

CLOSED

**U.S. District Court**  
**Eastern District of New York (Brooklyn)**  
**CIVIL DOCKET FOR CASE #: 1:95-cv-01181-RJD-ASC**

Doane v. National Westminster  
Assigned to: Chief Judge Raymond J. Dearie  
Referred to: Magistrate-Judge A. Simon Chrein  
Demand: \$2,000,000  
Cause: 42:405 Fair Housing Act

Date Filed: 03/24/1995  
Date Terminated: 12/28/1998  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Thomas L. Doane**

represented by **Richard Marsico**  
New York Law School  
Civil Law Clinic  
57 Worth Street  
New York, NY 10013  
(212)431-2176  
*TERMINATED: 10/17/1997*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****National Westminster Bank**

represented by **Mitchel H. Kider**  
Weiner, Brodsky, Sidman & Kider, P.C.  
1350 New York Avenue, N.W.  
Suite 800  
Washington, DC 20005  
(202) 628-2000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/24/1995	1	COMPLAINT filed and summons(es) issued for National Westminster FILING FEE \$ 120.00 RECEIPT # 171090 (Greene, Donna) (Entered: 03/28/1995)
05/03/1995	2	AMENDED COMPLAINT by Thomas L. Doane , (Answer due 5/13/95 for National Westminster ) amending [1-1] complaint. (Joseph, Derek) (Entered: 05/04/1995)
05/04/1995	3	RETURN OF SERVICE executed as to National Westminster 5/1/95 Answer due on 5/21/95 for National Westminster. (Joseph, Derek) (Entered: 05/12/1995)

05/23/1995	4	ORDER extending time for deft National Westminster Bank USA, to appear, answer or otherwise respond to the complaint to and including June 22, 1995. cm ( signed by Judge Raymond J. Dearie and dated May 22, 1995 ) (Joseph, Derek) (Entered: 05/25/1995)
06/27/1995	5	STIP/ORDER dated 6/23/95 that time for deft National Westminster Bank USA to answer; etc. extended to & including 7/5/95. (signed by Judge Raymond J. Dearie). (Greves, Liz) (Entered: 06/27/1995)
07/07/1995	8	MOTION by National Westminster for Joseph F. Yenouskas to appear pro hac vice . (Joseph, Derek) (Entered: 07/12/1995)
07/07/1995	10	Calendar entry before Judge Dearie dated July 7, 1995. Court reporter Fred Guerino. Pre-motion conference held. Deft motion to dismiss is denied. (Joseph, Derek) (Entered: 07/19/1995)
07/10/1995	6	NOTICE of attorney appearance for National Westminster by Mitchel H. Kider. (Joseph, Derek) (Entered: 07/10/1995)
07/10/1995	7	ORDER extending time for deft National Westminster Bank USA to answer the amended complaint to and including Aug. 21, 1995. cm ( signed by Judge Raymond J. Dearie and dated July 10, 1995 ) (Joseph, Derek) (Entered: 07/11/1995)
07/10/1995	9	ORDER granting [8-1] motion for Joseph F. Yenouskas to appear pro hac vice. cm ( signed by Judge Raymond J. Dearie and dated July 10, 1995 ) (Joseph, Derek) (Entered: 07/12/1995)
08/02/1995	11	ORDER extending time until Sept. 11, 1995, for deft National Westminster Bank USA to answer the complaint. cm ( signed by Judge Raymond J. Dearie and dated Aug. 1, 1995 ) (Joseph, Derek) (Entered: 08/02/1995)
08/17/1995	12	ORDER set initial conference for 3:30 9/21/95 before Magistrate A. S. Chrein . cm ( signed by Magistrate A. S. Chrein and dated Aug. 17, 1995 ) (Joseph, Derek) (Entered: 09/05/1995)
09/13/1995	13	Stipulation & Order: The parties agree that plttf may file a Second Amended Complaint . Plttf shall dismiss w/o prejudice his request for injunctive and declaratory relief. Plttf request that the Court enter judgment awarding plttf \$1,000,000.00 in compensatory damages and 1,000,000.00 in punitive or exemplary damages for violation of law. Awarding plttf attys' fees, costs, and expensed. cm ( Signed by Judge Raymond J. Dearie and dated 9/13/95 ) (Joseph, Derek) (Entered: 09/15/1995)
09/13/1995	14	SECOND AMENDED COMPLAINT by Thomas L. Doane , (Answer due 9/23/95 for National Westminster ), amending [2-1] amended complaint. (Joseph, Derek) (Entered: 09/15/1995)
09/15/1995	15	NOTICE of Joint proposed discovery plan by plaintiff Thomas L. Doane, and deft National Westminster Bank, USA. (Joseph, Derek) (Entered: 09/19/1995)
09/21/1995	16	Calendar entry: Before Mag. Judge Chrein on 9.21.95 at 3:30 p.m. case called for status conference., set discovery due for 5/31/96 , set status conference for 10:00 a.m. on 6/19/95 before Magistrate A. S. Chrein (Greene, Donna) (Entered: 09/25/1995)

