ingersoll Law Firm - Pittsburgh
 Office
 301 Grant Street
 One Oxford Centre
 Pittsburgh, PA 15219-1410
 412-562-8432
 Fax: 412-562-1041
 Email: christopher.schueller@bipc.com
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

NBT Bank

represented by **Paul T. Sheppard**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/31/2002	<u>1</u>	COMPLAINT filed; jury demand ; Service deadline 3/1/03 for NBT Bank, for M & T Bank Corp., for HSBC Bank, for Citifinancial Inc., for Charter One Bank, for BSB

		Bank & Trust Co., for Beneficial, for American General (pta) (Entered: 12/31/2002)
12/31/2002	2	In Forma Pauperis Application filed by Tonya R. Powell (pta) (Entered: 12/31/2002)
12/31/2002		SUMMONS(ES) issued for American General, Beneficial, BSB Bank & Trust Co., Charter One Bank, Citifinancial Inc., HSBC Bank, M & T Bank Corp., NBT Bank [Pro Se Pltf to serve] (pta) (Entered: 12/31/2002)
12/31/2002		Civil Case Assignment Form issued (pta) (Entered: 12/31/2002)
12/31/2002		PRO SE HANDBOOK issued and explained to Tonya R. Powell at time complaint was filed (pta) (Entered: 12/31/2002)
01/07/2003		CASE reassigned to Judge Norman A. Mordue (pta) (Entered: 01/07/2003)
01/07/2003	3	COURT NOTICE of case reassignment from Judge Thomas J. McAvoy to Norman A. Mordue in Syracuse NY for all pretrial purposes. (pta) (Entered: 01/07/2003)
01/14/2003		Tele-conference held (kcl) (Entered: 01/15/2003)
01/15/2003	4	NOTICE of attorney appearance for American General by Robert A. Barrer. (see) (Entered: 01/16/2003)
01/21/2003	5	WAIVER OF SERVICE Returned Executed as to HSBC Bank 12/31/02 Answer due on 3/1/03 (amt) (Entered: 01/22/2003)
01/21/2003	6	NOTICE of attorney appearance for Citifinancial Inc. by Thomas J. McNamara (amt) (Entered: 01/22/2003)
01/23/2003	7	ORDER OF RECUSAL: Pursuant to 28 USC 455(a) of the FRCP, District Judge Mordue finds that it is necessary to disqualify himself from this matter; The Clerk is to reassign this action from Judge Mordue to the next available Judge in the Case Assignment System (signed by Judge Norman A. Mordue 1/23/02) Case Assigned to Chief Judge F. J. Scullin Jr. (kcl) Modified on 02/05/2003 (Entered: 01/23/2003)
01/23/2003	8	LETTER/NOTICE dated 1/23/03; Letter addressed to Parties in this action advising that pursuant to the [7-1] Order of Recusal of District Judge Mordue, the Clerk has reassigned this action to Chief Judge Scullin; MJ Sharpe remains the Magistrate Judge assigned to this case; Notice sent by KCL (kcl) (Entered: 01/23/2003)
01/24/2003	9	WAIVER OF SERVICE Returned Executed as to BSB Bank & Trust Co. 12/31/02 Answer due on 3/1/03 (amt) (Entered: 01/24/2003)
01/24/2003	10	WAIVER OF SERVICE Returned Executed as to NBT Bank 12/31/02 Answer due on 3/1/03 (amt) (Entered: 01/24/2003)
01/28/2003	11	Order Directing Compliance as to Tonya R. Powell; Plaintiff shall file with the Court by 2/27/03 an amended Complaint that fully complies with rules 8 and 10 of the FRCP; If pltf. fails to file the amended complaint by 3/29/03 , the clerk shall enter Judgment dismissing the case without further order of the Court; If pltf. fails to allege any specific acts of misconduct as to any individuals in the amended complaint, the action will be dismissed as to those defendants; Upon filing of the Amended Complaint, the clerk shall forward the file to the Court for review; Pltf. is directed not to file any further motions until the Amended Complaint is submitted and approved by the Court; Pltfs. [2-1] IFP application is granted; Pltf. shall refrain from serving and deft. until she has submitted the ammended complaint and it is approved; pltf. must serve a copy of this order upon any party she has served process (Signed by Chief Judge F. J. Scullin Jr. 1/28/03) (kcl) (Entered: 01/29/2003)

