

**U.S. District Court
District of Maine (Portland)
CIVIL DOCKET FOR CASE #: 2:07-cv-00025-DBH**

LUCIANO et al v. VITIELLO et al
Assigned to: JUDGE D. BROCK HORNBY
Referred to: MAGISTRATE JUDGE DAVID M. COHEN
Cause: 42:1983 Civil Rights Act

Date Filed: 02/20/2007
Date Terminated: 01/23/2008
Jury Demand: Both
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

JOSHUA LUCIANO

represented by **ZACHARY L. HEIDEN**
MAINE CIVIL LIBERTIES UNION
401 CUMBERLAND AVE
SUITE 105
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207-774-5444
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Plaintiff

MICHAEL MELLEN

represented by **ZACHARY L. HEIDEN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RUFUS E. BROWN
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JOHN MICHAUD

represented by **ZACHARY L. HEIDEN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

RUFUS E. BROWN
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

MICHAEL VITIELLO
*Individually and in his official capacity as
Superintendent of York County Jail*

represented by **JOHN J. WALL, III**
MONAGHAN LEAHY, LLP
P. O. BOX 7046 DTS
PORTLAND, ME 04112-7046
774-3906
Email: jwall@monaghanleahy.com
LEAD ATTORNEY

Defendant

STEVEN A FOGLIO

*Individually and in his official capacity as
Facilities Manager of York County*

represented by **PETER T. MARCHESI**
WHEELER & AREY, P.A.
27 TEMPLE STREET
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ATTORNEY TO BE NOTICED

Defendant

YORK COUNTY

represented by **JOHN J. WALL, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

JOHN ANGIS

*in his individual and former official
capacities as Operations Captain, York
County Jail*

represented by **MARK E. DUNLAP**
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Date Filed	#	Docket Text
02/20/2007	<u>1</u>	COMPLAINT against MICHAEL VITIELLO, STEVEN A FOGLIO IF FILING FEE IS BEING PAID WITH A CREDIT CARD, COUNSEL ARE INSTRUCTED TO IMMEDIATELY LOGIN TO CM/ECF AND DOCKET Case Opening Filing Fee Paid FOUND IN THE Complaints and Other Initiating Documents CATEGORY. IF FILING FEE IS BEING PAID WITH A CHECK, THE COURT REQUIRES RECEIPT OF PAYMENT WITHIN 48 HOURS OF THIS FILING. , filed by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD. (Service of Process Deadline 6/20/2007)(bfa,) (Entered: 02/20/2007)
02/20/2007		Filing Fee Paid via Credit Card (Filing fee \$ 350 receipt number 355582.), filed by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD.(HEIDEN, ZACHARY) (Entered: 02/20/2007)
02/20/2007	<u>2</u>	Summons Issued as to MICHAEL VITIELLO, STEVEN A FOGLIO. Counsel shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4. Note-If you are using Version 6 of Adobe Acrobat, be sure the PRINT WHAT field is set to DOCUMENTS AND COMMENTS (Click File, then Print to check this setting).