09/25/1995	17	SCHEDULING ORDER setting Discovery cutoff 5/31/96 ; Pretrial conference for 10:00 a.m. on 6/19/95 ; ( signed by Magistrate A. S. Chrein on 9.21.95 ). This order shall not be modified except by leave of the Court upon a showing of good cause. Any newly impleaded party may move to amend this order by letter to the Mag. Judge sent within 30 days of service of the complaint. (Greene, Donna) (Entered: 09/25/1995)
10/06/1995	42	NOTICE of motion by National Westminster Bank, USA, to dismiss plttf's Second and Third Claims for relief for lack of standing. (Joseph, Derek) (Entered: 09/25/1996)
10/10/1995	18	ANSWER by Deft National Westminster Bank, to plttf's second amended complaint. (Joseph, Derek) (Entered: 10/11/1995)
11/01/1995	19	Letter from Emanuel Belibasakis, a student at New York Law School, to Judge Dearie file dated Nov. 1, 1995. Enclosing the required student practice order forms for representation of plaintiff Thomas Doane. (Joseph, Derek) (Entered: 11/03/1995)
11/17/1995	20	MEMORANDUM by counsel for plaintiff Thomas L. Doane in opposition to deft's partial motion to dismiss. (Joseph, Derek) (Entered: 11/21/1995)
11/29/1995	21	LETTER dated 10/30/95 from Emanuel Belibasakis to Mr. Soric requesting a briefing schedule on deft's motion to dismiss the the court would like a follow-up on, and a timetable when the Court expects briefs submitted. (Romano, Dan) (Entered: 11/29/1995)
11/30/1995	22	LETTER dated 11/13/95 from Richard Marsico to Judge Dearie advising of briefing schedule, agreed to by parties, on dft's partial motion to dismiss: plttf's answer to be submitted to dft's counsel on 11/17/95 via fax; dft's reply is due 12/15/95. (Ferguson, Frances) (Entered: 11/30/1995)
11/30/1995		Endorsed order granting [22-1] letter; oral argument on 2/9/96 at 10:00 a.m. ( Signed by Judge Raymond J. Dearie, dated: 11/14/95; c/m ) (Ferguson, Frances) (Entered: 11/30/1995)
12/14/1995	23	ORDER: By letter dated Dec. 11, 1995 counsel for the deft requests an order compelling Ms. Ann Northern to comply with a subpoena dated Nov. 13, 1995. Any objection the witness wishes to make to compliance with this subpoena is to reach the Mag. n/l/t Dec. 29, 1995. ( Signed by Magistrate A. S. Chrein and dated Dec. 14, 1995 ) (Joseph, Derek) (Entered: 12/18/1995)
12/15/1995	41	REPLY MEMORANDUM OF LAW by National Westminster in further opposition to deft's partial motion to dismiss. (Joseph, Derek) (Entered: 09/25/1996)
01/16/1996	24	ORDER: Compliance with dft's subpoena is stayed pending adjudication of its rule 12(b)(1) motion to dismiss. Parties are to contac tthe undersigned Magistrate Judge if and when it becomes necessary to rule on the merits of dft's request for an order to compel compliance. ( signed by Magistrate A. S. Chrein, dated: 1/2/96 ) (Ferguson, Frances) (Entered: 01/16/1996)
02/08/1996	25	NOTICE of Student Practice Forms by Michael Marino, submitted on behalf of plaintiff Thomas L. Doane. (Joseph, Derek) (Entered: 02/13/1996)

