

CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:01-cv-08279-DC-DCF**

Ingles, et al v. City of New York, et al
Assigned to: Judge Denny Chin
Referred to: Magistrate Judge Debra C. Freeman
Demand: \$5,000,000

Related Cases: [1:02-cv-05850-DC](#)
[1:03-cv-01045-PAC-JCF](#)

Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/05/2001
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Adam Ingles

represented by **Adam Ingles**
PRO SE

Adam Ingles
Clinton Correctional Facility
P.O. Box 2000
Dannemora, NY 12929-0750
LEAD ATTORNEY

John Boston
The Legal Aid Society
111 Livingston Street
7th Floor
Brooklyn, NY 11201
(718) 260-4757
LEAD ATTORNEY

Penny Shane
Sullivan and Cromwell, LLP(NYC)
125 Broad Street
NY, NY 10004
212-558-4837
Fax: 212-558-3360
Email: shanep@sullcrom.com

Plaintiff

Phillip Campbell

represented by **Penny Shane**
(See above for address)

Plaintiff

Johnathan Lukes

represented by **Penny Shane**
(See above for address)

Plaintiff**Lamont Bradley**represented by **Penny Shane**
(See above for address)

V.

Defendant**The City of New York**represented by **Lisa J. Black**
Corporation Counsel of the
City of New York
100 Church Street
Room 3-207
New York, NY 10007
(212) 788-1300
*LEAD ATTORNEY***Seth M. Rosen**
Corporation Counsel for the City of New
York
59 Maiden Lane
New York, NY 10038
(212) 232-2597
*LEAD ATTORNEY***Arthur Gabriel Larkin, III**
The New York City Law Department
100 Church Street
New York, NY 10007
(212)-788-1599
Fax: (212)-788-9776
Email: alarkin@law.nyc.gov
*ATTORNEY TO BE NOTICED***Defendant****Department of Correctional Services**represented by **Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Seth M. Rosen**
(See above for address)
*LEAD ATTORNEY***Arthur Gabriel Larkin, III**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****C.O. Codero**represented by **Lisa J. Black**
(See above for address)

LEAD ATTORNEY

Arthur Gabriel Larkin, III
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Supervisory Officers

represented by **Lisa J. Black**
(See above for address)
LEAD ATTORNEY

Arthur Gabriel Larkin, III
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Doe
*Members of the Emergency Response
Unit (Rikers Island Unit)*

represented by **Lisa J. Black**
(See above for address)
LEAD ATTORNEY

Arthur Gabriel Larkin, III
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Raymond Ortiz

represented by **Arthur Gabriel Larkin, III**
(See above for address)
ATTORNEY TO BE NOTICED

Mathew Paulose, Jr
Koehler & Isaacs, LLP
120 Broadway, 29th Floor
New York, NY 10271
917-551-1300 x1353
Fax: (212) 791-4115
Email: mpaulose@koehler-isaacs.com

Defendant

Darrow Arnold
TERMINATED: 04/04/2006

represented by **Arthur Gabriel Larkin, III**
(See above for address)
ATTORNEY TO BE NOTICED

Mathew Paulose, Jr
(See above for address)

Defendant

Alfredo Tolentino

represented by **Arthur Gabriel Larkin, III**
(See above for address)
ATTORNEY TO BE NOTICED

Mathew Paulose, Jr
(See above for address)

Defendant

Angel Orozco

represented by **Arthur Gabriel Larkin, III**
(See above for address)
ATTORNEY TO BE NOTICED

Mathew Paulose, Jr
(See above for address)

Plaintiff

Shawn Davis

represented by **Penny Shane**
(See above for address)

Plaintiff

Ed Sykes

represented by **Penny Shane**
(See above for address)

Plaintiff

Miguel Roman

represented by **Penny Shane**
(See above for address)

Plaintiff

Al Smith

represented by **Penny Shane**
(See above for address)

Plaintiff

Charles Paige

represented by **Penny Shane**
(See above for address)

Plaintiff

Jamal Butler

represented by **Penny Shane**
(See above for address)

Plaintiff

Andre Pratt

represented by **Penny Shane**
(See above for address)

Plaintiff

Robert Allaway

represented by **Penny Shane**
(See above for address)

Plaintiff

Patrick Washington

represented by **Penny Shane**
(See above for address)

Plaintiff

Randolph Johnson

represented by **Penny Shane**

(See above for address)

Plaintiff

Rogelio Figueroa

represented by **Penny Shane**
(See above for address)

Plaintiff

Paul Person

represented by **Penny Shane**
(See above for address)

Plaintiff

Calvin Daniels

represented by **Penny Shane**
(See above for address)

Plaintiff

Bobby Jones

represented by **Penny Shane**
(See above for address)

Plaintiff

Gary Smith

represented by **Penny Shane**
(See above for address)

Plaintiff

Darold Freeman

represented by **Penny Shane**
(See above for address)

Plaintiff

Eric Richards

represented by **Penny Shane**
(See above for address)

Plaintiff

Kimada Dixon

represented by **Penny Shane**
(See above for address)

V.

Defendant

Elmer Toro

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Defendant

Robert Dash

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant**Robert Davoren**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****William Fraser**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Steven Conry**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Bernard Kerik**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Lanausse**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Gray**represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Givens

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer McConnon

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Rivera

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer McKeller

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Roberts

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant**Officer Natale**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Elliott**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Kramer**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Cox**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Guarneri**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Williamson**represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Graham

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Smalls

TERMINATED: 07/28/2005

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Powell

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Torres

TERMINATED: 04/04/2006

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Mathew Paulose, Jr
(See above for address)
LEAD ATTORNEY

Defendant

Officer Echiveria

TERMINATED: 04/04/2006

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Mathew Paulose, Jr
(See above for address)
LEAD ATTORNEY

Defendant

Officer Clark
TERMINATED: 04/04/2006

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Mathew Paulose, Jr
(See above for address)
LEAD ATTORNEY

Defendant

Officer Hershaway

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Dice

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Lewis

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Yates

represented by **Arthur Gabriel Larkin, III**

(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Swetokas

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Mastroianni

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Straughn

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Wells

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Lopez

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)

*LEAD ATTORNEY***Defendant****Officer Vasquez**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Fernandez**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Case**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Wright**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Fisher**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Gatto**represented by **Arthur Gabriel Larkin, III**
(See above for address)

LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Bradford

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Lamont

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Valentine

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Chapman

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Keith Jackson
TERMINATED: 04/04/2006

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Mathew Paulose, Jr
(See above for address)
LEAD ATTORNEY

Defendant

Officer R. Jackson

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Rivera

TERMINATED: 07/28/2005

represented by **Arthur Gabriel Larkin, III**
(See above for address)

Lisa J. Black
(See above for address)

Defendant

Officer Kinder

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Dedicke

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Officer Anderson

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

John Does 1-15, 17-44, 49-52, 56-62,

represented by **Arthur Gabriel Larkin, III**

64 and 66-75

(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Alcia

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Sullivan

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Cardo

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Wright

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Velez

TERMINATED: 07/28/2005

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)

*LEAD ATTORNEY***Defendant**

Captain Hayes
TERMINATED: 07/28/2005

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Mulvaney

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Hernandez

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Gallagher

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Crooms

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Ramos

represented by **Arthur Gabriel Larkin, III**
(See above for address)

LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Perez

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Captain Daniels

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

John Does 16, 46-48, 53-55, 63 and 65

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Assist. Dep. Warden Pennes

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant

Warden Gerard O'Gara

represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Lisa J. Black
(See above for address)
LEAD ATTORNEY

Defendant**Warden Roger Slattery**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****The City of New York**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Captain Small**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Lisa J. Black**
(See above for address)
*LEAD ATTORNEY***Defendant****Officers Caldero**represented by **Arthur Gabriel Larkin, III**
(See above for address)
*LEAD ATTORNEY***Defendant****Officer Powell**represented by **Arthur Gabriel Larkin, III**
(See above for address)**Defendant****Captain Small**represented by **Arthur Gabriel Larkin, III**
(See above for address)**Defendant****Captain Spencer**represented by **Arthur Gabriel Larkin, III**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
09/05/2001	1	Order endorsed on declaration in support of request to proceed in forma