01/31/2003	12	NOTICE of attorney appearance for Charter One Bank by Andrew J. Romanow (amt) (Entered: 01/31/2003)
02/26/2003	13	AMENDED COMPLAINT by Tonya R. Powell , , amends [1-1] complaint (pta) (Entered: 02/26/2003)
02/28/2003	14	NOTICE of attorney appearance for M & T Bank Corp. by Christopher P. Schueller (fce) (Entered: 03/03/2003)
03/03/2003	15	NOTICE of attorney appearance for HSBC Bank by Paul K. Holbrook, Scott D. Miller (fce) (Entered: 03/04/2003)
03/12/2003	16	ORDER: the Clerk is directed to issue summonses and forward them along with copies of the amended complaint to the USM for service upon the unserved debts, responses to be filed thereafter, parties advised of certificate of service requirement, and advise the court of any change of addresses, plaintiff's failure to do so will result in the dismissal of the action. (Signed by Chief Judge F. J. Scullin Jr.) (jmb) (Entered: 03/21/2003)
03/24/2003		General Order 25 Filing Order Issued; Conference set before Magistrate Judge Gary L. Sharpe in Binghamton, Status Conference at 12:00 7/21/03 , Deadline for filing Case Management Plan, 7/11/03 , ADR Track Case. (dct) (Entered: 03/24/2003)
03/25/2003	17	Scheduling Notice: pursuant to the 3/12/03 Court Order, plaintiff is advised that upon review of the file, no summonses remain as they were previously issued upon the filing of this action on 12/31/02. the Court notes that several defendants in this action have executed Waiver of Service forms and have filed Attorney Appearances, blank summonses forms are sent to plaintiff to be completed and returned for service upon the remaining debts', the completed summonses will be issued and sent to the US Marshal's Office for process of service along with copies of the amended complaint and the recently issued General Order #25. (Signed by Deputy Clerk: Joanne Bleskoski) (jmb) (Entered: 03/27/2003)
03/26/2003		SUMMONS(ES) issued for American General, Beneficial, BSB Bank & Trust Co., Charter One Bank, Citifinancial Inc., HSBC Bank, M & T Bank Corp., NBT Bank and mailed to US Marshall along with copy of Complaint and USM forms as in accordance with this Court Order (pta) (Entered: 03/31/2003)
03/27/2003		SUMMONS(ES) re-issued for American General, Beneficial, BSB Bank & Trust Co., Charter One Bank, Citifinancial Inc., Bank, M & T Bank Corp., NBT Bank, and sent to the USM for service of process, along with the USM 285 forms and copies of the amended complaint and General Order #25 packet. (jmb) (Entered: 03/27/2003)
04/04/2003	18	NOTICE/LETTER BRIEF: dated 4/2/03 by the US Marshals Service, advising the plaintiff, Regarding service upon Beneficial, that they cannot serve an entire entity, as they cannot serve a structure, they require the name of an individual, upon receipt of the completed documents, the USMS will re-attempt service. (jmb) (Entered: 04/07/2003)
04/16/2003	19	WAIVER OF SERVICE Returned Executed as to M & T Bank Corp. through Chris Schueiler, Esq., mailed on 4/2/03, received on 4/4/03, Answer due on 6/1/03 for M & T Bank Corp. (jmb) (Entered: 04/22/2003)
04/16/2003	20	WAIVER OF SERVICE Returned Executed as to Citifinancial Inc. through Thomas J. McNamara, Esq., mailed on 4/2/03, received on 4/7/03, Answer due on 6/1/03 for Citifinancial Inc. (jmb) (Entered: 04/22/2003)