02/08/1996	26	Stipulation & Protective Order governing the disclosure and use of information designated confidential and sensitive. ( Signed by Magistrate A. S. Chrein and dated Feb. 6, 1996 ) (Joseph, Derek) (Entered: 03/01/1996)
03/15/1996	27	Calendar entry before Judge Dearie dated March 15, 1996. ESR R. Eppenstein. Case called. Arguments heard. Decision reserved. (Joseph, Derek) (Entered: 03/19/1996)
04/19/1996	28	ORDER, dated April 18, 1996, that pltf. may serve a non-party witness subpoena and deposition notice upon Barbara Scott at her residence in New Jersey . ( signed by Magistrate A. S. Chrein ) (Vaughn, Terry) (Entered: 04/19/1996)
04/23/1996	29	ORDER dated 4/10/96 GRANTING pltf's request for an order permitting alternative service of a subpoena on Barbara Scott, a non-party witness in this case. Pltf to submit an appropriate Order. (signed by Magistrate A. S. Chrein on letter dated 4/5/96 from Richard Marsico). (Greves, Liz) (Entered: 04/23/1996)
04/23/1996	33	Letter from Richard Marsico, counsel for pltf Thomas Doane, to Mag. Chrein dated April 23, 1996. Pursuant to FRCivP 45, pltf moves for an order permitting alternative service of a subpoena on Cheryl Sims. (Joseph, Derek) (Entered: 05/31/1996)
04/24/1996		Endorsed order: The Court grants pltf's application to serve a subpoena on Cheryl Sims. cm ( Signed by Magistrate A. S. Chrein on letter Doc. #33 ) (Joseph, Derek) (Entered: 05/31/1996)
04/25/1996	30	Letter from pltf's representative to Mag. Chrein dated April 24, 1996. Submitted as a joint application to extend the date for completion of discovery in this case by one month, to June 30, 1996. (Joseph, Derek) (Entered: 05/01/1996)
04/25/1996		Endorsed order, reset discovery due for 6/30/96 , reset pretrial conference for 10:00 6/24/96 before Magistrate A. S. Chrein . cm ( Signed by Magistrate A. S. Chrein and April 25, 1996 ) (Joseph, Derek) (Entered: 05/01/1996)
05/07/1996	32	ORDER, set status conference for 10:00 6/24/96 before Magistrate A. S. Chrein . cm ( Signed by Magistrate A. S. Chrein and dated May 7, 1996 ) (Joseph, Derek) (Entered: 05/15/1996)
05/08/1996	31	Calendar entry before Mag. Chrein dated May 8, 1996. Deft will provide pltf w/material submitted to HUB n its audit of deft. Should this be shown to be inadequate pltf may reapply at a time after the present Fleet Bank audit for further discovery. (Joseph, Derek) (Entered: 05/10/1996)
05/15/1996	37	Letter from Richard Marsico, atty for pltf, to the Court file dated May 15, 1996. Enclosing for filing an Affidavit of Service and Certificate of Service for a subpoena and deposition notice on Beverly Scott. (Joseph, Derek) (Entered: 07/30/1996)
05/23/1996	34	ORDER that pltf may serve a non-party witness subpoena and deposition notice upon Cheryl Sims at her residence. ( signed by Magistrate A. S. Chrein and dated May 23, 1996 ) (Joseph, Derek) (Entered: 06/11/1996)
06/05/1996	39	Letter from Mitchel Kider, counsel for Mag. Chrein dated June 5, 1996. Counsel request that the Court reset the final pretrial conference date to the last week of July or the first week of Aug. (Joseph, Derek) (Entered: 09/03/1996)