		(Attachments: # <u>1</u> Foglio summons)(bfa,) (Entered: 02/20/2007)
03/02/2007	<u>3</u>	NOTICE OF FILING of First AMENDED COMPLAINT <i>filed as a matter of course pursuant to F.R. Civ. P.15(a)</i> against MICHAEL VITIELLO, STEVEN A FOGLIO, filed by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD.(Service of Process Deadline 7/2/2007) (Attachments: # <u>1</u> Amended Complaint)(HEIDEN, ZACHARY) Modified on 3/22/2007 to add text Notice of Filing (mnw,). (Entered: 03/02/2007)
03/28/2007	<u>4</u>	WAIVER OF SERVICE Returned Executed MICHAEL VITIELLO waiver sent on 3/20/2007; STEVEN A FOGLIO waiver sent on 3/20/2007. (HEIDEN, ZACHARY) (Entered: 03/28/2007)
03/29/2007		SET Answer Deadline for MICHAEL VITIELLO and STEVEN A FOGLIO – PER WAIVER OF SERVICE #4: Answer due by 5/21/2007.(mnw,) (Entered: 03/29/2007)
05/16/2007	<u>5</u>	ANSWER to Amended Complaint by STEVEN A FOGLIO.(MARCHESI, PETER) (Entered: 05/16/2007)
05/16/2007	<u>6</u>	DEMAND for Trial by Jury by STEVEN A FOGLIO. (MARCHESI, PETER) (Entered: 05/16/2007)
05/17/2007	<u>7</u>	NOTICE of Appearance by RUFUS E. BROWN on behalf of all plaintiffs (Attachments: # <u>1</u> (Certificate of Service)(BROWN, RUFUS) Modified on 5/17/2007 to add description of attachment (mnw,). (Entered: 05/17/2007)
05/17/2007	<u>8</u>	MOTION for Leave to File <i>Second Amended Complaint with Added Parties and Claims</i> by JOSHUA LUCIANO, MICHAEL MELLEN & JOHN MICHAUD with incorporated memo.Responses due by 6/7/2007. (Attachments: # <u>1</u> Exhibit Amended Complaint)(BROWN, RUFUS) Modified on 5/18/2007 to add filers Michael Mellen and John Michaud (mnw,). (Entered: 05/17/2007)
05/18/2007		NOTICE of Docket Entry Modification regarding <u>8</u> MOTION for Leave to File <i>Second Amended Complaint with Added Parties and Claims</i> : DOCKET ENTRY MODIFIED BY THE CLERK'S OFFICE TO ADD FILERS MICHAEL MELLEN AND JOHN MICHAUD. (mnw,) (Entered: 05/18/2007)
05/18/2007	<u>9</u>	ANSWER to Amended Complaint by MICHAEL VITIELLO.(WALL, JOHN) (Entered: 05/18/2007)
06/08/2007	<u>10</u>	ORDER granting <u>8</u> Motion for Leave to File By Judge DAVID M. COHEN. (COHEN, DAVID) (Entered: 06/08/2007)
06/11/2007	<u>11</u>	Second AMENDED COMPLAINT against all defendants with Jury Demand, filed by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD.(Service of Process Deadline 10/9/2007)(BROWN, RUFUS) (Entered: 06/11/2007)
06/13/2007	<u>12</u>	ANSWER to Amended Complaint by YORK COUNTY, MICHAEL VITIELLO.(WALL, JOHN) (Entered: 06/13/2007)
06/13/2007	<u>13</u>	SCHEDULING ORDER:Discovery due by 11/14/2007.Motions due by 12/5/2007.Ready for Trial on 3/3/2008. By Judge DAVID M. COHEN. (mnw,) (Entered: 06/13/2007)
06/18/2007	<u>14</u>	ANSWER to Amended Complaint by STEVEN A FOGLIO.(MARCHESI, PETER) (Entered: 06/18/2007)
08/15/2007	<u>15</u>	Consent MOTION for Protective Order by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD.Responses due by 9/5/2007. (Attachments: # <u>1</u> Text of Proposed Order Proposed Consent Confidentiality Order)(HEIDEN, ZACHARY) (Entered: 08/15/2007)
08/17/2007	<u>16</u>	ORDER granting <u>15</u> Motion for Protective Order By Judge DAVID M. COHEN. (Ing,) (Entered: 08/21/2007)
08/24/2007	<u>17</u>	NOTICE OF HEARING:Conference of Counsel set for 8/28/2007 at 9:00 AM in Judge Hornby's Chambers before JUDGE D. BROCK HORNBY. (Attorney Cassandra S. Schaffer to appear via telephone) (mnw,) (Entered: 08/24/2007)

