

CASREF, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:96-cv-08335-BDP-LMS

The Mount Kisco Work, et al v. Village/Town of Moun, et al
Assigned to: Judge Barrington D. Parker, Jr
Referred to: Magistrate Judge Lisa Margaret Smith
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 11/06/1996
Date Terminated: 08/13/1997
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**The Mount Kisco Workers' Project**

represented by **Joan Marie Magoolaghan**
Koob & Magoolaghan
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LEAD ATTORNEY

Lisa S. Rabinowitz
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Plaintiff**Jose Julian Melchor**

represented by **Joan Marie Magoolaghan**
(See above for address)
LEAD ATTORNEY

Plaintiff**Fredy Sandoval**

represented by **Joan Marie Magoolaghan**
(See above for address)
LEAD ATTORNEY

Plaintiff**Anibal Ardon**

represented by **Joan Marie Magoolaghan**
(See above for address)
LEAD ATTORNEY

Plaintiff

Richard Pinto

*Jose Julian Melchor, Fredy Sandoval,
Anibal Ardon and Richard Pinto,
individually and on behalf of all others
similarly situated*

represented by **Joan Marie Magoolaghan**
(See above for address)
LEAD ATTORNEY

V.

Defendant**Village/Town of Mount Kisco**

represented by **Louis G. Corsi**
Landman Corsi Ballaine & Ford P.C.
120 Broadway, 27th Floor
New York, NY 10279-0079
(212) 238-4800
LEAD ATTORNEY

Defendant**Mark Farrell**

*as Mayor of the Village/Town of Mount
Kisco*

represented by **Lisa S. Rabinowitz**
(See above for address)
LEAD ATTORNEY

Louis G. Corsi
(See above for address)
LEAD ATTORNEY

Defendant**Robert J. Dagostino**

*as Chief of the Mount Kisco Police
Department*

represented by **Lisa S. Rabinowitz**
(See above for address)
LEAD ATTORNEY

Louis G. Corsi
(See above for address)
LEAD ATTORNEY

Defendant**Charles Pieragostini**

*as Assistant Superintendent of the Mount
Kisco Recreation Department*

represented by **Lisa S. Rabinowitz**
(See above for address)
LEAD ATTORNEY

Louis G. Corsi
(See above for address)
LEAD ATTORNEY

Defendant**Austin F. Cassidy**

*as Building Inspector for the Village/Town
of Mount Kisco*

represented by **Lisa S. Rabinowitz**
(See above for address)
LEAD ATTORNEY

Louis G. Corsi

(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
11/06/1996	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 120.00 RECEIPT # 274346 (mp) (Entered: 11/07/1996)
11/06/1996		It is suggested that the case be classified as expedited. Magistrate Judge Smith is so Designated. (mp) (Entered: 11/07/1996)
11/25/1996	2	RETURN OF SERVICE executed as to Village/Town of Moun by Tony Donadio on 11/8/96 Answer due on 11/28/96 for Village/Town of Moun. Served summons and complaint at 104 Main Street, Mt. Kisco, NY. (ec) (Entered: 11/26/1996)
12/06/1996	3	STIPULATION and ORDER It is hereby stipulated that defts' opposition to plntfs' motion for a preliminary injunction will be served no later than 12/13/96, and that plntfs' reply papers will be served no later than 1/6/97. It is further stipulated that the time for defts to answer or otherwise respond to plntfs' complaint is hereby extended until 12/13/96. SO ORDERED: (signed by Judge Barrington D. Parker Jr.). (ds) (Entered: 12/06/1996)
12/06/1996		Pre-trial conference held before Judge Parker (cj) (Entered: 12/09/1996)
12/17/1996	5	ANSWER to Complaint by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy (Attorney Louis G. Corsi), ; Firm of: by attorney Louis G. Corsi for defendant Austin F. Cassidy, Lisa S. Rabinowitz for defendant Austin F. Cassidy (cj) (Entered: 12/19/1996)
12/23/1996	6	SCHEDULING ORDER setting dfts opposition papers to motion due by 12/24/96 and plntfs reply papers by 1/17/97; all papers to be fully submitted by 1/21/97; depositions to be completed by 1/15/97; parties to mutually exchange experts reports by 3/30/97 & exchange any rebuttal expert rpts by 4/10/97; discovery to be completed by 3/30/97; pretrial papers to be submitted by 4/15/97; final pre-trial conference to be held on 4/18/97 at 2:45pm. SO ORDERED: (signed by Judge Barrington D. Parker Jr.) ; Copies mailed (ds) (Entered: 12/24/1996)
01/21/1997	7	NOTICE OF MOTION by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto pursuant to FRCP 65(a) for preliminary injunction barring enforcement of Local law #6 of the Tow/Vill. of Mt. Kisco , Return date 11/25/96 at 9:30am (ds) (Entered: 01/21/1997)
01/21/1997	8	MEMORANDUM by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto in support of [7-1] motion pursuant to FRCP 65(a) for preliminary injunction barring enforcement of Local law #6 of the Tow/Vill. of Mt. Kisco (ds) (Entered: 01/21/1997)
01/21/1997	9	Reply affidavit of Graciela Heymann by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto in support of [7-1] motion pursuant to FRCP 65(a) for preliminary injunction barring enforcement