06/05/1996	43	Letter from Mitchel Kider, counsel for deft, to Judge Dearie dated June 5, 1996. Written jointly on behalf of plttf Thomas Doane, and deft National Westminster Bank, USA's. Plttf Doane formally w/ds his May 16 letter to the Court. (Joseph, Derek) (Entered: 09/27/1996)
06/17/1996	35	Letter from defense counsel to Mag. Chrein dated June 14, 1996. Counsel request an extension of time to submit the proposed discovery schedule. (Joseph, Derek) (Entered: 07/11/1996)
06/17/1996		Endorsed order extending time : The conf now scheduled for Aug. 19, 1996 was calendared on the belief that all discovery would have been substantially completed at that time. The Aug. 19, 1996 conference is adjourned to Oct. 2, 1996 at 4:30. ( Signed by Magistrate A. S. Chrein and dated June 17, 1996 ) (Joseph, Derek) (Entered: 07/11/1996)
07/01/1996	36	Letter from Mitchel Kider, counsel for NatWest, to Mag. Chrein dated July 1, 1996. Deft NatWest moves the Court to enter an order directing Ann Northern, a non-pty witness, to file a privilege index n/l/t July 10, 1996. ( Request granted by Mag. Chrein. (Joseph, Derek) (Entered: 07/19/1996)
07/19/1996	38	Calendar entry before Mag. Chrein dated July 19, 1996. In view of the delay in delivery of HUD files due to the difficulty of producing files dislocated by the Fleet Bank merger. The Court will if requested extend the expert discovery due date. (Joseph, Derek) (Entered: 08/05/1996)
09/10/1996	40	Supplemental Memo by deft National Westminster in support of deft's partial motion to dismiss. (Joseph, Derek) (Entered: 09/11/1996)
09/24/1996	44	MEMO & ORDER: The Court denied deft's motion to dismiss plttf's section 1981 and 1982 claims for reasons stated in the memo. cm ( Signed by Judge Raymond J. Dearie and dated Sept. 24, 1996 ) (Joseph, Derek) (Entered: 10/01/1996)
10/02/1996	46	Calendar entry before Mag. Chrein and Oct. 2, 1996. Set discovery due for 7/11/97 , set status conference for 10:00 7/11/97 before Magistrate A. S. Chrein . (Joseph, Derek) (Entered: 10/15/1996)
10/02/1996	50	Student Practice Rule form submitted on behalf of Teresa Albanese. (Asreen, Wendy) (Entered: 12/24/1996)
10/02/1996	51	Student Practice Rule Form submitted on behalf of Jonathan Rosenbloom. (Asreen, Wendy) (Entered: 12/24/1996)
10/02/1996	52	Student Practice Rule form submitted on behalf of Laurie Kalash. (Asreen, Wendy) (Entered: 12/24/1996)
10/02/1996	53	Student Practice Rule Form submitted on behalf of Belinda Boone. (Asreen, Wendy) (Entered: 12/24/1996)
10/10/1996	45	SUPPLEMENTAL ANSWER by National Westminster to Plttf's second amended complaint. (Joseph, Derek) (Entered: 10/11/1996)
10/11/1996	47	NOTICE of Plttf's appeal from Mag. Judge's Order by plttf Thomas L. Doane. (Joseph, Derek) (Entered: 10/23/1996)