08/28/2007	18	Minute Entry for proceedings held before Judge D. BROCK HORNBY.Conference of Counsel held re: the transfer of plaintiff John Michaud to the Androscoggin County Jail. (Court Reporter LORI DUNBAR) (mnw,) (Entered: 08/28/2007)
08/29/2007	<u>19</u>	MOTION for Leave to File <i>Third Amended Complaint with Added Parties and Claims</i> by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD with incorporated memo.Responses due by 9/19/2007. (Attachments: # <u>1</u> Exhibit)(BROWN, RUFUS) (Entered: 08/29/2007)
09/05/2007	20	ORDER granting without objection <u>19</u> Plaintiffs' Motion... for Leave to File A Third Amended Complaint With Added Parties And Claims By Judge DAVID M. COHEN. The plaintiffs shall file and serve said Third Amended Complaint forthwith. (COHEN, DAVID) (Entered: 09/05/2007)
09/05/2007	<u>21</u>	Third AMENDED COMPLAINT against all defendants with Jury Demand, filed by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD.(Service of Process Deadline 1/3/2008)(BROWN, RUFUS) (Entered: 09/05/2007)
09/13/2007	<u>22</u>	ANSWER to Amended Complaint (<i>Third</i>) by YORK COUNTY, MICHAEL VITIELLO.(WALL, JOHN) (Entered: 09/13/2007)
09/17/2007	<u>23</u>	ANSWER to Amended Complaint by STEVEN A FOGGIO.(MARCHESI, PETER) (Entered: 09/17/2007)
09/18/2007	<u>24</u>	WAIVER OF SERVICE Returned Executed JOHN ANGIS waiver sent on 9/5/2007. (BROWN, RUFUS) (Entered: 09/18/2007)
09/18/2007		DEFENDANT, JOHN ANGIS, SERVED, <u>24</u> FILED: Answer Deadline due by 11/5/2007.(Ing) (Entered: 09/18/2007)
09/25/2007	<u>25</u>	SUMMONS Returned Executed JOHN ANGIS served on 9/25/2007. (BROWN, RUFUS) (Entered: 09/25/2007)
09/25/2007		SET Answer Deadline for JOHN ANGIS – PER SUMMONS RETURNED EXECUTED #25: Answer due by 10/15/2007.(mnw,) (Entered: 09/25/2007)
10/11/2007	<u>26</u>	ANSWER to Plaintiffs' Third Amended Complaint by JOHN ANGIS.(DUNLAP, MARK) Modified on 10/15/2007 to add text 'Plaintiffs' Third Amended'. (Ing) (Entered: 10/11/2007)
10/16/2007	<u>27</u>	MOTION to Extend Time of <i>Discovery Deadline</i> by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUD.Responses due by 11/6/2007. (Attachments: # <u>1</u> Supplement Certificate of Service)(BROWN, RUFUS) (Entered: 10/16/2007)
10/17/2007	28	ORDER granting without objection <u>27</u> Motion to Extend Time By Judge DAVID M. COHEN. The discovery deadline is enlarged to November 30, 2007. (COHEN, DAVID) (Entered: 10/17/2007)
10/17/2007		Reset Scheduling Order Deadline per Order 28 : Discovery due by 11/30/2007.(Ing,) (Entered: 10/17/2007)
11/08/2007	<u>29</u>	MOTION Leave to Take Deposition of Incarcerated Persons by STEVEN A FOGGIO.Responses due by 11/29/2007. (MARCHESI, PETER) (Entered: 11/08/2007)
11/14/2007	30	ORDER granting <u>29</u> Motion for leave to take depositions of incarcerated persons, subject to compliance with the institutions' reasonable scheduling and security requests. By Judge MARGARET J. KRAVCHUK. (KRAVCHUK, MARGARET) (Entered: 11/14/2007)
12/28/2007	<u>31</u>	TRIAL LIST: Final Pretrial Memo due by 1/28/2008. Final Pretrial Conference set for 2/5/2008 09:00 AM in Hearing Room, Portland before MAGISTRATE JUDGE DAVID M. COHEN. On Trial List for 3/3/2008. (Ing) (Entered: 12/28/2007)
01/23/2008	<u>32</u>	Consent MOTION for Order by JOSHUA LUCIANO, MICHAEL MELLEN, JOHN MICHAUDResponses due by 2/13/2008. (Attachments: # <u>1</u> Text of Proposed Order)(BROWN, RUFUS) Modified on 1/23/2008 to indicate this is a motion for Order (mnw). (Entered: 01/23/2008)

01/23/2008	<u>33</u>	ORDER granting <u>32</u> Motion for Order – By JUDGE D. BROCK HORNBY. (mnw) (Entered: 01/23/2008)
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