

CLOSED

**U.S. District Court  
Eastern District of New York (Hauppauge)  
CIVIL DOCKET FOR CASE #: 0:96-cv-03774-LDW**

Shain v. Ellison, et al  
Assigned to: Judge Leonard D. Wexler  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/29/1996  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Ray E. Shain**

represented by **Robert L. Herbst**  
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V.

**Defendant**

**"John" Ellison**  
*(Shield No. 761), individually and as a  
Nassau County police officer.*

represented by **Dennis J. Saffran**  
Nassau County Attorney's Office  
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516-571-3014  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**John Doe**  
*individually and as an Assistant District  
Attorney of Nassau County.*

represented by **Dennis J. Saffran**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Donald X. Clavin**  
(See above for address)  
*LEAD ATTORNEY*  
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**Paul F. Millus**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James H. Madden**  
*individually and as a Judge of Nassau  
County*  
*TERMINATED: 04/17/1997*

represented by **Dennis J. Saffran**  
(See above for address)  
*LEAD ATTORNEY*  
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**Paul F. Millus**

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**Defendant**

**County Of Nassau**  
*a Municipal Corporation*

represented by **Dennis J. Saffran**  
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**Defendant**

**Joseph Jablonsky**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/29/1996	1	COMPLAINT filed and summons(es) issued for "John" Ellison, John Doe, James H. Madden, Nassau County P.D., County Of Nassau FILING FEE \$ 120 RECEIPT # 185494 (Branciforte, Ralph) (Entered: 07/30/1996)

11/27/1996	3	RETURN OF SERVICE executed as to "John" Ellison, John Doe, James H. Madden, Nassau County P.D., County Of Nassau 11/20/96 Answer due on 12/10/96 for County Of Nassau, for Nassau County P.D., for James H. Madden, for John Doe, for "John" Ellison (Mierzewski, Liz) (Entered: 12/03/1996)
12/19/1996	4	ORDER, extending time , reset answer due for 1/7/97 for County Of Nassau, for Nassau County P.D., for James H. Madden, for John Doe, for "John" Ellison ( signed by Judge Leonard D. Wexler ) dtd 12/19/96 cm (Mierzewski, Liz) (Entered: 12/19/1996)
01/19/1997	2	AMENDED COMPLAINT by Ray E. Shain , (Answer due 1/29/96 for County Of Nassau, for Nassau County P.D., for James H. Madden, for John Doe, for "John" Ellison ) amending [1-1] complaint (Mierzewski, Liz) Modified on 06/10/1999 (Entered: 11/22/1996)
04/09/1997	5	ANSWER by "John" Ellison to amended complaint (Mierzewski, Liz) (Entered: 04/11/1997)
04/17/1997	6	ORDER, dismissing this action as to deft. James H. Madden with prejudice ( signed by Judge Leonard D. Wexler ) dtd 4/17/97 cm (Mierzewski, Liz) (Entered: 04/17/1997)
05/02/1997	7	ORDER, set status conference for 2:00 6/16/97 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay ) dtd 5/2/97 cm (Mierzewski, Liz) (Entered: 05/06/1997)
05/06/1997	8	LETTER dated 4/29/97 from Robert L. Herbst to Mr. Drinan re: request that appearance be entered on behalf of plttf in this action. (Mierzewski, Liz) (Entered: 05/06/1997)
05/12/1997	9	MOTION by James H. Madden to dismiss , Motion hearing [9-1] motion (Mierzewski, Liz) (Entered: 05/12/1997)
05/12/1997	10	MEMORANDUM by James H. Madden in support of [9-1] motion to dismiss (Mierzewski, Liz) (Entered: 05/12/1997)
05/12/1997	11	MEMORANDUM by Ray E. Shain in opposition to [9-1] motion to dismiss (Mierzewski, Liz) (Entered: 05/12/1997)
05/12/1997		STATE COURT RECORD RECEIVED (Mierzewski, Liz) (Entered: 05/12/1997)
05/12/1997	12	REPLY MEMORANDUM OF LAW by James H. Madden in further [9-1] motion to dismiss (Mierzewski, Liz) (Entered: 05/12/1997)
06/18/1997	13	PRETRIAL SCHEDULING ORDER setting Discovery cutoff 11/20/97 ; Pretrial conference for 10:00 12/15/97 ; Pretrial order to be submitted on or before 12/5/97 ; ( signed by Magistrate Arlene R. Lindsay ) dtd 6/16/97 cm (Mierzewski, Liz) (Entered: 06/19/1997)
06/19/1997	14	Calendar entry: Before Judge Lindsay dtd 6/16/97 Case called for initial conf. Pre-trial scheduling order adopted. (Mierzewski, Liz) (Entered: 06/19/1997)