		pauperis; I.F.P. request is granted. (signed by Chief Judge Michael B. Mukasey) (db) (Entered: 10/03/2001)
09/05/2001	2	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). (db) (Entered: 10/03/2001)
09/05/2001		Magistrate Judge Debra C. Freeman is so designated. (db) (Entered: 10/03/2001)
10/30/2001	3	NOTICE of address change filed by Adam Ingles . (yv) (Entered: 10/30/2001)
12/05/2001	4	Memo-Endorsement on letter addressed to Judge Chin from Seth M. Rosen, dated 11/29/01, reset answer to Complaint due for 2/28/02 for City of New York (signed by Judge Denny); Copies mailed. (cd) (Entered: 12/06/2001)
12/07/2001	5	MARSHAL'S RETURN OF SERVICE of Summons and Complaint unexecuted as to Codero on 11/20/01. (bai) (Entered: 12/10/2001)
02/22/2002	6	ANSWER to Complaint by City of New York, Dept. of Corrections (Attorney Seth M. Rosen from the Firm: Michael A. Cardozo) . (bai) (Entered: 02/25/2002)
04/15/2002	7	ORDER; all discovery shall be completed by 08/16/02 ; There will be a pre-trial conference on the same day at 2:00 p.m. in Courtroom 11A, Daniel Patrick Moynihan United States courthouse, 500 Pearl Street, NY, NY ; (signed by Judge Denny Chin); Copies mailed. (djc) (Entered: 04/17/2002)
05/21/2002	8	Memo-Endorsement on letter addressed to Judge Chin from Mary Lynne Werlwas, dated 05/15/02; the time for proof of service is extended until 06/21/02 ; (signed by Judge Denny Chin); Copies mailed. (djc) (Entered: 05/23/2002)
06/07/2002	9	Transcript of record of proceedings before Judge Denny Chin for the date (s) of 4/10/02 at 11:00 a.m. (ph) (Entered: 06/07/2002)
07/03/2002	10	Memo-Endorsement on letter addressed to Judge Chin from Jonathan Chasan, dated 6/21/02: Granting plaintiff's request for extension of the service deadline until 7/10/02 . (signed by Judge Denny Chin); Copies mailed. (tp) (Entered: 07/08/2002)
07/12/2002	11	NOTICE of attorney appearance for Adam Ingles by John Boston of the Legal Aid Society. (sb) (Entered: 07/16/2002)
07/22/2002	12	NOTICE OF MOTION by Adam Ingles for an Oder pursuant to FRCP 15(a), 20(a) and 21, granting plaintiff leave to file the proposed amended complaint . Return Date not indicated. (yv) (Entered: 07/24/2002)
07/22/2002	13	MEMORANDUM OF LAW by Adam Ingles in support of [12-1] motion for an Oder pursuant to FRCP 15(a), 20(a) and 21, granting plaintiff leave to file the proposed amended complaint . (yv) (Entered: 07/24/2002)

07/22/2002	14	DECLARATION of Jonathan S. Chasan by Adam Ingles in support Re: [12-1] motion for an Oder pursuant to FRCP 15(a), 20(a) and 21, granting plaintiff leave to file the proposed amended complaint . (yv) Modified on 07/24/2002 (Entered: 07/24/2002)
07/24/2002	15	Memo-Endorsement on letter addressed to Judge Chin from John Boston, dated 7/22/02. The motion for class certification is to be filed, without a pre-motion conference by 7/31/02. Opposition papers shall be filed by 8/28/02 and reply papers shall be filed by 9/11/02 . (signed by Judge Denny Chin); Copies mailed. (kw) (Entered: 07/29/2002)
07/31/2002	16	NOTICE OF MOTION by Adam Ingles to certify class action purs to FRCP 23 ; Return Date not indicated (cd) (Entered: 08/06/2002)
07/31/2002	17	MEMORANDUM OF LAW by Adam Ingles in support of [16-1] motion to certify class action purs to FRCP 23 . (cd) (Entered: 08/06/2002)
08/27/2002	18	SUPPLEMENTAL DECLARATION of Jonathan S. Chasan by Adam Ingles in support Re: [12-1] motion for an Oder pursuant to FRCP 15(a), 20(a) and 21, granting plaintiff leave to file the proposed amended complaint . (pl) (Entered: 09/05/2002)
09/06/2002	19	AMENDED COMPLAINT by Adam Ingles, Shawn Davis, Ed Sykes, Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon (Answer due 9/16/02 for John Doe, for Supervisory Officers, for Codero, for Dept. of Corrections, for City of New York) amending [2-1] complaint against Elmer Toro, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Officer Straughn, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15,17-44, Alcia, Sullivan, Cardo, Small, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48,, Pennes, Gerard O'Gara, Roger Slattery, The City of New York. (sb) (Entered: 09/11/2002)
09/10/2002	20	MEMORANDUM OF LAW by City of New York, Dept. of Corrections et al in opposition to [16-1] motion to certify class action purs to FRCP 23 . (cd) (Entered: 09/16/2002)
09/10/2002	21	DECLARATION of Stacy Lane Matthews by City of New York, Dept. of Corrections et al in support Re: [16-1] motion to certify class action purs to FRCP 23 . (cd) (Entered: 09/16/2002)
09/19/2002	22	REPLY MEMORANDUM by Adam Ingles, Shawn Davis, Ed Sykes, Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio

		Figuroa, Paul Person, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon in support re: [16-1] motion to certify class action purs to FRCP 23. (rec'd in the night deposit box on 9/19/02 at 5:21 p.m.) (sac) (Entered: 09/25/2002)
10/18/2002	23	ORDER; granting [12-1] motion for an Oder pursuant to FRCP 15(a), 20 (a) and 21, granting plaintiff leave to file the proposed amended complaint . (signed by Judge Denny Chin) (sb) (Entered: 10/22/2002)
01/13/2003	24	NOTICE of Registration and Firm Name Change for Sullivan & Cromwell, by Adam Ingles (indicated on the system) (cd) (Entered: 01/16/2003)
01/13/2003	25	Memo-Endorsement on letter addressed to Judge Chin from Legal Aid Society, dated 1/7/03; Counsel writes to request that the Court direct the commencement of discovery in this case pursuant to Rule 26(f), F.R.C.P. It is hereby ordered that the parties proceed such discovery . (signed by Judge Denny Chin); Copies faxed by Chambers. (jco) Modified on 01/16/2003 (Entered: 01/16/2003)
02/14/2003	26	ANSWER by City of New York, Dept. of Corrections, Codero, Supervisory Officers, John Doe, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Officer Straughn, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15,17-44, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small to [19-1] amended complaint . (Attorney Lisa J. Black from the Firm:); jury demand. Received in night deposit on 2/14/03 at 5:02 p.m. (moc) (Entered: 02/21/2003)
02/18/2003	27	ANSWER by Keith Jackson to [19-1] amended complaint . (Attorney Matthew Paulose Jr. from the Firm: Koehler & Isaacs LLP). (moc) (Entered: 02/24/2003)
02/18/2003	28	ANSWER by Torres, Echiveria, Clark to [19-1] amended complaint . (Attorney Matthew Paulose Jr. from the Firm: Koehler & Isaacs LLP). (moc) (Entered: 02/24/2003)
02/20/2003		Memo endorsed on motion; granting [16-1] motion to certify class action purs to FRCP 23. Motion granted per Memorandum Decision dated 2/18/03 (signed by Judge Denny Chin); (yv) (Entered: 02/25/2003)
02/20/2003	29	MEMORANDUM DECISION/ORDER; Plaintiffs satisfy the criteria for class certification under Rule 23 and hence their motion for certification is granted ; Plaintiffs shall submit a proposed order on notice within five business days hereof signed by Judge Denny Chin); (djc) Modified on

		02/27/2003 (Entered: 02/26/2003)
02/27/2003	30	ORDER granting [16-1] motion to certify class action purs to FRCP 23. The class is defined as: All present and future inmates confined in any of the New York City Department of Correction Institutions and commands not already subject to court order based on prior use of force litigation (signed by Judge Denny Chin); (yv) (Entered: 02/28/2003)
03/11/2003	31	ANSWER ON BEHALF OF OFFICER DAVID CALDERO to Complaint (Attorney from the Firm: Peltz & Walker) . (gmo) (Entered: 03/12/2003)
03/31/2003	32	STIPULATION and ORDER, the Court ordered that this case proceed as a class action under FRCP 23(b)(1)(A), 23(b)(1)(B) and 23 (b)(2) as set forth in this document . (signed by Judge Denny Chin) (kw) (Entered: 04/01/2003)
05/19/2003		Text not available. (Entered: 05/21/2003)
05/19/2003	33	STIPULATION and ORDER, plaintiffs shall be granted leave to file the Second Amended Complaint . (signed by Judge Denny Chin) Copies faxed by chambers. (kw) (Entered: 05/22/2003)
05/19/2003	34	SECOND AMENDED COMPLAINT by Adam Ingles (Answer due 5/29/03 for Small, for The City of New York, for Roger Slattery, for Gerard O'Gara, for Pennes, for John Does 16, 46-48, for Daniels, for Perez, for Ramos, for Crooms, for Gallagher, for Hernandez, for Mulvaney, for Hayes, for Velez, for Wright, for Cardo, for Sullivan, for Alcia, for John Does 1-15,17-44, for Anderson, for Dedicke, for Kinder, for Rivera, for R. Jackson, for Keith Jackson, for Chapman, for Valentine, for Lamont, for Bradford, for Gatto, for Fisher, for Wright, for Case, for Fernandez, for Vasquez, for Lopez, for Wells, for Officer Straughn, for Mastroainni, for Swetokas, for Yates, for Officer Lewis, for Dice, for Hershaway, for Clark, for Echiveria, for Torres, for Powell, for Smalls, for Graham, for Williamson, for Guarneri, for Cox, for Kramer, for Elliott, for Natale, for Roberts, for McKeller, for Rivera, for McConnon, for Givens, for Gray, for Bernard Kerik, for Steven Conry, for William Fraser, for Robert Davoren, for Robert Dash, for Elmer Toro, for City of New York) amending [19-1] amended complaint against Caldero. Summons issued. (jco) (Entered: 05/22/2003)
06/06/2003	35	AMENDED ANSWER to Complaint by Caldero : amends [31-1] answer (moc) (Entered: 06/12/2003)
06/12/2003	36	ORDER concerning resolution of discovery issues ; (signed by Judge Denny Chin); copies faxed by Chambers; (djc) (Entered: 06/13/2003)
06/12/2003	37	PROTECTIVE ORDER, regarding procedures to be followed that shall govern the handling of confidential materials . (signed by Judge Denny Chin); Copies faxed by Chambers. (tp) (Entered: 06/16/2003)
06/25/2003	38	Memo-Endorsement on letter addressed to Judge Chin from Arthur G. Larkin, dated 6/16/03. Counsel for defendant City of New York and all of