04/17/2003	21	LETTER REQUEST & ORDER: dated 4/16/03 by Timothy P. McElduff, Jr., Esq., requesting an extension of time to file M & T Bank's answer, request granted, reset Answer deadline to 5/13/03 for M & T Bank Corp. (Signed by Magistrate Judge Gary L. Sharpe) (jmb) (Entered: 04/24/2003)
04/23/2003	22	WAIVER OF SERVICE Returned Executed as to American General through Robert A. Barrer, Esq., mailed on 4/2/03, accepted on 4/16/03, Answer due on 6/1/03 for American General (jmb) (Entered: 04/28/2003)
04/23/2003	23	WAIVER OF SERVICE Returned Executed as to Charter One Bank through Andrew Romanow, Esq., mailed on 4/2/03, accepted on 4/14/03, Answer due on 6/1/03 for Charter One Bank (jmb) (Entered: 04/28/2003)
04/25/2003	24	MOTION by Charter One Bank by Charter One Bank for More Definite Statement , Hearing re-scheduled by the Clerk for 10:00 a.m. on 6/13/03 in Syracuse NY, Response Deadline 5/30/03 , Reply to Response Deadline 6/6/03 Motion returnable before Judge: Frederick J. Scullin, Jr. [incorrectly noticed for 5-09-03]; Affidavit of Andrew J. Romanow; Exhibit A (pta) (Entered: 04/29/2003)
04/29/2003	25	CLERK'S NOTICE of placing Deft Charter One Bank's Motion for More Definate Statement [24-1] on the Hon. Frederick J. Scullin's Motion term of June 13, 2003 at 10:00 a.m. in Syracuse NY (pta) (Entered: 04/29/2003)
04/30/2003	26	NOTICE of Change of Attorneys by Citifinancial Inc. (amt) (Entered: 05/01/2003)
05/01/2003	31	RESPONSE TO MOTION: by Tonya R. Powell in opposition to [24-1] Motion by Charter One Bank for More Definite Statement, and requesting that the motion be denied, w/attached certificate of service. (jmb) (Entered: 05/08/2003)
05/01/2003	32	RESPONSE AFFIDAVIT: by Tonya R. Powell in opposition to [24-1] Motion by Charter One Bank for More Definite Statement (jmb) (Entered: 05/08/2003)
05/01/2003	33	STIPULATION & ORDER: resetting Answer deadline to 5/16/03 for BSB Bank & Trust Co., and NBT Bank (Signed by Magistrate Judge Gary L. Sharpe) (jmb) (Entered: 05/08/2003)
05/06/2003	27	EXEMPT LETTER of Jennifer C. Driver, Esq. dd 5-05-03 on behalf of Citifinancial Inc. pursuant to Local Rule 7.1(b) regarding their Motion: to Dismiss. Date Served upon counsel: 5/5/03 (pta) (Entered: 05/06/2003)
05/07/2003	28	MOTION by Deft Citifinancial to Dismiss , Hearing set for 10:00am on 6/13/03 in Syracuse, Response Deadline 5/30/03 , Reply to Response Deadline 6/6/03 Motion returnable before Judge Frederick J. Scullin (amt) (Entered: 05/07/2003)
05/07/2003	29	MEMORANDUM by Citifinancial Inc. in support of [28-1] motion by Deft Citifinancial to Dismiss (amt) (Entered: 05/07/2003)
05/07/2003	30	AFFIDAVIT by David Cherubin on behalf of Deft Citifinancial Inc. in support of [28-1] motion by Deft Citifinancial to Dismiss (amt) (Entered: 05/07/2003)
05/09/2003	34	MOTION by American General to Dismiss plaintiff's Amended Complaint , Hearing set for 10:00 6/13/03 , Response Deadline 5/30/03 Motion returnable before Judge/Mag. Judge: Scullin (jt) (Entered: 05/15/2003)
05/09/2003	35	AFFIDAVIT of R. Barrer; by American General Re: [34-1] motion to Dismiss plaintiff's Amended Complaint (jt) (Entered: 05/15/2003)