07/09/1997	15	AMENDED COMPLAINT by Ray E. Shain , (Answer due 7/19/97 for Joseph Jablonsky, for County Of Nassau, for James H. Madden, for John Doe, for "John" Ellison ) amending [2-1] amended complaint (Mierzewski, Liz) (Entered: 07/11/1997)
07/22/1997	16	RETURN OF SERVICE executed as to County Of Nassau 7/10/97 Answer due on 7/30/97 for County Of Nassau (Mierzewski, Liz) (Entered: 07/25/1997)
08/27/1997	17	LETTER dated 8/13/97 from Mr. Herbst to Lindsay RE: request to compel deft. to comply with their discovery obligations. (Bollbach, Jean) (Entered: 08/29/1997)
08/27/1997	17	ORDER dtd. 8/26/97, parties are directed to attend a conf. before the undersigned on 9/11/97 at 10:30 at which time the issued herein will be addressed ( signed by Magistrate Arlene R. Lindsay ) c/m (Bollbach, Jean) (Entered: 08/29/1997)
09/11/1997	18	Calendar entry: Case called before Mag. Judge Lindsay on 9/11/97 @ 10:30 a.m. for discovery conference Re: ltr. of 8/13/97 from Herbst & Greenwald. Mr. Herbst for plttf. Rep, Nassau: Taso Kalapoutis; NYS-no appearance. Mr. Drinan was reached but did not participate in conference. Issues raised by plttf. in his ltr. dtd. 8/13/97 were resolved by the parties. (Soto, Noelia) (Entered: 09/15/1997)
10/14/1997	19	LETTER dated 10/8/97 from counsel for defts to Magistrate Judge Lindsay re: request that discovery be stayed against the State defts at least until the pending motion is decided. (Mierzewski, Liz) (Entered: 10/14/1997)
10/14/1997	20	LETTER dated 10/5/97 from counsel for plttf to Magistrate Judge Lindsay re: request for a pre-motion conference. (Mierzewski, Liz) (Entered: 10/14/1997)
10/16/1997	21	LETTER dated 10/8/97 from counsel for Nassau County to Magistrate Judge Lindsay re: Plttf's application should be denied. (Mierzewski, Liz) (Entered: 10/23/1997)
10/16/1997	22	Calendar entry: Before Magistrate Judge Lindsay dtd 10/16/97 Case called for Discovery conference. Motion Pretrial scheduling order adopted. Automatic disclosure by 10/31/97. New pretrial scheduling order issued. (Mierzewski, Liz) (Entered: 10/23/1997)
10/16/1997		Endorsed order in doc. 22( Signed by Magistrate Arlene R. Lindsay ) (Mierzewski, Liz) (Entered: 10/23/1997)
10/16/1997	23	PRETRIAL SCHEDULING ORDER setting Discovery cutoff 2/20/97 ; Pretrial conference for 3/6/98 ; Pretrial order to be submitted on or before 3/9/97 ; ( signed by Magistrate Arlene R. Lindsay ) dtd 10/16/97 cm (Mierzewski, Liz) (Entered: 10/23/1997)
10/31/1997	24	ORDER, unsealing papers for discovery disclosure.. ( signed by Magistrate Arlene R. Lindsay ) dtd 10/22/97 cm (Mierzewski, Liz) (Entered: 10/31/1997)

12/18/1997	25	ORDER, set status conference for 2:30 1/14/98 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay ) dtd 12/17/97 cm (Mierzewski, Liz) (Entered: 12/22/1997)
12/30/1997	26	ORDER, reset status conference for 2:00 1/8/98 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay ) dtd 12/23/97 cm (Mierzewski, Liz) (Entered: 12/30/1997)
01/08/1998	28	LETTER dated 12/12/97 from counsel for plttf to Magistrate Judge Lindsay re: request for permission to file a motion for sanctions. (Mierzewski, Liz) (Entered: 01/12/1998)
01/08/1998	29	Calendar entry: Before Magistrate Judge Lindsay dtd 1/8/98 Case called for discovery conference. Pretrial scheduling order adopted. Deft. to provide copy of p9lice fule by 1/9/98, unsealing order to be filed w/ District court. 1/30/98 answers to outstanding interrogatories to be filed. counsel has bee advised that the fililure to respond by this date will likely result in sanctions. Asnwer by Sheriff to be filed by 1/21/98, Plttf to be deposed on 1/30/98. (Mierzewski, Liz) (Entered: 01/12/1998)
01/08/1998		Endorsed order in doc. 29( Signed by Magistrate Arlene R. Lindsay ) (Mierzewski, Liz) (Entered: 01/12/1998)
01/08/1998	31	ORDER, that the final conference of 3/9/98 is cancelled ( signed by Magistrate Arlene R. Lindsay ) dtd 1/8/98 cm (Mierzewski, Liz) (Entered: 01/12/1998)
01/08/1998	33	Calendar entry: Before Judge Wexler dtd 1/8/98 Case called for Motion for summary judgment. Motion denied. Orders published. Stip is vacated. Ref. to Mag/Judge for expedited discovery. (Mierzewski, Liz) (Entered: 01/20/1998)
01/09/1998	27	ORDER denying [9-1] motion to dismiss ( signed by Judge Leonard D. Wexler ) dtd 1/9/98 cm (Mierzewski, Liz) (Entered: 01/09/1998)
01/12/1998	30	PRETRIAL SCHEDULING ORDER setting Discovery cutoff 3/27/98 ; Pretrial conference for 4/25/98 ; Pretrial order to be submitted on or before 4/6/98 ; ( signed by Magistrate Arlene R. Lindsay ) (Mierzewski, Liz) (Entered: 01/12/1998)
01/14/1998	32	ANSWER by "John" Ellison, John Doe, James H. Madden, County Of Nassau, Joseph Jablonsky to amended complaint; jury demand (Mierzewski, Liz) (Entered: 01/14/1998)
03/13/1998	34	ORDER, that the parties are directed to proceed w/ the depositions if assistance is required, objections are to be preserved until the end of the deposition for court assistance ( signed by Magistrate Arlene R. Lindsay ) dtd 3/12/98 cm (Mierzewski, Liz) (Entered: 03/13/1998)
03/20/1998	35	MAIL RETURNED Order dtd 3/12/98 returned on 3/20/98 (Mierzewski, Liz) (Entered: 03/23/1998)
03/23/1998	36	ORDER, set status conference for 3:00 3/30/98 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay ) dtd 3/23/98 cm