10/25/1996	48	Deft National Westminster Bank, USA's opposition to plttf's appeal from Mag.'s Order. (Joseph, Derek) (Entered: 10/29/1996)
11/04/1996	49	RESPONSE by Thomas L. Doane [48-1] to Deft's opposition to Appeal (Jackson, Ramona) (Entered: 11/04/1996)
02/20/1997	54	Copy of fax from Mitchel Kider to Mag. Chrein dated Feb. 20, 1997. Written on behalf of plttf Thomas Doane and deft National Westminster Bank, USA. The parties have agreed upon a discovery schedule in this matter. (Joseph, Derek) (Entered: 03/05/1997)
02/21/1997	55	Copy of letter from Mag. Chrein to counsel for the parties in this action. The Mag. proposes that the cutoff date for expert discovery be set for March 30, 1997. (Joseph, Derek) (Entered: 03/05/1997)
04/02/1997	56	ORDER adjourning the scheduled status conference. Set status conference for 10:00 7/25/97 before Magistrate A. S. Chrein . cm ( Signed by Magistrate A. S. Chrein and dated April 2, 1997 ) (Joseph, Derek) (Entered: 04/04/1997)
04/04/1997	57	Letter from Kate Usdrowski, legal intern at NY Law School, to the Clerk of Court file dated April 4, 1997. Enclosing two student practice orders to be filed. (Joseph, Derek) (Entered: 04/07/1997)
04/04/1997	58	NOTICE of Eastern District Student Practice Form by law student Kate Usdrowski, file in case as to plaintiff Thomas L. Doane. (Joseph, Derek) (Entered: 04/07/1997)
04/04/1997	59	NOTICE of Eastern District Student Practice Form submitted by law student Lisa Murry, for plaintiff Thomas L. Doane. (Joseph, Derek) (Entered: 04/07/1997)
07/16/1997	60	ORDER dated 7/15/97 that the conference presently scheduled for 7/25/97 is adjourned to 8/4/97 at 2:30PM before Magistrate A. S. Chrein. (signed by Magistrate A. S. Chrein). (Greves, Liz) (Entered: 07/16/1997)
08/06/1997	61	ORDER dated 7/1/97 that the 8/4/97 conference adjourned without date. Counsel for both parties are to advise the magistrate in writing when the motion to withdraw as counsel is decided. (signed by Magistrate A. S. Chrein on copy of letter dated 8/1/97 from Richard Marsico). (Greves, Liz) (Entered: 08/06/1997)
09/09/1997	62	ORDER, setting status conference for 2:15 9/16/97 before Judge Raymond J. Dearie . ( signed by Judge Raymond J. Dearie on 9/4/97. ) (DiTomasso, Mike) (Entered: 09/09/1997)
10/08/1997	63	ORDER, that the Clerk of the Court is directed to appoint an attorney from the Pro Bono Panel to represent the plaintiff. The assigned attorney is directed to file a Notice of Appearance or an application for relief from appointment within 30 days of receipt of the notice of appointment. (Signed by Judge Raymond J. Dearie on 10/7/97) c/m (Johnson, Tanya) (Entered: 10/08/1997)
10/17/1997	64	ORDER granting motion to withdraw appearances of New York law School Civil and Human rights Clinic by Richard Marsico. Leave is given to withdraw as atty of record for plttf. Copies mailed to all parties on 10/16/97. ( signed by Judge Raymond J. Dearie dated 10/15/97) (Glenn, Marilyn) (Entered: 10/17/1997)