05/09/2003	36	MEMORANDUM by American General in support of [34-1] motion to Dismiss plaintiff's Amended Complaint (jt) (Entered: 05/15/2003)
05/09/2003	37	CERTIFICATE OF SERVICE by American General [papers served: Notice of Motion, Affidavit, Memo of Law] (jt) (Entered: 05/15/2003)
05/13/2003	38	MOTION with attached Certificate of Service and Affirmation in Support (with exhibits A-C) by M & T Bank Corp. to Dismiss , Hearing set for 10:00 6/13/03 , Response Deadline 5/30/03 Motion returnable before Judge/Mag. Judge: Scullin (jt) (Entered: 05/15/2003)
05/13/2003	39	MEMORANDUM by M & T Bank Corp. in support of [38-1] motion to Dismiss (jt) (Entered: 05/15/2003)
05/15/2003	46	USM-285 SUMMONS Returned Executed as to HSBC Bank by service via regular mail; service acknowledged by G. Cownie and P. Holbrook, counsel for HSBC on 4/28/03 : Answer due on 5/18/03 for HSBC Bank (jt) (Entered: 05/22/2003)
05/16/2003	40	MOTION by Defts BSB and NBT to Dismiss , Hearing set for 10:00am on 6/13/03 in Syracuse, Response Deadline 5/30/03 , Reply to Response Deadline 6/6/03 Motion returnable before Judge Scullin (amt) (Entered: 05/16/2003)
05/16/2003	41	MEMORANDUM by BSB Bank & Trust Co., NBT Bank in support of [40-1] motion by Defts BSB and NBT to Dismiss (amt) (Entered: 05/16/2003)
05/19/2003	42	MOTION by HSBC Bank by HSBC Bank to Dismiss pur. Rule 12(b)(6) , Hearing set for 10:00 a.m. on 6/13/03 , Response Deadline 5/30/03 Motion returnable before Judge: Scullin [accepted by Chambers] (pta) (Entered: 05/19/2003)
05/19/2003	43	MEMORANDUM by HSBC Bank in support of [42-1] motion by HSBC Bank to Dismiss pur. Rule 12(b)(6) (pta) (Entered: 05/19/2003)
05/19/2003	44	AFFIDAVIT of Paul K. Holbrook, Esq. by HSBC Bank USA in support of Re: [42-1] motion by HSBC Bank to Dismiss pur. Rule 12(b)(6) (pta) (Entered: 05/19/2003)
05/19/2003	45	Scheduling Notice: to Pro Se Plaintiff and Counsel, advising that all the pending motions have been taken on submit, no oral argument will be held, Re: [24-1] motion by Charter One Bank for More Definite Statement, [28-1] motion by Deft Citifinancial to Dismiss, [34-1] motion to Dismiss plaintiff's Amended Complaint, [38-1] motion to Dismiss, [40-1] motion by Defts BSB and NBT to Dismiss, [42-1] motion by HSBC Bank to Dismiss pur. Rule 12(b)(6) (Signed by Senior Law Associate: Deborah E. Moore) { VAB } (jmb) (Entered: 05/20/2003)
05/27/2003	47	REPLY by Charter One Bank to response to [24-1] motion by Charter One Bank for More Definite Statement and stating they join in the other Defts' motions (amt) (Entered: 05/27/2003)
06/20/2003	48	NOTICE/LETTER MOTION by Beneficial for a Scheduling Notice Re: Motions to Dismiss (jt) (Entered: 06/24/2003)
06/23/2003	49	ORDER [48-1] notice under advisement, set Motion Filing deadline to 7/11/03 ; Resp to motion ddl: 7/25/03; Reply to Resp ddl: 8/1/03. Counsel for deft Beneficial ntc of apr ddl: 6/27/03 -MOTION TAKEN ON SUBMIT; ALL PENDING MOTIONS WILL BE CONSIDERED TOGETHER UPON RECEIPT OF ALL THE PARTIES' SUBMISSIONS- (signed by Chief Judge F. J. Scullin Jr.) (jt) (Entered: 06/24/2003)
06/27/2003	51	Scheduling Notice adjourning the 7/21/03 Rule 16 conference with Mag. Judge Sharpe without date pending a decision by FJS on the pending motions. Parties are