		(Mierzewski, Liz) (Entered: 03/24/1998)
03/25/1998	37	ORDER, reset status conference for 11:00 3/31/98 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay ) dtd 3/25/98 cm (Mierzewski, Liz) (Entered: 03/25/1998)
03/31/1998	39	Calendar entry: Before Magistrate Judge Lindsay dtd 3/31/98 Case called for discovery conference. Conference held. After it became clear that parties had not conferred on issues raised in the ltter motions, the court directed them to first do so. Parties later reported that they had resolved their outstanding issues. (Mierzewski, Liz) (Entered: 04/07/1998)
04/07/1998	38	LETTER dated 3/19/98 from Taso Kalapoutis to Ms. Masters re: counsel will seek a protective order for depositions of any Assistant District Attorneys.. (Mierzewski, Liz) (Entered: 04/07/1998)
04/07/1998	40	LETTER dated 3/19/98 from counsel for Nassau county defts to Magistrate Judge Lindsay re: request for a conference. (Mierzewski, Liz) (Entered: 04/08/1998)
04/21/1998	41	LETTER dated 4/9/98 from counsel for pltff to Judge Lindsay re: request for an order directing defts to provide the outstanding discovery. (Mierzewski, Liz) (Entered: 04/22/1998)
04/21/1998	42	AMENDED PRETRIAL SCHEDULING ORDER setting Discovery cutoff 6/30/98 ; Pretrial conference for 8/25/98 ; Pretrial order to be submitted on or before 7/22/98 ; ( signed by Magistrate Arlene R. Lindsay ) 4/17/98 cm (Mierzewski, Liz) (Entered: 04/22/1998)
04/21/1998	43	Calendar entry: Before Magistrate judge Lindsay dtd 4/15/98 Case called for Final pretrial conference. Pretrial scheduling order adopted. Deft's to provide legivile blotter for time while pltf in precinct. Item #8 denied. This is not proer interrogatory, moreover, pltff's argument that these records may reveal gender bias is not relevant to the issues on this case..Discovery described in this calendar to be provide by 4/30/98. (Mierzewski, Liz) (Entered: 04/22/1998)
04/21/1998		Endorsed order in doc. 43( Signed by Magistrate Arlene R. Lindsay ) (Mierzewski, Liz) (Entered: 04/22/1998)
06/08/1998	44	LETTER dated 6/1/98 from Robert Herbst to Judge Lindsay re: request for a brief extension of the June 30, 1998 deadline for completion of discovery. (Mierzewski, Liz) (Entered: 06/08/1998)
06/08/1998	45	PRETRIAL SCHEDULING ORDER setting Discovery cutoff 7/24/98 ; Pretrial conference for 10:00 8/25/98 ; Pretrial order to be submitted on or before 8/20/98 ; ( signed by Magistrate Arlene R. Lindsay ) dtd 6/8/98 cm (Mierzewski, Liz) (Entered: 06/08/1998)
06/08/1998	46	LETTER dated 6/3/98 from counsel for defts. to Magistrate Judge Lindsay re: response in opposition to pltffs application dtd 6/1/98. (Mierzewski, Liz) (Entered: 06/08/1998)
06/10/1998	47	LETTER dated 6/8/98 from Mr. Herbst to Lindsay RE: in response to

		letter dtd. 6/3/98 from County Atty (Bollbach, Jean) (Entered: 06/11/1998)
06/10/1998		Endorsment of doc# 47 - this comunication is returned to counsel as replies are not permitted w/o court leave ( Signed by Judge Denis R. Hurley ) c/m (Bollbach, Jean) (Entered: 06/11/1998)
07/22/1998	48	ORDER, set status conference for 10:00 7/27/98 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay ) dtd 7/21/98 cm (Mierzewski, Liz) (Entered: 07/22/1998)
07/28/1998	49	LETTER dated 6/30/98 from Robert Herbst to Judge Lindsay re: request for a telephone conference. (Mierzewski, Liz) (Entered: 07/28/1998)
07/28/1998	50	LETTER dated 7/2/98 from Robert Herbst to Judge Lindsay re: it was inappropriate for counsel to instruct the witness not to answer questions..request for a ruling. (Mierzewski, Liz) (Entered: 07/28/1998)
07/28/1998	51	LETTER dated 7/9/98 from Robert Herbst to Judge Lindsay re: counsel finds it necessary to take Judge Madden's deposition.. (Mierzewski, Liz) (Entered: 07/28/1998)
07/28/1998	52	LETTER dated 7/14/98 from counsel for defts. to Judge Lindsay re: request that the Court order the continuing deposition of plttf to preclude his testimony at trial. (Mierzewski, Liz) (Entered: 07/28/1998)
07/28/1998	53	LETTER dated 7/16/98 from Taso Kalapoutis to Judge Linds ay re: plttf's intentionally misleading behavior warrants sanctions under Rule 37. Fed. R. Civ. P.. (Mierzewski, Liz) (Entered: 07/28/1998)
07/28/1998	54	LETTER dated 7/18/98 from Brian K. Drinan to Judge Lindsay re: request that plttf's application to depose Judge Madden be denied... (Mierzewski, Liz) (Entered: 07/28/1998)
07/28/1998	55	Calendar entry: Before Magistrate Judge Lindsay dtd 7/27/98 Case called for motion..ABA files to be produced by August 18. Internal affairs files of PO Ellison as an officer to be produced in their entirety for in camera review. To extent PO Ellison was charged as a C/o w/improper use of handcuffs those files also to be produced. (see calendar for details) (Mierzewski, Liz) (Entered: 07/30/1998)
07/28/1998		Endorsed order in doc. 55( Signed by Magistrate Arlene R. Lindsay ) (Mierzewski, Liz) (Entered: 07/30/1998)
08/25/1998	56	PRETRIAL SCHEDULING ORDER setting Discovery cutoff 10/1/98 ; Pretrial conference for 9:00 10/19/98 ; ( signed by Magistrate Arlene R. Lindsay ) 8/25/98 cm (Mierzewski, Liz) (Entered: 08/26/1998)
08/25/1998	57	Calendar entry: Before Magistrate Judge Lindsay dtd 8/25/9 Case called for Rulings: A. Custody arraignments after the incident are irrelevant-objection sustained. B. Questions concerning attorney/client conversations are priviledged. C. As posed this question relating to events of 1993 are irrelvant. D. Deft. may elicit details of cavity search. E. Plttf must identify clents re: claims to have told of incident. F. Plttf's