		of Local law #6 of the Tow/Vill. of Mt. Kisco (ds) (Entered: 01/21/1997)
01/21/1997	10	MEMORANDUM by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto in support of [7-1] motion pursuant to FRCP 65(a) for preliminary injunction barring enforcement of Local law #6 of the Tow/Vill. of Mt. Kisco (ds) (Entered: 01/21/1997)
01/21/1997	11	MEMORANDUM by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy in opposition to [7-1] motion pursuant to FRCP 65(a) for preliminary injunction barring enforcement of Local law #6 of the Tow/Vill. of Mt. Kisco (ds) (Entered: 01/21/1997)
01/21/1997	12	AFFIDAVIT in opposition of Louis G. Corsi by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy Re: [7-1] motion pursuant to FRCP 65(a) for preliminary injunction barring enforcement of Local law #6 of the Tow/Vill. of Mt. Kisco (ds) (Entered: 01/21/1997)
01/21/1997	13	AFFIDAVIT of Jack Wade by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy Re: [7-1] motion pursuant to FRCP 65(a) for preliminary injunction barring enforcement of Local law #6 of the Tow/Vill. of Mt. Kisco (ds) (Entered: 01/21/1997)
03/28/1997	14	ORDER that case be referred to Magistrate Judge Smith for all purposes permitted by Law 28 U.S.C. Sect. 636. by law (signed by Judge Barrington D. Parker Jr.) (ec) (Entered: 03/28/1997)
03/28/1997		NOTICE OF CASE ASSIGNMENT to Magistrate Judge Lisa M. Smith (ec) (Entered: 05/19/1997)
04/04/1997	15	ORDER In order to facilitate the progress of pre-trial discovery of this litigation in a just, speedy and inexpensive manner, to insure compliance with the case managmen plan, and to prevent the accumulation of unresolved discovery issues, the following procedures will be followed for the resolution of discovery disputes: (See document for details) SO ORDERED: (signed by Magistrate Judge Lisa M. Smith); Copies mailed (ds) (Entered: 04/07/1997)
04/16/1997	16	Filed Memo_Endorsement on letter to Judge Parker dtd 4/15/97 from Atty. Lisa S. Rabinowitz, request a on-week extension to complete discovery beyond the current deadline of April 18, 1997. (Extended to April 25, 1997; granted. So ordered. 4/16/97.)(signed by Judge Barrington D. Parker Jr.) (kz) (Entered: 04/16/1997)
04/23/1997	17	Letter filed dated 4/10/97 to Judge Smith from Koob & Macgoolaghan. (dh) (Entered: 04/23/1997)
04/23/1997	18	Letter filed dated 4/16/97 to Judge Smith from Landman Corsi Ballaine & Ford PC (dh) (Entered: 04/23/1997)
04/23/1997		Memorandum to Docket Clerk: pre-trial conference 4/17/97. Magistrates Judge's Decision: 1) plntf's application for a protective order is granted as to the Mt. Kisco Worker's Project membership list; 2) the identities of John Doe plntf's will be revealed to attys only, said John Doe deposition, but such representative must be informed that identites are to remain confidential, and any failure to keep such identites confidential will result in the imposition of a monetary sanction