		the individual defendants except Caldero, Jackson, Clark, Torres and Echeverria request a 30 day extension to 7/14/03 of the time by which defendants must answer, move, or otherwise respond to plaintiffs' second amended complaint. Application granted. (signed by Judge Denny Chin); Copies faxed by Chambers. (sb) (Entered: 06/26/2003)
07/03/2003	39	ANSWER by Keith Jackson to [34-1] second amended complaint . (Attorney Matthew Paulose Jr. from the Firm: Koehler & Isaacs LLP). (cd) (Entered: 07/08/2003)
07/03/2003	40	ANSWER by Torres, Echiveria, Clark to [34-1] second amended complaint. (Attorney Matthew Paulose Jr. from the Firm: Koehler and Isaacs LLP). (sac) (Entered: 07/09/2003)
07/03/2003	41	Transcript of record of proceedings before Judge Denny Chin for the date (s) of May 1, 2003. (dt) (Entered: 07/15/2003)
07/18/2003		Text not available. (Entered: 07/28/2003)
07/18/2003	44	THIRD AMENDED COMPLAINT by Adam Ingles (Answer due 7/28/03 for Caldero, for Small, for The City of New York, for Roger Slattery, for Gerard O'Gara, for Pennes, for John Does 16, 46-48, for Daniels, for Perez, for Ramos, for Crooms, for Gallagher, for Hernandez, for Mulvaney, for Hayes, for Velez, for Wright, for Cardo, for Sullivan, for Alcia, for John Does 1-15,17-44, for Anderson, for Dedicke, for Kinder, for Rivera, for R. Jackson, for Keith Jackson, for Chapman, for Valentine, for Lamont, for Bradford, for Gatto, for Fisher, for Wright, for Case, for Fernandez, for Vasquez, for Lopez, for Wells, for Officer Straughn, for Mastroainni, for Swetokas, for Yates, for Officer Lewis, for Dice, for Hershaway, for Clark, for Echiveria, for Torres, for Powell, for Smalls, for Graham, for Williamson, for Guarneri, for Cox, for Kramer, for Elliott, for Natale, for Roberts, for McKeller, for Rivera, for McConnon, for Givens, for Gray, for Lanausse, for Bernard Kerik, for Steven Conry, for William Fraser, for Robert Davoren, for Robert Dash, for Elmer Toro) amending [34-1] second amended complaint against Powell, Small, Spencer. Summons issued. (jco) (Entered: 07/28/2003)
07/21/2003	42	STIPULATION and ORDER; that, pursuant to F.R.C.P. Rule 15(a), plaintiff be granted leave to file the Third Amended Complaint to substitute the true names dft's John Doe 45 (Assist. Deputy Warden Cliffore Owusu) and John Doe 53 (Captain Arthur Spencer) . (signed by Judge Denny Chin) (pl) (Entered: 07/22/2003)
07/24/2003	43	Memo-Endorsement on letter addressed to Judge Chin from Arthur G. Larkin, dated 7/22/03. counsel for defendants request an extension to 8/18/03 of the time by which the defendants must answer, move or otherwise respond to plaintiffs' third amended complaint for Small, for The City of New York, for Roger Slattery, for Gerard O'Gara, for Pennes, for John Does 16, 46-48, for Daniels, for Perez, for Ramos, for Crooms, for Gallagher, for Hernandez, for Mulvaney, for Hayes, for Velez, for Wright, for Cardo, for Sullivan, for Alcia, for John Does 1-15,17-44, for Anderson, for Dedicke, for for Rivera, for Keith Jackson, for Chapman,

		for Valentine, for Lamont, for Bradford, for Gatto, for Fisher, for for Case, for Fernandez, for Vasquez, for Lopez, for Wells, for Officer Straughn, for Mastroainni, for Swetokas, for Yates, for Officer Lewis, for Dice, for Hershaway, for Powell, for Smalls, for Graham, for Williamson, for Guarneri, for Cox, for Kramer, for Elliott, for Natale, for Roberts, for McKeller, for Rivera, for McConnon, for for Gray, for Lanausse, for Bernard Kerik, for Steven for William Fraser, for Robert Davoren, for Robert Dash, Elmer Toro, for John Doe, for Supervisory Officers, for Codero, for Dept. of Corrections, for City of New York. Application approved . (signed by Judge Denny Chin); Copy faxed by Chambers. (yv) (Entered: 07/28/2003)
07/25/2003	45	AFFIDAVIT OF SERVICE of summons and third amended complaint with jury trial demand as to Spencer by personal service on 7/25/03. Answer due on 8/14/03 for Spencer. (dj) (Entered: 07/29/2003)
07/25/2003	46	AFFIDAVIT OF SERVICE of summons and third amended complaint with jury trial demand as to Asst. Deputy Warden Cliffore Owuse, at Health Mgmt Div., by personal service on 7/25/03; (dj) (Entered: 07/29/2003)
08/06/2003	47	AMENDED ANSWER to Third Amended Complaint by Caldero: amends [35-1] answer (cd) (Entered: 08/08/2003)
08/25/2003	48	FOURTH AMENDED COMPLAINT by Adam Ingles, Shawn Davis, Ed Sykes, Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon (Answer due 9/4/03 for Spencer, for Small, for Powell, for Caldero, for Small, for The City of New York, for Roger Slattery, for Gerard O'Gara, for Pennes, for John Does 16, 46-48, for Daniels, for Perez, for Ramos, for Crooms, for Gallagher, for Hernandez, for Mulvaney, for Hayes, for Velez, for Wright, for Cardo, for Sullivan, for Alcia, for John Does 1-15,17-44, for Anderson, for Dedicke, for Kinder, for Rivera, for R. Jackson, for Keith Jackson, for Chapman, for Valentine, for Lamont, for Bradford, for Gatto, for Fisher, for Wright, for Case, for Fernandez, for Vasquez, for Lopez, for Wells, for Officer Straughn, for Mastroainni, for Swetokas, for Yates, for Officer Lewis, for Dice, for Hershaway, for Clark, for Echiveria, for Torres, for Powell, for Smalls, for Graham, for Williamson, for Guarneri, for Cox, for Kramer, for Elliott, for Natale, for Roberts, for McKeller, for Rivera, for McConnon, for Givens, for Gray, for Lanausse, for Bernard Kerik, for Steven Conry, for William Fraser, for Robert Davoren, for Robert Dash, for Elmer Toro, for John Doe, for Supervisory Officers, for Codero, for Dept. of Corrections, for City of New York) amending [2-1] complaint . Summons issued. (sb) (Entered: 08/28/2003)
08/26/2003	49	STIPULATION AND ORDER; purs. to FRCP 15(a), plttfs are granted leave to file the Fourth Amended Complaint as set forth in this Order. The Court notes that although the City defts do not concede that the "correct" date of the Andre Pratt incident was 12/17/01, they do not

		object to the filing of the 4th Amended Complaint, reserving all rights and defenses. (signed by Judge Denny Chin) (sac) (Entered: 08/28/2003)
09/12/2003	50	AFFIDAVIT OF SERVICE of summons and 4th Amended Complaint as to Hayes by personal service on 9/8/03. Answer due on for Hayes. (sb) (Entered: 09/16/2003)
09/12/2003	51	AFFIDAVIT OF SERVICE of summons and 4th amended complaint as to C.O. Thomas Boyles by George Motchan on 9/9/03. (sb) (Entered: 09/16/2003)
09/12/2003	52	AFFIDAVIT OF SERVICE of summons and 4th amended complaint as to C.O. James Dougherty by G. O'Brien on 9/9/03. (sb) (Entered: 09/16/2003)
09/12/2003	53	AFFIDAVIT OF SERVICE of summons and 4th amended complaint as to C.O. Anthony Mitchell by personal service on 9/9/03. (sb) (Entered: 09/16/2003)
09/23/2003	54	AFFIDAVIT OF SERVICE of summons and 4th amended complaint as to C.O. Robert Russo by C.O. Moore on 9/18/03. (sb) (Entered: 09/25/2003)
09/23/2003	55	AFFIDAVIT OF SERVICE of summons and 4th amended complaint as to C.O. Charles Sanacore by C.O. Moore on 9/18/03. (sb) (Entered: 09/25/2003)
10/06/2003	56	Memo-Endorsement on letter addressed to Judge Chin from Jonathan S. Chasan, dated 9/11/03; Further reasons set forth in defts' 9/15/03 letter, their obligations are sustained. (signed by Judge Denny Chin); (sac) (Entered: 10/06/2003)
10/15/2003	57	Memo-Endorsement on letter addressed to Judge Chin from Arthur Larkin, dated 10/8/03, reset all discovery due for 11/18/04, and as further set forth in this document. No further extensions will be allowed (signed by Judge Denny Chin); copies sent by Chambers (cd) (Entered: 10/16/2003)
10/22/2003	58	AMENDED ANSWER to Fourth Amended Complaint by Caldero : amends (yv) (Entered: 10/27/2003)
11/12/2003	59	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Debra C. Freeman . (signed by Judge Denny Chin) (rag) (Entered: 11/12/2003)
11/19/2003	60	ANSWER by Elmer Toro, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Officer Straughn, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15,17-44,

		Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small, Caldero, Powell, Small, Spencer to [48-1] fourth amended complaint . (Attorney Arthur G. Larkin from the Firm: Corp. Counsel of NYC); jury demand. (moc) (Entered: 11/20/2003)
12/05/2003	61	ENDORSED LETTER addressed to Judge Denny Chin from Arthur G. Larkin dated 11/25/03; Re: Application for an extension of discovery and for a protective order are denied. Defendants are not required to produce any documents twice, but they cannot delay producing ID files until the investigations are complete. (Signed by Judge Denny Chin on 12/4/03) (sac,) (Entered: 12/18/2003)
12/10/2003	62	ENDORSED LETTER addressed to Judge Chin from Arthur Larkin dated 12/8/03 re: the request for an order requiring plttfs to identify deposition exhibits in advance is denied. (Signed by Judge Denny Chin on 12/9/03) (Pecorino, Joseph) (Entered: 12/28/2003)
12/24/2003	63	ANSWER to Amended Complaint. Document filed by Keith Jackson. Related document: [48] Amended Complaint, filed by Paul Person, Shawn Davis, Eric Richards, Miguel Roman, Phillip Campbell, Randolph Johnson, Gary Smith, Adam Ingles, Kimada Dixon, Ed Sykes, Al Smith, Charles Paige, Andre Pratt, Robert Allaway, Rogelio Figueroa, Calvin Daniels, Bobby Jones, Johnathan Lukes, Lamont Bradley, Darold Freeman, Jamal Butler, Patrick Washington.(Gencarello, John) (Entered: 12/30/2003)
12/24/2003	64	ANSWER to Amended Complaint. Document filed by Clark, Echiveria, Torres, Joseph Debblay, Shamon Clark, and James Turrisi. Related document: [48] Amended Complaint,,,,,, filed by Paul Person, Shawn Davis, Eric Richards, Miguel Roman, Phillip Campbell, Randolph Johnson, Gary Smith, Adam Ingles, Kimada Dixon, Ed Sykes, Al Smith, Charles Paige, Andre Pratt, Robert Allaway, Rogelio Figueroa, Calvin Daniels, Bobby Jones, Johnathan Lukes, Lamont Bradley, Darold Freeman, Jamal Butler, Patrick Washington.(yv,) Modified on 12/31/2003 (yv,). (Entered: 12/31/2003)
12/24/2003	65	ANSWER to Amended Complaint. Document filed by Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco. Related document: [48] Amended Complaint,,,,,, filed by Paul Person, Shawn Davis, Eric Richards, Miguel Roman, Phillip Campbell, Randolph Johnson, Gary Smith, Adam Ingles, Kimada Dixon, Ed Sykes, Al Smith, Charles Paige, Andre Pratt, Robert Allaway, Rogelio Figueroa, Calvin Daniels, Bobby Jones, Johnathan Lukes, Lamont Bradley, Darold Freeman, Jamal Butler, Patrick Washington.(yv,) (Entered: 12/31/2003)
02/11/2004		Minute Entry for proceedings held before Judge Debra C. Freeman : Settlement Conference set for Tuesday, 3/23/2004 at 11:30 AM before Magistrate Judge Debra C. Freeman, in Courtroom 102 at 40 Foley Square. (sac,) (Entered: 02/18/2004)

02/11/2004	66	Letter addressed to Counsel from Debra Freeman, United States Magistrate Judge dated 2/10/04; Re: A Settlement Conference scheduled for Tuesday, 3/23/04 at 11:30 A.M. in Room 102. (sac,) (Entered: 02/18/2004)
02/17/2004	67	ENDORSED LETTER addressed to Judge Chin from Arthur G. Larkin dated 2/9/04 re: Counsel for defts requests that the Court allow defts an additional 2 weeks to complete the document production indicated in this letter. The remaining documents are to be produced by 2/23/04, without exception. (Signed by Judge Denny Chin on 2/12/04) (sn) (Entered: 02/19/2004)
03/05/2004	68	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Randolph Johnson. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	69	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Eric Richards. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	70	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Gary Smith a/k/a Shawn Johnson. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	71	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Ed Sykes. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004		ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Patrick Washington. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	72	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Philip Campbell. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	73	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Andre Pratt. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	74	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Bobby Jones a/k/a Rasheem Davis. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	75	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Jonathan Lukes. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	76	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Shawn Davis. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	77	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Darold Freeman. (Signed by Judge Denny

		Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	78	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Jose Ortega. (Signed by Judge Denny Chin on 3/4/2004) (jp,) Modified on 3/8/2004 (jp,). (Entered: 03/08/2004)
03/05/2004	79	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Paul Person. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	80	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Allen Smith. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	81	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Waberly Alloway. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	82	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Lamont Bradley. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/05/2004	83	ORDER; regarding procedures to be followed that shall govern the handling of the deposition of Jamal Butler. (Signed by Judge Denny Chin on 3/4/2004) (jp,) (Entered: 03/08/2004)
03/10/2004		Minute Entry for proceedings held before Judge Debra C. Freeman : Telephone Conference held on 3/10/2004. (kw,) (Entered: 03/16/2004)
03/17/2004	84	ENDORSED LETTER addressed to Judge Chin from Penny Shane dated 3/16/04; granting plntf's request for an extension of time to complete depositions but only to 6/25/04. (Signed by Judge Denny Chin on 3/17/04) copies sent by chambers.(cd,) (Entered: 03/22/2004)
03/17/2004	85	ENDORSED LETTER addressed to Judge Chin from Arthur Larkin dated 3/15/04, re plntf's letter of 3/11/04: Daniel's objection to a "second" deposition is overruled, as the instant case is different and far broader scope than the prior, non-discontinued suit. Defts may not, however, re-request Daniels on areas that were covered in the prior deposition, except to the extent necessary to provide a context for questioning into new areas. (Signed by Judge Denny Chin on 3/17/04) copies sent by chambers copies sent by chambers.(cd,) (Entered: 03/22/2004)
03/30/2004	86	ORDER that the Superintendent or other official in charge of the Sing Sing Correctional Facility produce inmate Shawn Davis, inmate #02A6250 for the taking of his deposition on 4/9/04 at 10:00 a.m. and for so long thereafter, from day to day as the deposition continues and that inmate Shawn Davis appear in such place designated by the Superintendent or other official in charge of Sing Sing Correctional Facility so his deposition may be taken. (Signed by Judge Denny Chin on 3/30/04) (dle,) (Entered: 03/31/2004)
03/30/2004		Set/Reset Deadlines: Deposition due by 4/9/2004. (dle,) (Entered: 03/31/2004)