		counsel represents that loss of reputation in a religious context is not an issue therefore the question is irrelevant. As to June 30 letter deft. to produce items (a) and memo entries referred to in (g) for July 94 through July 95. Transcript of plttf's underling criminal hearing to be produced. (Mierzewski, Liz) (Entered: 08/26/1998)
08/25/1998		Endorsed order in doc. 57( Signed by Magistrate Arlene R. Lindsay ) (Mierzewski, Liz) (Entered: 08/26/1998)
08/25/1998	58	LETTER dated 7/25/98 from Robert Herbs to Judge Lindsay re: Issues that will be raised at the status conference on 7/27/98 @ 10:00. (Mierzewski, Liz) (Entered: 08/26/1998)
08/25/1998	59	LETTER dated 7/28/98 from Robert Herbst to Judge Lindsay re: enclosed copies of the pages of the deposition transcript of the plttf.. (Mierzewski, Liz) (Entered: 08/26/1998)
08/31/1998	60	LETTER dated 8/27/98 from Taso Kalapoutis to Judge Lindsay re: counsel is producing, for in camera inspection the Nassau County Police Department, Internal Affairs complaint files for deft. P.O. Ellison. (Mierzewski, Liz) (Entered: 08/31/1998)
10/01/1998	61	ORDER, extending time , reset discovery due for 11/6/98. No further extensions allowed ( signed by Magistrate Arlene R. Lindsay ) dtd 9/30/98 cm (Mierzewski, Liz) (Entered: 10/01/1998)
10/01/1998	62	ORDER, for appointment of William H. Pauley III as additional counsel for deft. ( signed by Judge Leonard D. Wexler ) dtd 10/1/98 cm (Mierzewski, Liz) (Entered: 10/01/1998)
10/01/1998	63	NOTICE of attorney appearance for County Of Nassau, Joseph Jablonsky, "John" Ellison by Paul F. Millus (Mierzewski, Liz) (Entered: 10/02/1998)
10/26/1998	64	ORDER, reset status conference for 9:00 11/20/98 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay ) dtd 10/23/98 cm (Mierzewski, Liz) (Entered: 10/26/1998)
10/29/1998	65	LETTER dated 10/27/98 from counsel for defts. to Judge Lindsay re: request that the Court order Mr. Shain to appear for deposition at any of the above listed locations prior to the discovery cutoff (Mierzewski, Liz) (Entered: 10/30/1998)
10/29/1998	66	ORDER, that the clerk is directed to return the internal affairs files to the Nassau County Police dept. ( signed by Magistrate Arlene R. Lindsay ) dtd 10/29/98 cm (Mierzewski, Liz) (Entered: 10/30/1998)
10/29/1998	67	ORDER, that plttf's deposition is to proceed in person on a mutually agreed date. The internal affairs files were ret'd to defense counsel in that they lacked relevance to this case. Mr. Drinan is to make his best efforts to contact Judge Madden and report his efforts to this Court ( signed by Magistrate Arlene R. Lindsay ) dtd 10/29/98 cm (Mierzewski, Liz) (Entered: 10/30/1998)

11/20/1998	68	Calendar entry: Before Judge Wexler dtd 11/20/98 Case called for Conference. Conference held. Discovery completed. Cse marked ready for trial. Jury. Trial May 1999. Deft. to file motion for summary judgment w/i 3 weeks. Pltff to answer w/i 20 days. Reply w/i one week. (Mierzewski, Liz) (Entered: 11/20/1998)
11/23/1998	69	Calendar entry: Before Magistrate Judge Lindsay dtd 11/20/98 Case called for Final pretrial conference. Pretrial order-January 13. Case to be marked ready thereafter. (Mierzewski, Liz) (Entered: 11/23/1998)
11/23/1998	70	ORDER, that counsel is directed to provide pltff's counsel w/the last known address of Judge Madden ( signed by Magistrate Arlene R. Lindsay ) dtd 11/20/98 cm (Mierzewski, Liz) (Entered: 11/23/1998)
11/23/1998	71	LETTER dated 11/16/98 from Robert L. Herbst to Judge Lindsay re: response to Drinan's letter of 11/10/98... (Mierzewski, Liz) (Entered: 11/23/1998)
01/05/1999	72	ORDER, extending time until 12/31/98 to file defts' motion for summary judgment ( signed by Judge Leonard D. Wexler ) dtd 1/5/99 cm (Mierzewski, Liz) (Entered: 01/05/1999)
01/06/1999	73	ORDER, extending time until 12/22/98 for defts to move for summary judgment ( signed by Judge Leonard D. Wexler ) dtd 1/6/99 cm (Mierzewski, Liz) (Entered: 01/06/1999)
01/15/1999	74	ORDER, the application to extend time to submit the joint pretrial order is granted. Joint pretrial order to be submitted by 3/1/99. No further extensions will be granted. This case is to then be marked ready for trial ( signed by Magistrate Arlene R. Lindsay ) dtd 1/13/99 cm (Mierzewski, Liz) (Entered: 01/22/1999)
03/01/1999	75	ORDER, extending time until 3/1/99 for reply brief in further support of motion for summary judgment and in opposition to pltff's partial cross motion for summary judgment ( signed by Judge Leonard D. Wexler ) dtd 2/25/99 cm (Mierzewski, Liz) (Entered: 03/01/1999)
03/02/1999	76	MOTION by County Of Nassau for summary judgment , Motion hearing [76-1] motion (Mierzewski, Liz) (Entered: 03/02/1999)
03/02/1999	77	MEMORANDUM by County Of Nassau in support of [76-1] motion for summary judgment (Mierzewski, Liz) (Entered: 03/02/1999)
03/02/1999	78	REPLY MEMORANDUM OF LAW by County Of Nassau in further [76-1] motion for summary judgment (Mierzewski, Liz) (Entered: 03/02/1999)
03/02/1999	79	Rule 56.1 Statement(formerly Rule 3(g) by County Of Nassau re: [76-1] motion for summary judgment (Mierzewski, Liz) (Entered: 03/02/1999)
03/02/1999	80	CROSS MOTION by Ray E. Shain for summary judgment , Motion hearing (Mierzewski, Liz) (Entered: 03/02/1999)
03/02/1999	81	MEMORANDUM by Ray E. Shain in opposition to [80-1] cross motion