		against the dft representative personally; counsel for the dfts is to inform the dft representative of this condition at the outset of each deposition on the record, 3) questions at the depositions of any plntfs named or identified as a John Doe shall be limited solely to whether person is legally authorized to work in the U.S.; questions regarding immigration status, past or present contacts with the Police Dept in the U.S. or elsewhere, and issues of tax complaine, and similar questions are not permitted. Submitted by James Galvin, Deputy Court Clerk. (ds) (Entered: 04/23/1997)
04/23/1997	19	ORDER (see document for details) Pursuant to an order of this Court, plntfs have submitted certain allegedly privileged docs for in camera inspection. Upon inspection of those docs, it appears that many of them may be privileged. However, there are certain categories of docs for which this Court is unable to reach a conclusion, without additional information. In order to insure that this Court makes a reasoned decision with regard to the claims of privileged, within the short time remaining for discovery, it is necessary for the Court to obtain certain additional information. To that end, It is hereby ORDERED that plntfs are to produce evidence.... It is further ORDERED that plntf is also to submit a sworn statement of the relationship It is further ORDERED that plntf is to submit for in camera review any and all allegedly privileged docs with regard to the response to Interrogatory #46, no later than 9am Thursday, April 24. Failure to submit the docs in a timely fashion will be deemed a waiver of any claim of privilege. SO ORDERED: (signed by Magistrate Judge Lisa M. Smith); Copies mailed (ds) (Entered: 04/24/1997)
04/30/1997	20	ORDER Pursuant to an Order of this Court, plntfs have submitted certain allegedly privileged documents for in camera inspection. Pursuant to a further Order of this Court, plntfs have submitted additional allegedly privileged documents, which would otherwise be responsive to Dfts' Interrogatory #46, for in camera inspection. Also pursuant to this Court's Order, the parties have submitted letter briefs to the Court identifying the basis on which they claim the documents are or are not privileged. (See document for details) The Clerk of the Court is directed to make copies of the identified documents and to produce them to counsel promptly, by telefax and by regular mail. The original documents are to be returned to plntfs counsel. SO ORDERED: (signed by Magistrate Judge Lisa M. Smith); Copies mailed (ds) (Entered: 04/30/1997)
05/23/1997		Pre-trial conference held Judge Smith (dh) (Entered: 06/05/1997)
05/27/1997		Pre-trial conference held by Judge Smith. (dh) (Entered: 06/05/1997)
06/10/1997		Pre-trial conference held before Judge Parker. (mp) (Entered: 06/10/1997)
07/02/1997	21	Objection(s) to Subpoena and Accompanying Document Request by Non-party Witness Gannett Satellite Information Network, Inc. (ec) (Entered: 07/03/1997)
07/18/1997	22	Plaintiffs' Proposed Findings of Fact and Conclusions of Law. (ec) (Entered: 07/22/1997)
07/18/1997	23	Proposed Findings of Fact and Conclusions of Law of Defendnats (ec) (Entered: 07/22/1997)
07/18/1997	24	Trial Exhibit list by Village/Town of Moun, Mark Farrell, Robert J. Dagostino,

		Charles Pieragostini, Austin F. Cassidy (ec) (Entered: 07/22/1997)
07/18/1997	25	TRIAL MEMORANDUM OF LAW by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy (ec) (Entered: 07/22/1997)
07/18/1997	26	Witness list by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy (ec) (Entered: 07/22/1997)
07/18/1997	27	Plaintiffs' PRETRIAL MEMORANDUM of Law (ec) (Entered: 07/22/1997)
07/18/1997	28	Plaintiffs' Pretrial List of Witnesses and Trial Exhibits. (ec) (Entered: 07/22/1997)
07/18/1997	29	Plaintiffs' Proposed FINDINGS OF FACT AND CONCLUSIONS OF LAW (ec) (Entered: 07/22/1997)
07/28/1997	30	RESPONSE by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto Re: [21-1] miscellaneous to objections to subpoena and accompanying document request (ds) (Entered: 07/28/1997)
08/01/1997	31	NOTICE OF MOTION by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto to certify class action , Return date 8/4/97 (ds) (Entered: 08/04/1997)
08/01/1997	32	MEMORANDUM by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto in support of [31-1] motion to certify class action (ds) (Entered: 08/04/1997)
08/01/1997	33	REPLY MEMORANDUM by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto in further support re: [31-1] motion to certify class action (ds) (Entered: 08/04/1997)
08/01/1997	34	AFFIDAVIT in support of Elizabeth L. Koob by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto Re: [31-1] motion to certify class action (ds) (Entered: 08/04/1997)
08/01/1997	35	AFFIRMATION in opposition of Lisa S. Rabinowitz by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy Re: [31-1] motion to certify class action (ds) (Entered: 08/04/1997)
08/01/1997	36	MEMORANDUM by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy in opposition to [31-1] motion to certify class action (ds) (Entered: 08/04/1997)
08/07/1997	37	MEMORANDUM by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy in support of dft's motion in limine to exclude newspaper articles (ds) (Entered: 08/08/1997)
08/08/1997		Pre-trial conference held by Judge Parker (jac) (Entered: 08/08/1997)
08/11/1997		Pre-trial conference held before USDJ Parker (ds) (Entered: 08/11/1997)
08/11/1997	38	NON-PARTY Gannett's MEMORANDUM in opposition to plntfs' motion to compel production (ds) (Entered: 08/12/1997)