		directed to contact GLS's chambers for conference, if necessary after the decision is rendered. (jlm) (Entered: 06/30/2003)
06/30/2003	50	NOTICE of attorney appearance for Household Finance Realty Corporation of New York sued as Beneficial by Paul K. Stecker (pta) (Entered: 06/30/2003)
07/09/2003	52	WAIVER OF SERVICE Returned Executed as to Beneficial [mailed by USM on 4/18/03; accepted/signed by atty P. Stecker on 6/19/03] Answer due on 6/17/03 for Beneficial (jt) (Entered: 07/10/2003)
07/09/2003	53	SUMMONS Returned Executed as to Beneficial on 6/19/03 [served via regular mail 4/18/03; USM 299 received 6/23/03]: Answer due on 7/9/03 for Beneficial (jt) (Entered: 07/10/2003)
07/11/2003	54	MOTION by Household Finance Realty Corporation of New York, sued as " Beneficial " by Beneficial to Dismiss Amended Complaint , Hearing set for <date not set> , Response Deadline <date not set> Motion returnable before Judge: Scullin (pta) (Entered: 07/11/2003)
07/11/2003	55	MEMORANDUM by Beneficial in support of [54-1] motion by Beneficial to Dismiss Amended Complaint (pta) (Entered: 07/11/2003)
07/11/2003	56	NOTICE/LETTER REQUEST: dated 6/30/03 by Robert A. Barrer, Esq., on behalf of American General, to Magistrate Judge Sharpe, requesting that the Rule 16 conference set for July 21, 2003 be adjourned without date until a decision is rendered on the pending motions to dismiss in this action. (jmb) (Entered: 07/15/2003)
07/21/2003	57	CERTIFICATE OF SERVICE by Tonya R. Powell - confirmation of mailing of the complaint and memo of law to the atty's Phillip, Lytle Law Firm representing deft Beneficial (jt) (Entered: 07/21/2003)
09/02/2003	58	USM-285/Summons returned unexecuted as to NBT Bank, BSB Bank & Trust Co. : service via regular mail 4/2/03; USM 299 received U-E (attached is copy of USMS notice to Pro-Se Pltf regarding the failure to serve Summons and Complaint) (jt) (Entered: 09/02/2003)
09/02/2003	59	Bill of costs by the USMS in the amount of \$64.00 (jt) (Entered: 09/02/2003)
09/15/2003		Pltf Powell telephoned re: [58-1] USM-285/summons returned unexecuted as to NBT Bank and BSB Bank; pltf states that she served Tom Shepard on behalf of both deft banks herself and will provide Affidavit of Service (jt) (Entered: 09/15/2003)
10/01/2003	60	CERTIFICATE OF SERVICE by Tonya R. Powell -- states Second Sending that pltf did personally serve to Paul Sheppard cnsl employed by Hinman, Howard, Kattell Notice of Motion, Memo of Law, Cases and Articles ('in hand') on 6/2/03 (jt) (Entered: 10/01/2003)
11/04/2003	61	REQUEST and ORDER: Denies pltf's request to add exhibits (signed by Chief Judge F. J. Scullin Jr. on 11/3/03) (jt) (Entered: 11/10/2003)
11/13/2003	62	NOTICE of attorney appearance for Charter One Bank by Glenn M. Fjermedal (amt) (Entered: 11/13/2003)
12/12/2003	64	DOCUMENT REJECTION ORDER as to Tonya R. Powell returning letter to the court dated 12/08/03; PAPERS CANNOT BE FILED W/O SOME INDICATION THAT THEY HAVE BEEN SERVED ON OPPONENTS OR THEIR ATTYS and RELIEF REQUESTED FROM THE COURT MUST BE IN THE FORM OF A MOTION THAT COMPLIES WITH L.R. 7.1. Signed by Judge Gary L. Sharpe on