04/16/2004	87	ORDER: that the Superintendent or other official in charge of the Downstate Correctional Facility transport and produce inmate Phillip Campbell, Inmate No. 04-A-1376, from Franklin Correctional Facility, Located in Malone, New York to the Sing Sing Correctional Facility, located in Ossining, New York, no later than 5/16/04, for the taking of his deposition, on 5/20/04 at 10:00 a.m., and for so long thereafter, from day to day, as the deposition continues; and that inmate Phillip Campbell appear in such place as designated by the Superintendent or other official in charge of Sing Sing Correctional Facility so his deposition may be taken. (Signed by Judge Denny Chin on 4/14/04) Copies Faxed by Chambers.(db,) Modified on 4/16/2004 (db,). (Entered: 04/16/2004)
04/21/2004	88	ENDORSED LETTER addressed to Judge Denny Chin from Arthur Larkin dated 4/15/04 re: granting counsel for dfts' request for a two day extension of time within which dfts must serve their opposition to plaintiffs' application for leave to take more than ten depositions in this case. (Signed by Judge Denny Chin on 4/19/04) (dle,) (Entered: 04/22/2004)
04/21/2004		Set/Reset Deadlines: Motions due by 4/21/2004. (dle,) (Entered: 04/22/2004)
04/21/2004	89	ORDER (1) that the Superintendent or other official in charge of the Downstate Correctional Facility transport and produce inmate Phillip Campbell, Inmate No. 04A1376, form Franklin Correctional Facility, located in Malone, NY to the Sing Sing Correctional Facility, located in Ossining, New York. no later than 5/16/04, for the taking of his deposition. on 5/20/04 at 10:00 a.m., and for so long thereafter, from day to day, as the deposition continues; and (2) that inmate Phillip Campbell appear in such place as designated by the Superintendent or other official in charge of Sing Sing Correctional Facility so his deposition may be taken. (Signed by Judge Denny Chin on 4/19/04) (jco,) (Entered: 04/22/2004)
04/26/2004	90	ORDER, plntfs may take 30 additional depositions, that is, 30 depositions in addition to any taken through today, as further set forth in this document. This order does not apply to depositions of expert witnesses. (Signed by Judge Denny Chin on 4/22/04) (cd,) (Entered: 04/27/2004)
05/03/2004	91	ENDORSED LETTER addressed to Judge Denny Chin from Ilann M. Maazel dated 4/28/04 re: counsel for plaintiff requests permission to convert five of the eight-hour depositions into ten four hour depositions. Application GRANTED. Also, requested was an additional five half-day depositions. Application DENIED. (Signed by Judge Denny Chin on 5/3/04) Copies Faxed by Chambers.(db,) (Entered: 05/04/2004)
05/12/2004	92	ENDORSED LETTER addressed to Judge Chin from Arthur G. Larkin dated 5/5/2004 re: motion for reconsideration. The motion is denied. (Signed by Judge Denny Chin on 5/11/2004) (jsa,) Modified on 5/13/2004 (jsa,). Copies faxed by Chambers. (Entered: 05/13/2004)

06/02/2004	93	ENDORSED LETTER addressed to Judge Chin from Arthur G. Larkin dated 5/27/04 re: Denying the City Defendants' request for extension of time in which to complete fact witness depositions. (Signed by Judge Denny Chin on 6/1/04) Copies Faxed by Chambers.(tp,) (Entered: 06/03/2004)
06/22/2004	94	ENDORSED LETTER addressed to Judge Denny Chin from Penny Shane dated 6/11/04 re: counsel for plaintiffs request that the court order the inspection to go forward or convene a premotion conference. The City's objections are overruled. The City shall permit plaintiffs' experts to inspect the designated areas of the three jails in question. (Signed by Judge Denny Chin on 6/21/04) (dle,) (Entered: 06/24/2004)
06/30/2004	95	ENDORSED LETTER addressed to Judge Chin from Arthur G. Larkin dated 06/22/04 re: Defendants' objections to the recent deposition notice are Sustained. The notice is stricken. (Signed by Judge Denny Chin on 6/28/04) (djc,) (Entered: 07/01/2004)
07/07/2004		Minute Entry for proceedings held before Judge Debra C. Freeman : Telephone Conference held on 7/7/2004. Settlement Conference reset for 7/27/2004 11:00 AM before Magistrate Judge Debra C. Freeman. (kw,) (Entered: 07/09/2004)
07/22/2004	96	ENDORSED LETTER addressed to Judge Chin from Arthur G. Larkin dated 7/19/04 re: This request is Granted. The deadline for plaintiffs' expert reports is extended to 09/28/04; The City shall respond to Plaintiffs' reports by 11/23/04. Expert depositions shall be completed as previously set. (Signed by Judge Denny Chin on 7/20/04) (djc,) (Entered: 07/23/2004)
07/22/2004	97	ENDORSED LETTER addressed to Judge Chin from Penny Shane dated 7/19/04 re: plaintiffs requests a ten-day extension of time in which to file their opening papers in support of the motion to compel. Application granted. The dates for other motion papers are extended accordingly. (Signed by Judge Denny Chin on 7/20/04) (djc,) (Entered: 07/23/2004)
07/27/2004	98	MEMORANDUM TO THE DOCKET CLERK: that a cont'd settlement conference was held on 7/27/04; next t/c set for 10/13/04 @ 10:00; to confirm settlement conference 11/10/04 @ 11:00 a.m. (pl,) (pl,) (Entered: 07/28/2004)
07/27/2004		Minute Entry for proceedings held before Judge Debra C. Freeman : Settlement Conference held on 7/27/2004. (pl,) (Entered: 07/28/2004)
07/27/2004		Set Deadlines/Hearings: Telephone Conference set for 10/13/2004 10:00 AM before Judge Denny Chin. (pl,) (Entered: 07/28/2004)
07/27/2004		Set/Reset Scheduling Order Deadlines: Settlement Conference set for 11/10/2004 11:00 AM before Judge Denny Chin. (pl,) (Entered: 07/28/2004)
08/02/2004	190	MEMORANDUM OF LAW in Support of Plaintiffs' Motion to Compel Discovery. Document filed by Miguel Roman, Al Smith, Charles Paige,

		Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes. (jar,) Modified on 9/1/2006 (jar,). (Entered: 09/01/2006)
08/12/2004	99	ENDORSED LETTER addressed to Judge Chiin from Arthur G. Larkin dated 8/10/2004: re: Defendant City of New York must serve its opposition papers by 8/20/2004 and plaintiffs must serve their reply papers by 9/3/2004. So ordered. (Signed by Judge Denny Chin on 8/11/2004) (jsa,) (Entered: 08/16/2004)
08/12/2004		Set/Reset Deadlines: Replies due by 9/3/2004. Responses due by 8/20/2004 (jsa,) (Entered: 08/16/2004)
08/17/2004	100	ORDER the Court has reviewed the parties' letters dated 8/12/04, 8/13/04, and 8/16/04. Defendants seek documents relating to plaintiffs' criminal histories, and plaintiffs object, largely on the ground of burdensomeness. Plaintiffs' objections are overruled, to the following extent set forth in this Order. So Ordered. (Signed by Judge Denny Chin on 8/16/04) (jco,) (Entered: 08/19/2004)
08/23/2004	101	ENDORSED LETTER addressed to Judge Denny Chin from Arthur Larkin dated 8/18/04 re: counsel for dfts request two additional weeks to file opposition papers to plaintiffs' motion to compel discovery to 9/3/04; plaintiffs' reply to 9/17/04; and for the City to agree to extend the deadline for submission of plaintiffs' expert reports. The request for 2 weeks is granted. The other deadlines shall remain the same. (Signed by Judge Denny Chin on 8/20/04) (dle,) (Entered: 08/24/2004)
09/03/2004	102	Defendants' Memorandum of Law in opposition to plaintiffs' motion to compel discovery. Document filed by Alcia, Anderson, Darrow Arnold, Bradford, Caldero, Cardo, Case, Chapman, Clark, Codero, Steven Conry, Cox, Crooms, Daniels, Robert Dash, Robert Davoren, Dedicke, Department of Correctional Services, Dice, John Doe, Echiveria, Elliott, Fernandez, Fisher, William Fraser, Gallagher, Gatto, Givens, Graham, Gray, Guarneri, Hayes, Hernandez, Hershaway, Keith Jackson, R. Jackson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Does 16, 46-48, 53-55, 63 and 65, Bernard Kerik, Kinder, Kramer, Lamont, Lanasue, Officer Lewis, Lopez, Mastroainni, McConnon, McKeller, Mulvaney, Natale, Gerard O'Gara, Angel Orozco, Raymond Ortiz, Pennes, Perez, Powell, Ramos, Rivera, Roberts, Roger Slattery, Small, Smalls, Spencer, Officer Straughn, Sullivan, Supervisory Officers, Swetokas, The City of New York, The City of New York, Alfredo Tolentino, Elmer Toro, Torres, Valentine, Vasquez, Velez, Wells, Williamson, Wright, Wright, Yates. (dle,) (Entered: 09/10/2004)
09/03/2004	103	DECLARATION of Martin F. Horn in Opposition to plaintiffs' motion to compel discovery of privileged documents. Document filed by Alcia, Anderson, Darrow Arnold, Bradford, Caldero, Cardo, Case, Chapman, Clark, Codero, Steven Conry, Cox, Crooms, Daniels, Robert Dash,