		for summary judgment (Mierzewski, Liz) (Entered: 03/02/1999)
03/02/1999	82	Rule 56.1 Statement(formerly Rule 3(g) by Ray E. Shain re: [80-1] cross motion for summary judgment (Mierzewski, Liz) (Entered: 03/02/1999)
03/03/1999	83	ORDER, that this case is marked ready for trial and is returned to the District Court for final disposition. ( signed by Magistrate Arlene R. Lindsay ) dtd 3/2/99 cm (Mierzewski, Liz) (Entered: 03/04/1999)
03/03/1999	84	PRETRIAL ORDER filed by plttf (unsigned) (Mierzewski, Liz) (Entered: 03/04/1999)
03/03/1999		CASE NO LONGER REFERRED TO Magistrate-Judge Arlene R. Lindsay as per doc # 83 (Garcia, Maria) (Entered: 04/01/1999)
04/30/1999	85	Calendar entry: Before Judge Wexler dtd 4/30/99 Case called for Motion for Summary Judgment. All parties present. Motion argued. Jury selection 5/7/99 @9:00. Trial 5/11/99. Motion granted as to False Arrest, Malicious Prosecution and abuse of process. Motion Denied as to excessive force. (Mierzewski, Liz) (Entered: 05/05/1999)
05/07/1999	86	Calendar entry: Before Judge Wexler dtd 5/7/99 Case called for Jury selection. Jury selection held. Jury selected. Trial to commence on 5/17/99 @9:30. (Mierzewski, Liz) (Entered: 05/10/1999)
05/12/1999	87	ORDER, that request that the court order a video deposition to be conducted this Thursday afternoon is denied. Discovery is closed. Trial to commence on 5/17/99 ( signed by Judge Leonard D. Wexler dated: 5/12/99 cm (Mierzewski, Liz) (Entered: 05/12/1999)
05/17/1999	88	LETTER dated 5/14/99 from Paul Milius to Judge Wexler re: request that the Court grant defts permission to conduct a brief depositions of Vanterpoole Mtundo and Gardy Augustin, whom plttf indicated today that he will be calling as witnesses at trial. (Mierzewski, Liz) (Entered: 05/17/1999)
05/17/1999	89	LETTER dated 5/14/99 from Robert Herbst to Judge Wexler re: response to defense counsel's May 14 letter, seeking leave to conduct discovery depositions during the trial. (Mierzewski, Liz) (Entered: 05/17/1999)
05/17/1999	90	LETTER dated 5/16/99 from counsel for plttf to Judge Wexler re: request for an opportunity before opening statement to seek and obtain certain rulings in limine. (Mierzewski, Liz) (Entered: 05/17/1999)
05/17/1999	91	LETTER dated 5/17/99 from counsel for defts. to Judge Wexler re: The motion in limine should be denied. (Mierzewski, Liz) (Entered: 05/17/1999)
05/17/1999	92	Calendar entry: Before Judge Wexler dtd 5/17/99 Case called for Trial. Trial ordered and begun. Trial with jury. Court instructs jury. Trial continued to 5/18/99 @9:30. (Mierzewski, Liz) (Entered: 05/18/1999)
05/18/1999	93	Calendar entry: Before Judge Wexler dtd 5/18/99 Case called for Trial. Trial resumed. Jury continued to 5/19/99 @9:30. (Mierzewski, Liz)