		12/12/03. (jt,) (Entered: 12/23/2003)
12/17/2003	63	ORDER REASSIGNING CASE. Case reassigned to Judge David E. Peebles for all further proceedings. Judge Gary L. Sharpe no longer assigned to case. Signed by Judge Frederick J. Scullin Jr. on 12/17/03. (jt,) (Entered: 12/19/2003)
03/22/2004	65	MEMORANDUM, DECISION AND ORDER denying as moot the 24 Motion for More Definite Statement, granting 28 Motion to Dismiss, granting 42 Motion to Dismiss, granting 34 Motion to Dismiss, granting 38 Motion to Dismiss, granting 40 Motion to Dismiss, granting 54 Motion to Dismiss; Clerk is directed to enter one judgment in favor of defendants and close the case . Signed by Judge Frederick J. Scullin Jr. on 3/22/04. (kcl,) (Entered: 03/23/2004)
03/23/2004	66	JUDGMENT in favor of Defendants against Plaintiff (kcl,) (Entered: 03/23/2004)
03/26/2004	67	Mail Returned as Undeliverable. re 65 Order on Motion for More Definite Statement,, Order on Motion to Dismiss, 66 Judgment Sent to Tonya Powell Address sent to 60 Court Street, Binghamton, NY 13901 (mnm) (Entered: 03/29/2004)
03/29/2004		The Court on today's date (3/29/04) has re-served documents # 65 Memorandum-Decision & Order and # 66 Judgment upon Tanya Powell at the address of P.O. Box 965, Johnson City, New York 13790. Additionally plaintiff is directed to formally update her address information with the Court. (jmb) (Entered: 03/29/2004)
04/01/2004	68	BILL OF COSTS by BSB Bank & Trust Company, NBT Bank. (Attachments: # 1 Certificate of Service)(Sheppard, Paul) (Entered: 04/01/2004)
04/06/2004	69	MOTION for Attorney Fees Motion Hearing set for 5/14/2004 10:00 AM in Syracuse before Chief Judge Frederick J. Scullin Jr.. Response to Motion due by 4/27/2004 Reply to Response to Motion due by 5/3/2004. by BSB Bank & Trust Company, NBT Bank. (Attachments: # 1 Affidavit of Paul T. Sheppard# 2 Exhibit A and B# 3 Exhibit C and D# 4 Exhibit E through H# 5 Memorandum of Law in Support of Application for Attorneys' Fees# 6 Certificate of Service)(Sheppard, Paul) (Entered: 04/06/2004)
04/13/2004	70	RESPONSE in Opposition re 69 MOTION for Attorney Fees filed by Tonya R. Powell. (Attachments: # 1 Affidavit # 2 Memo Support # 3 Affidavit of Service(mnm) (Entered: 04/19/2004)
04/26/2004	71	BILL OF COSTS by BSB Bank & Trust Company, NBT Bank against Tonya R. Powell entered and taxed in the amount of \$98.00 to be included in the judgment on 4/26/2004 by Deputy Clerk Barbara J. Woodford. (bjw,) (Entered: 04/26/2004)
04/26/2004		Motions Taken Under Advisement: 69 MOTION for Attorney Fees (jmb) (Entered: 04/27/2004)
04/26/2004	72	SCHEDULING NOTICE: advising Ms. Powell and counsel of record that the 69 MOTION for Attorney Fees will be taken on submit, no oral argument will be held. (Issued by Senior Law Associate: Deborah E. Moore) (jmb) (Entered: 04/27/2004)
04/28/2004	73	ORDER Clarifying Motions: re 69 MOTION for Attorney Fees filed by BSB Bank & Trust Company, NBT Bank, 70 Motion filed by Tonya R. Powell. The Court construes plaintiff's notice of motion as a response to defendant's motion for attorneys' fees and not a separate motion for reconsideration. Therefore, the motion for attorneys' fees is the only motion pending before the Court.. Signed by Judge Frederick J. Scullin Jr. on 4/28/2004. (bjw,) (Entered: 04/28/2004)