		Robert Davoren, Dedicke, Department of Correctional Services, Dice, John Doe, Echiveria, Elliott, Fernandez, William Fraser, Gallagher, Gatto, Givens, Graham, Gray, Guarneri, Hayes, Hernandez, Hershaway, Keith Jackson, R. Jackson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Does 16, 46-48, 53-55, 63 and 65, Bernard Kerik, Kinder, Kramer, Lamont, Lanausse, Officer Lewis, Lopez, Mastroainni, McConnon, McKeller, Mulvaney, Natale, Gerard O'Gara, Angel Orozco, Raymond Ortiz, Pennes, Perez, Powell, Ramos, Rivera, Roberts, Roger Slattery, Small, Smalls, Spencer, Officer Straughn, Sullivan, Supervisory Officers, Swetokas, The City of New York, The City of New York, Alfredo Tolentino, Elmer Toro, Torres, Valentine, Vasquez, Velez, Wells, Williamson, Wright, Wright, Yates. (dle,) (Entered: 09/10/2004)
09/03/2004	104	DECLARATION of Arthur G. Larkin. Document filed by Alcia, Anderson, Darrow Arnold, Bradford, Caldero, Cardo, Case, Chapman, Clark, Codero, Steven Conry, Cox, Crooms, Daniels, Department of Correctional Services, Dice, John Doe, Echiveria, Elliott, Fernandez, Fisher, William Fraser, Gallagher, Gatto, Graham, Gray, Guarneri, Hayes, Hernandez, Hershaway, Keith Jackson, R. Jackson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Does 16, 46-48, 53-55, 63 and 65, Bernard Kerik, Kinder, Kramer, Lamont, Lanausse, Officer Lewis, Lopez, Mastroainni, McConnon, McKeller, Mulvaney, Natale, Gerard O'Gara, Angel Orozco, Raymond Ortiz, Pennes, Perez, Powell, Ramos, Rivera, Roberts, Roger Slattery, Small, Smalls, Spencer, Officer Straughn, Sullivan, Supervisory Officers, Swetokas, The City of New York, The City of New York, Alfredo Tolentino, Elmer Toro, Torres, Valentine, Vasquez, Velez, Wells, Williamson, Wright, Wright, Yates. (dle,) (Entered: 09/10/2004)
09/13/2004	105	ORDER: Regarding the issue of the inadvertently produced unredacted materials as set forth in this Order. (Signed by Judge Denny Chin on 09/09/04) (dj,) (Entered: 09/17/2004)
09/17/2004	106	Reply MEMORANDUM OF LAW in Support of plaintiffs' motion to compel discovery. Document filed by Adam Ingles et al. (kw,) (Entered: 09/21/2004)
10/04/2004	107	STIPULATION AND ORDER: regarding procedures that will govern the handling of ?Confidential Information?. (Signed by Judge Denny Chin on 10/1/04) (kw,) (Entered: 10/07/2004)
10/08/2004	108	MEMORANDUM DECISION; defendants' objections based on the deliberative process privilege are sustained and plaintiffs' motion to compel is denied in all respects. (Signed by Judge Denny Chin on 10/7/04) (sac,) (Entered: 10/14/2004)
10/21/2004		Minute Entry for proceedings held before Judge Debra C. Freeman : Status Telephone Conference held on 10/21/2004. Telephone Conference set for 11/21/2004 11:00 AM before Magistrate Judge Debra C. Freeman. (kw,) (Entered: 10/28/2004)
10/25/2004	109	MEMO ENDORSEMENT on Motion to Compel Discovery: Motion

		denied per Memorandum Decision dated 10/7/04. (Signed by Judge Denny Chin on 10/21/04) (sac,) (Entered: 10/26/2004)
11/01/2004	110	ENDORSED LETTER addressed to Judge Chin from Arthur G. Larkin dated 10/27/2004 re: Application granted only to the following extent: Defendants' time to serve rebuttal reports is extended to 12/24/2004, and the date for the close of all discovery including expert depositions is extended to 2/25/2005. (Signed by Judge Denny Chin on 10/29/2004) (jsa,) (Entered: 11/03/2004)
11/01/2004		Set Deadlines/Hearings: Deposition due by 2/25/2005. Discovery due by 2/25/2005. (jsa,) (Entered: 11/03/2004)
11/10/2004		Minute Entry for proceedings held before Judge Debra C. Freeman : Status telephone Conference held on 11/10/2004. Next T/C 12/14/04 @5:00 p.m. (pl,) (Entered: 11/16/2004)
11/10/2004		Set Deadlines/Hearings: Telephone Conference set for 12/14/2004 05:00 PM before Magistrate Judge Debra C. Freeman. (pl,) (Entered: 11/16/2004)
12/09/2004	111	ENDORSED LETTER addressed to Judge Chin from Arthur G. Larkin dated 12/7/2004 re: the request for clarification is denied although I am not making any final rulings on what is and what is not admissible. The parties shall complete expert discovery and I will rule on any objections or in limine motions at the proper time. (Signed by Judge Denny Chin on 12/8/2004) (jsa,) (Entered: 12/10/2004)
12/21/2004		Minute Entry for proceedings held before Judge Debra C. Freeman : Status Telephone Conference held on 12/21/2004. (kw,) (Entered: 12/27/2004)
01/11/2005		Minute Entry for proceedings held before Judge Debra C. Freeman : Status telephone Conference held on 1/11/2005. (kw,) (Entered: 01/25/2005)
01/13/2005	112	ORDER; by letter dated NOvember 17, 2004, defendants sought permission to move for an order precluding or limiting the testimony of plaintiffs' expert Steve J. Martin... Defendants' November 17, 2004 letter is treated as a motion to preclude or limit Mr. Martin's testimony. The motion is denied, without prejudice to any Daubert motions or other in limine motions;...Defendants' expert reports shall be produced by 12/24/04, in accordance with the present schedule. (Signed by Judge Denny Chin on 12/6/04) (djc,) (Entered: 01/19/2005)
01/24/2005	113	ENDORSED LETTER addressed to Judge Denny Chin from Arthur G. Larkin dated 1/19/05 re: defendants may serve the additional expert's report; this is without prejudice to any objections plaintiffs may have. (Signed by Judge Denny Chin on 1/20/05) (db,) (Entered: 01/28/2005)
01/25/2005	114	ENDORSED LETTER addressed to Judge Denny Chin from Sarah Netburn dated 1/20/05 re: counsel for plaintiffs oppose the City's request for leave to file an additional expert report almost a month after the

		deadline and pursuant to FRCP Rule 30(d)(20 to seek leave to take the depositions of dfts' expert witnesses in corrections policy and use of force Manuel Romero and Robert Johnson and to extend the deposition of dfts' psychiatric expert Dr. Paul Nassar by four hours. As to item(ii), denied as to Romero and Johnson and granted as to Nassar. (Signed by Judge Denny Chin on 1/21/05) (dle,) (Entered: 01/30/2005)
01/27/2005		Minute Entry for proceedings held before Judge Debra C. Freeman : Telephone Conference held on 1/27/2005. Next T/C 2/10 at 5:00 p.m. (kw,) (Entered: 02/17/2005)
02/01/2005	115	ORDER ; for the reasons set forth on this Order, defts application is granted and Dr. Harvey's report is stricken; he will not be permitted to testify. (Signed by Judge Denny Chin on 1/28/2005) (jp,) (Entered: 02/04/2005)
02/01/2005	116	ENDORSED LETTER addressed to Judge Chin from Arthur Larkin dated 1/28/2005 re: granting counsels request for leave to conduct 14 expert depositions in this action. (Signed by Judge Denny Chin on 1/28/2005) (jp,) (Entered: 02/04/2005)
02/03/2005	117	NOTICE of Change of Address by Mathew Paulose, Jr on behalf of Torres, Echiveria, Clark, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Keith Jackson, John Doe. New Address: Koehler & Isaacs LLP, 61 Broadway, 25th Floor, New York, NY, 10006,. (jmi,) (Entered: 02/16/2005)
02/10/2005		Minute Entry for proceedings held before Judge Debra C. Freeman : Status telephone Conference held on 2/10/2005. (kw,) (Entered: 02/22/2005)
02/16/2005	118	ENDORSED LETTER addressed to Judge Chin from Katherine Rosenfeld dated 2/14/05: granting joint request for revised experts reports and adjusted deposition schedule. (Signed by Judge Denny Chin on 2/15/05) (cd,) (Entered: 02/18/2005)
02/18/2005	119	ENDORSED LETTER addressed to Judge CHin from Arthur G. Larkin dated 02/16/05 re: the request to extend the deposition of Dr. Henry is DENIED. (Signed by Judge Denny Chin on 2/17/05) (djc,) (Entered: 02/24/2005)
03/10/2005	120	ENDORSED LETTER addressed to Judge Denny Chin from Arthur G. Larkin dated 3/4/05 re: The application for an order barring plaintiffs' "untimely disclosures" is denied, without prejudice to any in limine motions or objections at trial. Plaintiffs have offered to make Mr. Martin available for following questioning; the City may take advantage of that offer. (Signed by Judge Denny Chin on 3/8/05) (sac,) (Entered: 03/11/2005)
03/11/2005	121	ENDORSED LETTER addressed to Judge Chin from Arthur Larkin dated 3/9/05: the request for a protective order is denied. This does not mean that the subject of 'torture" may be addressed at trial, but it may be the subject of reasonable questioning at a deposition. (Signed by Judge