		(Entered: 05/18/1999)
05/19/1999	94	Calendar entry: Before Judge Wexler dtd 5/19/99 Case called for Trial. Trial resumed. Counsel present. Pltff's motion for mistrial-granted as indicated on the record. Jury selection 6/4/99-Trial 6/14/99. (Mierzewski, Liz) (Entered: 05/27/1999)
06/01/1999	95	ORDER granting in part, denying in part [80-1] cross motion for summary judgment ( signed by Judge Leonard D. Wexler , Dated 6/1/99) cm (Mierzewski, Liz) (Entered: 06/01/1999)
07/02/1999	96	Calendar entry: Before Judge Wexler dtd 7/20/99 Case called for Conference. All parties present. Conference held. Case marked ready for trial. Jury. Jury selection 8/27/99. Trial August 30, 1999 @9:30. (Mierzewski, Liz) (Entered: 07/23/1999)
08/06/1999	97	ORDER, dismissing this action without prejudice and to restore it to the calendar on 10/15/99 ( signed by Judge Leonard D. Wexler , on 8/4/99) cm (Mierzewski, Liz) (Entered: 08/09/1999)
08/09/1999		Case closed (Mierzewski, Liz) (Entered: 08/09/1999)
10/08/1999	98	LETTER dated 10/6/99 from Mr. Millus to Judge Wexler RE: request to amend courts pretrial order (Bollbach, Jean) (Entered: 10/08/1999)
10/18/1999	99	LETTER dated 10/12/99 from counsel for pltff to Judge Wexler re: opposition to the letter of defense counsel dtd 10/6/99. (Mierzewski, Liz) (Entered: 10/19/1999)
10/18/1999	100	LETTER dated 10/12/99 from counsel for pltff to Judge Wexler re: enclosed issues in prepration for the trtrial commencing with jury selection on 10/15/99. (Mierzewski, Liz) (Entered: 10/19/1999)
10/18/1999	101	LETTER dated 10/14/9 from counsel for defts. to Judge Wexler re: response to Mr. Herbst's letters to the Court dtd 10/12/99 addressing a variety of pre-trial issues. (Mierzewski, Liz) (Entered: 10/19/1999)
10/21/1999	102	Calendar entry: Before Judge Wexler dtd 9/15/99 Case called for Jury selection. All parties present. Jury selection held. Jury selected. Trial to commence on 10/21/99 @ 9:30. (Mierzewski, Liz) (Entered: 10/21/1999)
10/21/1999	107	Calendar entry: Before Judge Wexler dtd 10/21/99 Case called for Trial. all parties present. Trial ordered and begun. Trial with jury. Court instructs jury. Juror #1 excused. Clerk is directed to re-open this matter. Trial continued to 10/22/99 @9:30. (Mierzewski, Liz) (Entered: 10/29/1999)
10/22/1999	103	Calendar entry: Before Judge Wexler dtd 10/22/99 Case called for Trial. All parties present. Defts motion to dismiss argued. Trial continued to 10/20/99 @9:00. (Mierzewski, Liz) (Entered: 10/26/1999)
10/26/1999	104	Calendar entry: Before Judge Wexler dtd 10/26/99 Case called for Trial. All parties present. Trial resumed. Trial continued to 11/17/99 @9:30 (Mierzewski, Liz) (Entered: 10/26/1999)

10/27/1999	105	Calendar entry: Before Judge Wexler dtd 10/27/99 Case called for Trial All parties present. Trial resumed. Jury finds in favor of defts dismissing the complaint. Def. to submit order. Jury discharged. Pltff motion to set aside verdict-denied. (Mierzewski, Liz) (Entered: 10/29/1999)
10/29/1999	106	Exhibit/Exhibit list (Mierzewski, Liz) (Entered: 10/29/1999)
10/29/1999		Endorsed order in doc. 107( Signed by Judge Leonard D. Wexler , on 10/21/99) (Mierzewski, Liz) (Entered: 10/29/1999)
10/29/1999		Case reopened (Mierzewski, Liz) (Entered: 10/29/1999)
10/29/1999	108	Order of sustenance for 8 jurors and 1 courtroom deputy ( Signed by Judge Leonard D. Wexler , on 10/27/99) (Mierzewski, Liz) (Entered: 10/29/1999)
11/12/1999	109	JUDGMENT for County Of Nassau, Joseph Jablonsky, John Doe against Ray E. Shain that defts' motion for summary judgment seeking the dismissal of false arrest, abuse of process and malicious prosecution claims is granted and Pltff's motion for summary judgment seeking to have the strip search policy in effect at the Nassau County Correctional Center declared unconstitutional is granted. That the pltff tanke nothing of defts other than nominal damages in the amount of \$1.00, and that this action be dismissed on the merits( signed by Judge Leonard D. Wexler , on 11/12/99) cm , (Mierzewski, Liz) (Entered: 11/15/1999)
11/12/1999		Case closed (Mierzewski, Liz) (Entered: 11/15/1999)
11/12/1999	110	LETTER dated 11/11/99 from Robert Herbst to Judge Wexler re: objection to the proposed judgment submitted by defense counsel by letter of ll 8/99. (Mierzewski, Liz) (Entered: 11/15/1999)
12/10/1999	113	NOTICE OF APPEAL by Joseph Jablonsky Fee Paid \$ 105.00 Receipt # 226391 (Mierzewski, Liz) (Entered: 01/19/2000)
12/13/1999	111	NOTICE OF CROSS APPEAL by Ray E. Shain [109-1] judgment order Fee Paid \$105.00 Check #0701 (Mierzewski, Liz) Modified on 01/19/2000 (Entered: 12/13/1999)
12/16/1999	112	ORDER, extending time for pltffs to file fee application ( signed by Judge Leonard D. Wexler , on 12/15/99) cm (Mierzewski, Liz) (Entered: 12/17/1999)
12/21/1999		Certified and transmitted record on appeal to U.S. Court of Appeals: [111-1] appeal . Acknowledgment requested. (Mierzewski, Liz) (Entered: 12/21/1999)
05/26/2000	114	LETTER dated 5/10/00 from Gayle Pollack to Judge Wexler re: change of address (Mierzewski, Liz) (Entered: 05/26/2000)
05/17/2002	116	MANDATE OF USCA (certified copy) Re: [111-1] appeal, [113-1] appeal affirmed in part, reversed in part, remanded. Notice forwarded to chambers. (Romano, Dan) (Entered: 06/04/2002)
05/22/2002	115	Calendar entry: Before Judge Leonard D. Wexler on 5/22/02 at 10:00