04/30/2004	74	AFFIDAVIT in Support re 69 MOTION for Attorney Fees filed by BSB Bank & Trust Company, NBT Bank. (Sheppard, Paul) (Entered: 04/30/2004)
04/30/2004	75	MEMORANDUM OF LAW re 69 Motion for Attorney Fees, <i>Reply Memorandum</i> filed by BSB Bank & Trust Company, NBT Bank. (Sheppard, Paul) (Entered: 04/30/2004)
04/30/2004	76	CERTIFICATE OF SERVICE by BSB Bank & Trust Company, NBT Bank re 74 Affidavit in Support of Motion, 75 Memorandum of Law (Sheppard, Paul) (Entered: 04/30/2004)
05/06/2004	77	NOTICE OF CHANGE OF ADDRESS: by Tonya R. Powell, Effective Date 5/6/04, Old Address: P.O. Box 965, Johnson City, NY 13790, New Address: P.O. Box 314, Johnson City, NY 13790 (jmb) (Entered: 05/06/2004)
05/06/2004	78	MOTION for Reconsideration filed by Tonya R. Powell, and response in opposition to 69 MOTION for Attorney Fees. (Attachments: # 1 Affidavit of Tonya R. Powell - Re: Reconsideration # 2 Rebuttal # 3 Memorandum of Law Argument# 4 Appendix Response to request for Attorneys Fees# 5 Affidavit of Tonya R. Powell - Re: Attorney's Fees){Return date selected is 5/14/04, however this will not allow for proper amount of time to respond, therefore a scheduling notice will be sent out to reschedule the motion return date.}(jmb) (Entered: 05/06/2004)
05/06/2004	79	SCHEDULING NOTICE: resetting Hearing on Motion, Re: 78 MOTION for Reconsideration : Motion returnable on 6/25/04 on submission, no oral argument to be held. Response to Motion deadline set for 6/8/2004. (Issued by Deputy Clerk: Joanne Bleskoski) (jmb) (Entered: 05/06/2004)
05/07/2004	80	AFFIDAVIT in Opposition re 78 MOTION for Reconsideration re 69 MOTION for Attorney Fees filed by American General Finance, Inc.. (Attachments: # 1 Memorandum of Law in Opposition to Plaintiff's Motion for Reconsideration# 2 Certificate of Service)(Cook, John) (Entered: 05/07/2004)
05/13/2004	81	RESPONSE in Opposition re 78 MOTION for Reconsideration re 69 MOTION for Attorney Fees filed by BSB Bank & Trust Company, NBT Bank. (Attachments: # 1 Memorandum of Law # 2 Certificate of Service)(Sheppard, Paul) (Entered: 05/13/2004)
05/26/2004	82	AFFIDAVIT of Paul K. Holbrook, Esq. in Opposition re 78 Plaintiff's MOTION for Reconsideration filed by HSBC Bank. (pta,) (Entered: 05/26/2004)
05/26/2004		CLERK, P. Aton mailed the Notice to parties to file documents electronically through this court's CM/ECF System to the attorney's not receiving NEF (pta,) (Entered: 05/26/2004)
06/04/2004	83	AFFIDAVIT in Opposition re 78 MOTION for Reconsideration re 69 MOTION for Attorney Fees filed by Citifinancial Inc.. (Attachments: # 1 Affidavit Certificate of Service)(Cherubin, David) (Entered: 06/04/2004)
06/08/2004	84	AFFIDAVIT in Opposition re 78 MOTION for Reconsideration re 69 MOTION for Attorney Fees filed by M & T Bank Corporation. (Staehr, Jonathan) (Entered: 06/08/2004)
06/09/2004	85	AFFIDAVIT filed by Andrew J. Romanow, Esq., on behalf of M & T Bank Corporation in Opposition to 78 MOTION for Reconsideration (Attachments: # 1 Exhibit A - Part 1# 2 Exhibit A- Part 2# 3 Exhibit B)(jmb) (Entered: 06/15/2004)

09/21/2004	86	ORDER denying 69 Defendant's Motion for Attorney Fees, denying 78 Plaintiff's Motion for Reconsideration of 3/22/2004 order . Signed by Judge Frederick J. Scullin Jr. on 9/21/2004. (bjw,) (Entered: 09/21/2004)
------------	--------------------	--

PACER Service Center**Transaction Receipt**

07/09/2007 12:44:15

PACER Login:	hs0328	Client Code:	clearinghouse
Description:	Docket Report	Search Criteria:	3:02-cv-01605-FJS-DEP
Billable Pages:	7	Cost:	0.56