08/11/1997	39	AFFIDAVIT in opposition of John L. Slafsky for non-party Gannett Re: motion to compel production of documents (ds) (Entered: 08/12/1997)
08/13/1997	40	CONSENT DECREE (see document for details)have agreed to copromise and settle all claims and defenses alleged by the parties in the above-captioned litigation without any finding or admission of liability on the party of any dfts; ans Whereas, this Consent Decree is no evidence of , or premised upon ,any admission or finding of liability on the party of any dft. ... It is ORDERED, ADJUDGED AND DECREED: This Court shall retain jurisdiction over this matter for 4 years for purposes of enforcement, except that jurisdiction over Local Law 6 shall be retained by the Court without limitation. The above provisions of this ocnsent decree shall and the same do constitute the final judgment of this Court upon the controversy between dfts and plnts and members of the MKWP. In all other respects, the claims of the plntfs are hereby settled and dismissed subject to the terms of this decree. If under the terms of paragraph 3 dfts seek to reinvoke enforcement of local law 6 plntfs may reassert and advance the claims stated in the complaint concerning local law 6 Mt.Kisco Code ch.90. Nothing herein shall prejudice the claims of the individual plntffs and members of the MKWP with respect to damage claims that they may have. The parties hereby consent to entry of the foregoing consent decree. Judgment is hereby entered in accordance with the following consent decree. SO ORDERED: (signed by Judge Barrington D. Parker Jr.); (ds) (Entered: 08/13/1997)
08/13/1997		Case closed (ds) (Entered: 08/13/1997)
08/15/1997	41	FINDINGS OF FACT AND CONCLUSIONS OF LAW of Dfts (ds) (Entered: 08/15/1997)
12/01/1997	42	NOTICE of Change of Address by Louis G. Corsi atty for defts. (ec) (Entered: 12/03/1997)
01/30/1998	43	NOTICE of Change of Address by The Mount Kisco Work, Jose Julian Melchor, Fredy Sandoval, Anibal Ardon, Richard Pinto the new address for Koob & Magoolaghan, is 19 Fulton Street, Suite 408, NY, NY. (ec) (Entered: 01/30/1998)
10/26/2000	44	AFFIDAVIT of Graciela Heymann by The Mount Kisco Work in support of plaintiffs' motion for contempt. (ll) (Entered: 10/26/2000)
11/30/2000	45	DECLARATION of Brian S. Sokoloff by Village/Town of Moun, Mark Farrell, Robert J. Dagostino, Charles Pieragostini, Austin F. Cassidy in opposition Re: papers submitted by plntffs' seeking a finding of contempt for violation of this Court's Consent Decree. . (pf) (Entered: 11/30/2000)
12/01/2000		Memorandum to Docket Clerk: 11/30/00-The parties are present and argument is heard on the plntff's motion for contempt. Court Reporter Albi Gorn is present.A hearing is scheduled for 2/2/01 at 9:00 a.m. Any additional briefs toi be filed one week prior to the hearing...submitted by Drew D;Agostino (pf) (Entered: 12/01/2000)
01/02/2001	46	Transcript of record of proceedings before Judge Barrington D. Parker Jr. for the date(s) of November 30, 2000. (dc) (Entered: 01/02/2001)

01/31/2001	47	STIPULATION and ORDER of Settlement. See document for details. So Ordered: (signed by Judge Barrington D. Parker Jr.) (pf) (Entered: 01/31/2001)
02/05/2001		Returned (Returned For Better Address) Copy of Doc#47, Stipulation of Settlement was mailed via U.S. Postal Service to Lisa S. Rabinowitz, Esq., Landman, Corsi, Ballaine & Ford, P.C., NY. (dc) (Entered: 02/06/2001)

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