		a.m., civil cause for status conf. Counsel present for plaintiff. Mr. Millius via phone. Case called. Conf. held in camera with respect to 2d Cir. remand for the Court to enter an injunction. Deft. to produce documents concerning new policies in 2 weeks. Plaintiff to advise Court by 6/14/02 concerning status. Plaintiff to file fees application in 30 days. (Montero, Edher) (Entered: 05/24/2002)
06/03/2002	117	DECLARATION by John Covais RE: Outlining the policies and procedures in place at the NCCC at this time regarding the strip searching of misdemeanor detainees who are remanded to the custody of the NCCC. (Branciforte, Ralph) (Entered: 06/19/2002)
07/17/2002	118	Record on appeal returned from U.S. Court of Appeals: [111-1] appeal, [113-1] appeal (Romano, Dan) (Entered: 07/19/2002)
07/22/2002		Case reopened (as of 5/17/02, dated mandate from USCA filed with EDNY). (Romano, Dan) (Entered: 07/22/2002)
09/16/2002	119	LETTER dated 9/16/02 from Paul Millus to Judge Wexler. Re: In response to the Robert Herbst letter dated 6/21/02 in anticipation of the argument scheduled for 9/17/02. (Montero, Edher) (Entered: 09/20/2002)
09/17/2002	120	Calendar entry: Before Judge Leonard D. Wexler on 9/17/02 at 10:00 a.m., civil cause for motion hearing. For plaintiff, Robert L. Herbst and Deft by Paul Millus. Case called. Motion for an injunction-argued and granted. Injunction to be signed by the Court. (Montero, Edher) (Entered: 09/20/2002)
09/17/2002	121	INJUCTION: Defts. Nassau County ad all of its employees and agents are hereby enjoined from effectuating any blanket policy at the Nassau County Correctional Center whereby all individuals remanded to that institution are subject to a strip, visual body cavity, or any more invasive search, absent a reasonable suspicion that such individual is concerning weapons or other contraband. So ordered. (signed by Judge Leonard D. Wexler on 9/17/02) c/m (Montero, Edher) (Entered: 09/25/2002)
09/17/2002		Case closed (Branciforte, Ralph) (Entered: 11/08/2002)
09/18/2002	122	LETTER dated 9/16/02 from Paul Millus, on behalf of County of Nassau and Joseph Jablonsky, to Judge Wexler. RE: in response to Robert Herbst's letter dated 6/21/02 and in anticipation of oral argument. (Montero, Edher) (Entered: 09/26/2002)
10/17/2002	123	NOTICE OF APPEAL by County Of Nassau, Joseph Jablonsky Fee Paid \$ 105.00 Receipt # 268199 [121-1] order. Copy of notice and certified copy of the docket forwarded to USCA. Copy of notice forwarded to chambers. (Romano, Dan) (Entered: 10/23/2002)
10/23/2002	124	Letter MOTION by Robert L. Herbst to extend time to file the fee application for 30 days . No motion hearing (Montero, Edher) (Entered: 11/07/2002)
10/23/2002		Endorsed order granting [124-1] motion to extend time to file the fee application for 30 days. Request granted. So ordered (Signed by Judge

		Leonard D. Wexler on 10/23/02) c/m eod #124 (Montero, Edher) (Entered: 11/07/2002)
10/29/2002	125	NOTICE OF CROSS-APPEAL by Ray E. Shain. Fee paid \$105.00; receipt no.269704. Copy of notice and certified copy of docket forwarded to USCA. Copy of notice forwarded to chambers. (Romano, Dan) Modified on 11/07/2002 (Entered: 11/07/2002)
12/02/2002	126	USCA Scheduling Order: [123-1] appeal Appeal record due by 12/20/02 . USCA Number: 02-9262 Appellant's brief due 12/27/02. Appellee's brief due 1/27/03. Argument set for 3/10/03. (Romano, Dan) (Entered: 12/05/2002)
12/16/2002	127	USCA Scheduling Order: [123-1] appeal Appeal record due by 1/21/03 . USCA Number: 02-9262/02-9348 Appellant's brief due 1/28/03. Appellee's brief due 2/27/03. Argument set for 4/28/03. USCA 02-9262/02-9348. (Romano, Dan) (Entered: 12/18/2002)
12/27/2002	128	Letter MOTION by Ray E. Shain to extend time to file our fee application , Motion hearing [128-1] motion (Barhome, Sydelle) (Entered: 01/07/2003)
12/27/2002		Endorsed order granting [128-1] motion to extend time to file plf's fee application ( Signed by Judge Leonard D. Wexler on 12/30/02) (Barhome, Sydelle) (Entered: 01/07/2003)
02/05/2003		Certified and transmitted record on appeal to U.S. Court of Appeals: [123-1] appeal. Original and three copies of the index, certified docket and clerk's certificate forwarded to USCA. Acknowledgment requested. (Romano, Dan) (Entered: 02/06/2003)
02/24/2003	129	Acknowledgment from USCA received re: [123-1] appeal (Romano, Dan) (Entered: 03/03/2003)
02/18/2004	130	MANDATE of USCA as to [123] Notice of Appeal filed by Joseph Jablonsky, County Of Nassau, [125] Appeal - Miscellaneous filed by Ray E. Shain. Disrict court's order is reversed, vacated and remanded. Copy forwarded to chambers. (Romano, Daniel) (Entered: 02/20/2004)
03/04/2004	131	Letter from Spencer Freedman dtd. 3/1/04 to Judge Wexler, setting down the following briefing schedule for motion for attorneys' fees: Plaintiff's petition served by 3/19/04; Deft's response by 4/9/04; and Plaintiff's Reply by 4/23/04. (Montero, Edher) (Entered: 03/09/2004)
03/04/2004		ENDORSED ORDER re [131] Letter: Schedule SO ORDERED (Signed by Judge Leonard D. Wexler on 3/4/04) c/m eod #131(Montero, Edher) (Entered: 03/09/2004)
04/02/2004	132	Letter MOTION for Extension of Time to File <i>for 30 days to respond to plaintiff's fee application which is due by 4/9/04. Filed by County Of Nassau, "John" Ellison, Joseph Jablonsky, John Doe, James H. Madden.</i> (Montero, Edher) (Entered: 04/07/2004)
04/02/2004		ENDORSED ORDER granting [132] Motion for Extension of Time to