10/31/1997	65	Calendar entry: Before Magistrate Chrein on 10/28/97 for a Status Conference. Pro Se Clerk is still attempting to obtain counsel set status conference for 11:00 1/7/98 before Magistrate A. S. Chrein (Gonzalez, Mary) (Entered: 10/31/1997)
01/07/1998	66	Calendar entry: Before Mag. Chrein on 1/7/98 at 11:00. Case called. Next status conference for 3:30 3/24/98 before Magistrate A. S. Chrein . Pltf. is still looking for counsel. Pro Se has discontinued efforts to obtain counsel for pltf. Discovery is stayed to 3/13/98. (Greene, Donna) (Entered: 01/16/1998)
05/20/1998	67	ORDER, setting status conference for 11:00 on 6/3/98 before Magistrate A. S. Chrein . All parties must attend. ( signed by Magistrate A. S. Chrein, dated 5/19/98 ) c/m. (Murphy, Margaret) (Entered: 05/20/1998)
06/03/1998	68	Calendar entry: Before Magistrate Judge Chrein- conference held. The 125 files ordered are still being sought (see defendant's letter of 1/5/98). Defendant to submit a written status letter re: search for files by 7/31/98. Defendant will be allowed 1 day of added deposition of plaintiff (9:30-1:00; 2:30-5:00). Plaintiff to evaluate if he will offer expert testimony re: "emotional distress" by 7/31/98. Plaintiff's expert reports due by 10/16/98; defendant's due by 11/30/98. Discovery due by 11/30/98 . Next conference set for 2:30 on 12/1/98 . (Reddy, Lisa) Modified on 06/05/1998 (Entered: 06/05/1998)
06/05/1998	69	LETTER dated 1/5/98 from Mitchel H. Kider to to Magistrate Judge Chrein, re: Fleet's search for the 125 requested files. (Reddy, Lisa) (Entered: 06/05/1998)
08/05/1998	70	LETTER dated 7/30/98 from Thomas Doane to Mag. Chrein, providing the status of the case, and advising that he will be caling expert testimony as to the emotional and mental health consequences to his wrong ful conduct of deft. Fleet Bank N.A. (Greene, Donna) (Entered: 08/05/1998)
08/05/1998	71	LETTER dated 7/30/98 from Mitchel H. Kider to Mag. Chrein, advising tht since the status conference employees of fleet have been invloved in a search of various storage warehouses where Fleet maintains files relating to mortgage loans. As of this date, Fleet has now identified 18,000 boxes of documents that may or may not contain the comparative files sought. Three Fleet employees are now in the process of searching those boxes for the files requested by pltf. Fleet will supplement this report immediately upon completion of the search process. (Greene, Donna) (Entered: 08/05/1998)
08/05/1998		Endorsed order on doc. #71. Counsel for deft. is to submit an affidavit subscribed by person conducting the search for the loan files fully describing the efforts undertaking to locate said files. All future correspondence is to contain the docket number of this case. ( Signed by Magistrate A. S. Chrein on 7/31/98). (Greene, Donna) (Entered: 08/05/1998)
08/13/1998	72	LETTER dated 7/31/98 from Mitchel H. Kider to Mag. Chrein, asking the Court to enter an order directing pltf. to identify his experts and comply with the requirements of Rule 26, so that Fleet can depose his expert and prepare rebuttal testimony if needed. (Greene, Donna) (Entered: 08/13/1998)
08/13/1998		Endorsed order on doc. #72. As indicated at a conference held on 6/3/98 pltf. will provide his expert report conforming to Rule 26 on his claimed " emotional destress" by 10/16/98. All correspondence will in the future contain the docket # of the case. ( Signed by Magistrate A. S. Chrein on 8/3/98). (Greene, Donna)

		(Entered: 08/13/1998)
12/01/1998	73	Calendar entry: Before Mag. Chrein on 12/1/98 at 2:30. Case called. Deft. will provide pltf. with an affidavitt explaining the efforts made to obtain the loan files w/in 2 weeks. Deft to move for summary judgment by 12/31/98. (Greene, Donna) (Entered: 12/07/1998)
12/21/1998	74	AFFIDAVIT of Michael R. zarro, Jr. in response to a directive by Mag. Judge Simon Chrein on 12/1/98. The affidavit details efforts by FMG to laocate certain laon files, etc. (Greene, Donna) (Entered: 12/21/1998)
12/28/1998	75	ORDER that the parties have reported to the court that they have settled the case. Accordingly, the parties are directed to file a stipulation of discontinuance by 1/25/99. The Clerk of the Court is directed to close this case. ( signed by Judge Raymond J. Dearie on 12/23/98). c/m (Greene, Donna) (Entered: 12/28/1998)
12/28/1998		Case closed (Greene, Donna) (Entered: 12/28/1998)
12/29/1998	76	INTER-OFFICE MEMO from Mag. Chrein to Judge Dearie dated 12/22/98, advising that he has be advised by counsel that the above numbered matter has been settled. (Greene, Donna) (Entered: 12/29/1998)
12/31/1998	77	STIPULATION of dismissal with prejudice, each party to bear its own costs, expenses, and attorneys fees. ( Signed by Judge Raymond J. Dearie on 1/7/99). (Greene, Donna) (Entered: 01/13/1999)

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