		File Document: Deft's response served by: 5/10/04; Plaintiff's Reply by 5/24/04 and filing by 5/24/04. Schedule SO ORDERED (Signed by Judge Leonard D. Wexler on 4/2/04) c/m eod #132 (Montero, Edher) (Entered: 04/07/2004)
05/05/2004	133	Letter MOTION for Extension of Time to File Response/Reply <i>to Plaintiff's fee application to 5/24/04 and that briefing schedule be adjusted as follows: Opposition served by 5/24/04; Plaintiff's Reply, if any, by 6/21/04.</i> Filed by County Of Nassau, "John" Ellison, Joseph Jablonsky, John Doe, James H. Madden. (Montero, Edher) (Entered: 05/14/2004)
05/05/2004		ENDORSED ORDER granting [133] Motion for Extension of Time to File Response/Reply : Schedule SO ORDERED (Signed by Judge Leonard D. Wexler on 5/5/04) c/m eod #133 (Montero, Edher) (Entered: 05/14/2004)
06/16/2004	134	Letter MOTION for Extension of Time to File Response/Reply <i>and fully briefed petition for attorney's fees in this action.</i> Filed by Ray E. Shain. (Montero, Edher) (Entered: 06/21/2004)
06/16/2004		ENDORSED ORDER granting [134] Motion for Extension of Time to File Reply papers and the fully-briefed petition for attorneys' fees. Request GRANTED. SO ORDERED (Signed by Judge Leonard D. Wexler on 6/16/04) c/m eod #134 (Montero, Edher) (Entered: 06/21/2004)
07/07/2004	135	Letter MOTION for Extension of Time to File Response/Reply <i>to 8/6/04.</i> Filed by Ray E. Shain. (Montero, Edher) (Entered: 07/08/2004)
07/07/2004		ENDORSED ORDER granting [135] Motion for Extension of Time to File Response/Reply: Request GRANTED. SO ORDERED (Signed by Judge Leonard D. Wexler on 7/7/04). c/m eod #135 (Montero, Edher) (Entered: 07/08/2004)
08/03/2004	<a href="#">136</a>	Letter MOTION for Extension of Time to File Response/Reply <i>and filing fee petition with the court.</i> Filed by Ray E. Shain. (Montero, Edher) (Entered: 09/09/2004)
08/10/2004		ENDORSED ORDER granting <a href="#">136</a> Motion for Extension of Time to File Response/Reply and file fee petition with the court to 9/3/04. Request GRANTED. SO ORDERED (Signed by Judge Leonard D. Wexler on 8/10/04) c/m eod #136 (Montero, Edher) (Entered: 09/09/2004)
09/01/2004	<a href="#">137</a>	Letter MOTION for Extension of Time to File Response/Reply <i>Reply papers and fee petition until 10/1/04, on consent.</i> Filed by Ray E. Shain. (Montero, Edher) (Entered: 09/15/2004)
09/01/2004		ENDORSED ORDER granting <a href="#">137</a> Motion for Extension of Time to File Response/Reply. SO ORDERED (signed by Judge Leonard D. Wexler on 9/1/04) c/m eod #137 (Montero, Edher) (Entered: 09/15/2004)
09/30/2004	<a href="#">138</a>	Letter dtd.9/28/04 from Spencer Freedman to Hon. J. Wexler advising plf requests deadline for serving reply papers and filing his fee petition with



		the Court be extended until 11/1/04. (Barhome, Sydelle) (Entered: 10/14/2004)
09/30/2004		Endorsed ORDER re <a href="#">138</a> Letter: So Ordered. Signed by Judge Leonard D. Wexler on 10/1/04. (Barhome, Sydelle) (Entered: 10/14/2004)
11/03/2004	<a href="#">139</a>	Letter MOTION for Extension of Time to File Response/Reply <i>and fully briefed petition for Attorneys' fees</i> . Filed by Ray E. Shain. (Montero, Edher) (Entered: 11/08/2004)
11/03/2004		ENDORSED ORDER granting <a href="#">139</a> Motion for Extension of Time to File Response/Reply to 12/1/04. Request GRANTED. SO ORDERED (Signed by Judge Leonard D. Wexler on 11/3/04). c/m eod #139 (Montero, Edher) (Entered: 11/08/2004)
12/01/2004	<a href="#">141</a>	Letter from Spencer Freedman dtd. 11/30/04 to Judge Wexler advising that the parties have reached a settlement, and once the agreement is approved by the legislature and payment is rendered to plaintiff, the matter will be closed with prejudice. (Montero, Edher) (Entered: 12/21/2004)
12/06/2004	<a href="#">140</a>	STIPULATION of Settlement of Attorneys Fee Motion, Subject to Approval by Nassau County Legislature by "John" Ellison, John Doe, James H. Madden, County Of Nassau, Joseph Jablonsky. (Saffran, Dennis) (Entered: 12/06/2004)
12/20/2004	<a href="#">142</a>	STIPULATION AND ORDER OF SETTLEMENT OF ATTORNEY'S FEE MOTION (see actual order for specific details). (Signed by Judge Leonard D. Wexler on 12/20/04). c/m(Montero, Edher) (Entered: 12/22/2004)

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