		Denny Chin on 3/9/05) (cd,) (Entered: 03/15/2005)
04/15/2005		Minute Entry for proceedings held before Judge Debra C. Freeman : Settlement Telephone Conference held on 4/15/2005. Parties directed to contact chambers w/ status. (ae,) (Entered: 04/29/2005)
05/04/2005	122	TRANSCRIPT of proceedings held on 4/29/05 before Judge Denny Chin. (lma,) (Entered: 05/04/2005)
06/03/2005	123	STIPULATION; the parties, having agreed to appear before Hon. Denny Chin for one or more settlement conferences, in a good faith attempt to settle some or all of the claims asserted in this lawsuit. (Signed by Judge Denny Chin on 6/2/06) (sac,) (Entered: 06/07/2005)
06/06/2005	124	MEMORANDUM DECISION; The case will not be bifurcated. (Signed by Judge Denny Chin on 6/3/05) (sac,) (Entered: 06/08/2005)
06/07/2005	125	LETTER addressed to Judge Denny Chin from Jonathan Chasan dated 6/2/05 re: counsel for plaintiffs oppose dfts' 5/31/05 letter seeking bifurcation. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes.(dle,) (Entered: 06/13/2005)
06/07/2005	126	LETTER addressed to Judge Denny Chin from Arthur G. Larkin dated 5/31/05 re: dfts' letter application purs. to rule 42(b) of the FRCP. Document filed by Caldero, Powell, Small, Spencer, Darold Freeman, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small.(dle,) (Entered: 06/13/2005)
06/07/2005	127	LETTER addressed to Judge Denny Chin from Matthew Paulose dated 6/2/05 re: counsel for 10 individual dfts join in plaintiffs' opposition to the city's motion for bifurcation.. (dle,) (Entered: 06/13/2005)
06/14/2005	128	TRANSCRIPT of proceedings held on 5/20/05 before Judge Denny Chin. (mo,) (Entered: 06/14/2005)
06/27/2005	129	ORDER that dfts may depose Mr. Martin for up to seven hours; the

		additional documents produced by Mr. Martin shall be treated as confidential; the request for a higher level of confidentiality is denied; if dfts will be relying on any statistics or documents relating to use of excessive force post 8/1/03 they must produce reasonable discovery relating to those statistics as further set forth in this order; plaintiffs request for disciplinary files post August 2003 is denied. (Signed by Judge Denny Chin on 6/20/05) (dle,) (Entered: 06/28/2005)
07/15/2005	130	ORDER: for reasons further set forth in said Order, the City's request for a preclusion order is DENIED. (Signed by Judge Denny Chin on 7/13/05) (db,) (Entered: 07/15/2005)
07/18/2005	144	MEMORANDUM OF LAW in Support re: [143] MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D... Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (ae,) (Entered: 07/29/2005)
07/18/2005	145	DECLARATION of Arthur G. Larkin JULY 18, 2005 VOLUME I AND II EXHIBITS A - N in Support re: [143] MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D... Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (ae,) (Entered: 07/29/2005)

07/19/2005	131	PLAINTIFF'S NOTICE OF MOTION in Limine to Preclude the Testimony of Robert Johnson and Dr. Paul Nassar, and Preclude or Limit the Testimony of Manuel Romero. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes. (jmi,) (Entered: 07/21/2005)
07/19/2005	132	MEMORANDUM OF LAW in Support re: [131] MOTION in Limine.. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Ed Sykes. (jmi,) (Entered: 07/21/2005)
07/19/2005	133	DECLARATION of Allen Breed. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes. (jmi,) (Entered: 07/21/2005)
07/19/2005	134	DECLARATION of Penny Shane. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes. (jmi,) (Entered: 07/21/2005)
07/20/2005	135	ORDER; that the revised for Daubert motions is as follows; moving papers by 7/18/05; opposition by 8/12/05; replies by 9/9/05; the parties are ordered to discuss and agree on a date for producing the documents the Court ordered on 6/20 must be produced. (Signed by Judge Denny Chin on 7/15/05) (pl,) Modified on 7/25/2005 (pl,). (Entered: 07/25/2005)
07/22/2005	136	MOTION for Summary Judgment to Certain Defendants on the Grounds that Plaintiffs have Failed to State a Claim Against them, and there are are no Material Issues of Fact that Warrant a Trial Against them With Respect to Such Claims; Pursuant to Fed.R.Civ.P.23(c), Decertifying the Class for Lack of Standing; Pursuant to Fed.R.Civ.P.12(h)(3), Dismissing All Class Claims for Lack of Subject Matter Jurisdiction; and Such Other and Furthet Relief as this Court Deems Just Proper. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold,

		Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 07/25/2005)
07/22/2005	137	DEFENDANTS' LOCAL RULE 56.1 STATEMENT. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 07/25/2005)
07/22/2005	138	DEFENDANTS' MEMORANDUM OF LAW in Support re: [136] MOTION for Summary Judgment.. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 07/25/2005)
07/22/2005	139	DECLARATION of Arthur G. Larkin in Support re: [136] MOTION for Summary Judgment.. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers,

		Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 07/25/2005)
07/22/2005	140	ORDER. The parties shall meet and confer regarding settlement on or before 8/5/05. The meeting shall take place at a mutually convenient location to be agreed upon by the parties. The Department of Correction will provide a senior staff member with settlement authority, who will be in a position to discuss specific settlement terms, to participate in the meeting. In addition, the Court has scheduled another settlement conference with the Court for 8/10/2005 at 09:00 AM (Signed by Judge Denny Chin on 7/21/05) (yv,) (Entered: 07/27/2005)
07/24/2005	141	DECLARATION of ARTHUR G. LARKIN - July 18, 2005 - Volume II of II - Exhibits O-BB. (tb,) (Entered: 07/28/2005)
07/24/2005	143	MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (Filed in the night deposit on 7/18/05 at 5:46 p.m.)(ae,) (Entered: 07/29/2005)
07/28/2005	142	STIPULATION AND ORDER OF DISMISSAL IT IS HEREBY STIPULATED AND AGREED, pursuant to Fed. R. Civ. P. 41(a)(1), by and between all parties to this case and it is so ordered by the Court, that the following defendants are hereby dismissed with prejudice and without costs to any party against the other: 1. Captain Velez, 2. Craig Haynes, 3. Miriam Rivera, 4. Beverly Smalls; and 5. David barbour. (Signed by Judge Denny Chin on 7/24/05) (dt,) (Entered: 07/29/2005)
09/02/2005	146	Defendant David Caldero's Proposed Jury Charge Additions.(rw,) (Entered: 09/06/2005)

09/02/2005	147	MEMORANDUM OF LAW in Opposition re: [143] MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes. (jco,) (Entered: 09/06/2005)
09/02/2005	148	DECLARATION of Claire Coleman in Opposition re: [143] MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D. Appendix 1,2,3 attached. (jco,) (Entered: 09/06/2005)
09/06/2005	149	Cross MOTION to Strike the declaration of Allen Breed, dated 7/11/05 submitted by plaintiffs in support of their motion in limine to exclude certain opinions offered by defendants' expert. Also striking section I, Parts B-1 and B-2, and Section II, of plaintiffs' moving brief. Annexed declaration of Robert Johnson. Document filed by Elmer Toro. (kw,) (Entered: 09/07/2005)
09/06/2005	150	MEMORANDUM OF LAW in support of re: [149] MOTION to Strike and opposition to[143] MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D. Document filed by Elmer Toro. (kw,) (Entered: 09/07/2005)
09/12/2005	151	REPLY MEMORANDUM OF LAW in Support re: [131] MOTION in Limine.. Document filed by Adam Ingles et al. (cd,) (Entered: 09/14/2005)
09/13/2005	152	REPLY MEMORANDUM OF LAW in further Support re: [143] MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jco,) (Entered: 09/16/2005)
09/13/2005	153	DECLARATION of Manuel D. Romero in further Support re: [143]

		MOTION (1) excluding any and all expert opinions offered by Steve J. Martin and Vincent M. Nathan, (2) excluding portions of the opinions offered by Mark Henry, M.D. (jco,) (Entered: 09/16/2005)
09/14/2005	154	ENDORSED LETTER addressed to Judge Denny Chin from Arthur C. Larkin dated 9/8/2005 re: to request leave to serve a brief in reply to plaintiffs' opposition to the City's Daubert motion that is fifteen (15) pages in length, rather than ten (10) pages as required by the Court's rules. Plaintiffs do not consent to the request. The reason we ask for the additional space is that plaintiffs have made a number of arguments in opposition to the City's motion that are either (i) not supported by the record citations reflected in their brief, or (ii) supported only by plaintiffs' counsel's say-so, and not by the words or testimony of their experts. While we are extremely reluctant to burden the Court with additional submissions, we believe that the extra brief space is necessary to permit us to repond effective to plaintiffs' arguments. In the event the Court were to grant the rquest, we would have no objection to a similar five-page extension for plaintiffs on thir reply, as well.ENDORSEMENT: Approved for both. So Ordered. (Signed by Judge Denny Chin on 9/8/2005) (jmi,) (Entered: 09/19/2005)
09/16/2005	155	ENDORSED LETTER addressed to Judge Denny Chin from Caroline M. Flintoft dated 9/14/05 re: a request that the schedule for motions and trial be adjusted. ENDORSEMENT: Approved. Pretrial Order due by 10/28/2005. Replies due by 10/7/2005. Responses due by 9/23/2005. Trial by 11/14/2005. Voir Dire by 11/10/05, Requests to Charge by 11/18/05. (Signed by Judge Denny Chin on 9/14/05) (kco,) (Entered: 09/19/2005)
10/17/2005	156	ENDORSED LETTER addressed to Judge Denny Chin from Arthur G. Lurkin dated 10/12/2005 re: to request that the Court extend the deadline for two weeks to October 28, 2005. Settlement Conference set for 10/25/2005 at 10:00 AM before Judge Denny Chin.ENDORSEMENT: The trial date and all deadlines are extended two weeks. The parties are ordered to meet and discuss the reajouring issues by 10/21/2005. THE Court will conduct a further settlement conference set for 10/25/2005 10:00 AM. So Ordered. (Signed by Judge Denny Chin on 10/12/2005) (jmi,) (Entered: 10/17/2005)
11/03/2005	157	ENDORSED LETTER: addressed to Judge Denny Chin from Arthur G. Larkin dated 11/1/2005 re: defendant's are requesting an extension of time to serve its reply brief on its motion for summary judgment until 11/4/2005 and an extension of the page limit from 20 pages to 30 pages. ENDORSEMENT: Application Granted, in both respects. So Ordered. (Signed by Judge Denny Chin on 11/2/2005) (lb,) (Entered: 11/04/2005)
11/04/2005	158	REPLY MEMORANDUM OF LAW in Support re: [136] MOTION for Summary Judgment.. Document filed by Caldero, Powell, Small, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero,

		Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (djc,) (Entered: 11/07/2005)
11/04/2005	159	REPLY DECLARATION in further support of the City's motion for summary Judgment; (djc,) (Entered: 11/07/2005)
11/23/2005	160	MOTION for a order pursuant to Federal Rules of Evidence 402, 403, 404(b), and 803(6), excluding certain evidence at trial. Document filed by Torres, Echiveria, Clark, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Keith Jackson. (jco,) Modified on 11/28/2005 (jco,). Modified on 11/28/2005 (jco,). (Entered: 11/28/2005)
11/23/2005	161	MEMORANDUM OF LAW in Support re: [160] MOTION for a motion pursuant to Federal Rules of Evidence 402, 403, 404(b), and 803(6), excluding certain evidence at trial. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jco,) (Entered: 11/28/2005)
11/23/2005	162	DECLARATION of Mathew Paulose Jr. in Support re: [160] MOTION for a order pursuant to Federal Rules of Evidence 402, 403, 404(b), and 803(6), excluding certain evidence at trial. (jco,) (Entered: 11/28/2005)
11/23/2005	163	MEMORANDUM OF LAW in Support re: [160] MOTION for a order pursuant to Federal Rules of Evidence 402, 403, 404(b), and 803(6), excluding certain evidence at trial. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Gary Smith, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes. (jco,) (Entered: 11/28/2005)
11/23/2005	164	MOTION in Limine. Document filed by Caldero, Powell, Small,

		Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jco,) (Entered: 11/29/2005)
11/23/2005	165	MEMORANDUM OF LAW in Support re: [164] MOTION in Limine. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jco,) (Entered: 11/29/2005)
11/23/2005	166	DECLARATION of Arthur G. Larkin in Support re: [164] MOTION in Limine. (jco,) (Entered: 11/29/2005)
11/23/2005	167	APPENDIX OF INMATE VOLUNTARY STATEMENTS. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small.(jco,) (Entered: 11/29/2005)

11/23/2005	168	APPENDIX TWO- INMATE DECLARATIONS. (jco,) (Entered: 11/29/2005)
12/12/2005	169	MEMORANDUM OF LAW in Opposition to Plaintiffs' re: [131] MOTION in Limine.. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 12/14/2005)
12/15/2005	170	ORDER the Wardens and/or Superinterndents of any New York City Department of Correction and/or New York State Department of Correctional Services and/or Brooklyn Metropolitan Detention Center correctional facility with custody over the following fifteen inmates authorize and permit said inmates to participate in emergency telephone conferences with their counsel from Emery Celli Brinckerhoff & Abady LLP and/or The Legal Aid Society, on or about December 14,15 and 16,2005, and thereafter as is reasonably necessary, until the final resolution of this matter. (Signed by Judge Denny Chin on 12/14/05) (jco,) (Entered: 12/16/2005)
01/12/2006	173	ORDER; summary judgment motion is scheduled for oral argument on 1/20/2006 at 2:30 p.m. The motions in limine and Daubert motions are scheduled for oral argument on 1/27/2006 at 2:30 p.m. (Signed by Judge Denny Chin on 1/10/06) (kco,) (Entered: 01/17/2006)
01/12/2006	174	DECLARATION of Jonathan S. Chasan. (jco,) (Entered: 01/19/2006)
02/01/2006	175	TRANSCRIPT of proceedings held on 1/20/06 before Judge Denny Chin. (lma,) (Entered: 02/01/2006)
02/15/2006	176	ORDER denying [131] Motion in Limine, denying [136] Motion for Summary Judgment, denying [143] Motion, denying [149] Motion to Strike, denying [160] Motion, denying [164] Motion in Limine . So Ordered. (Signed by Judge Denny Chin on 2/10/2006) (jmi,) (Entered: 02/15/2006)
02/17/2006	177	ORDER: It is hereby ordered that the Wardens and or Superintendents of any NYC Dept. of Correction and/or New York State Dept. of Correctional Services and/or Brooklyn Metropolitan Detention Center correctional facility with custody over the following 15 inmates shall

		authorize and grant said inmates immediate and expedited access to the services of a notary public, and in all cases within 24 hours of the inmate's oral or written request to access a notary public, throughout the months of February 2006 and March 2006, until the final resolution of this action for purposes of executing (signing) documents in connection with this lawsuit. 1. Waverly Allaway, DIN # 01-A-0109 2. Jamal Butler, DIN # 96-A-3389 3. Phillip Campbell, B/C 141-04-17336 4. Calvin Daniels, B/C 349-05-18080 5. Shawn Davis, DIN # 02-A-6250 6. Rogelio Figueroa, DIN # 02-A-1874 7. Darold Freedman, DIN # 01-A-1403 8. Randolph Johnson, DIN # 01-A-4768 9. Jonathan Lukes, DIN #00-A-4909 10. Paul Person, DIN # 04-A-2244 11. Eric Richards, DIN # 02-A-2583 12. Patrick Washington, DIN # 02-A-1981 13. Allen Smith, DIN # 03-A-3024 14. Kimada Dixon, B/C 566-73-054 15. Miguel Roman, B/C 210-05-00629. (Signed by Judge Denny Chin on 2/17/2006) (lb,) (Entered: 02/17/2006)
02/21/2006	178	STIPULATION AND ORDER FOR NOTICE TO THE PLAINTIFF CLASS, a hearing is scheduled on 3/31/06 at 10:30 am in courtroom 11A, 500 Pearl St., NY NY, and as further set forth in this document. Attached is the unsigned Settlement Agreement. (Signed by Judge Denny Chin on 2/17/06) (cd,) (Entered: 02/21/2006)
03/27/2006	183	DECLARATION of Jonathan S. Abady in Support. Document filed by Miguel Roman, Al Smith, Charles Paige, Jamal Butler, Andre Pratt, Robert Allaway, Patrick Washington, Randolph Johnson, Rogelio Figueroa, Paul Person, Adam Ingles, Calvin Daniels, Bobby Jones, Phillip Campbell, Johnathan Lukes, Lamont Bradley, Darold Freeman, Eric Richards, Kimada Dixon, Shawn Davis, Ed Sykes. (jmi,) (Entered: 03/30/2006)
03/29/2006	180	MEMORANDUM OF LAW in Support of Defendants' Motion Approval of the Class Settlement. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Does 1-15, 17-44, 49-52, 56-62, 64 and 66-75, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, John Does 16, 46-48, 53-55, 63 and 65, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 03/30/2006)
03/29/2006	181	DECLARATION of Steven Conry. Document filed by Caldero, Powell, Small, Spencer, Bobby Jones, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard

		Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 03/30/2006)
03/29/2006	182	DECLARATION of Arthur G. Larkin. Document filed by Caldero, Powell, Small, Spencer, Elmer Toro, The City of New York, Robert Dash, Robert Davoren, William Fraser, Steven Conry, Bernard Kerik, Lanausse, Gray, Givens, McConnon, Rivera, Department of Correctional Services, McKeller, Roberts, Natale, Elliott, Kramer, Cox, Guarneri, Williamson, Graham, Smalls, Codero, Powell, Torres, Echiveria, Clark, Hershaway, Dice, Officer Lewis, Yates, Swetokas, Mastroainni, Supervisory Officers, Officer Straughn, Raymond Ortiz, Darrow Arnold, Alfredo Tolentino, Angel Orozco, Wells, Lopez, Vasquez, Fernandez, Case, Wright, Fisher, Gatto, Bradford, Lamont, Valentine, Chapman, Keith Jackson, R. Jackson, Rivera, Kinder, Dedicke, Anderson, John Doe, Alcia, Sullivan, Cardo, Wright, Velez, Hayes, Mulvaney, Hernandez, Gallagher, Crooms, Ramos, Perez, Daniels, Pennes, Gerard O'Gara, Roger Slattery, The City of New York, Small. (jmi,) (Entered: 03/30/2006)
04/03/2006	184	OPINION #92960;...Nonetheless, in view of all the other considerations discussed herein, I conclude that the Agreement is fair, adequate, and reasonable. The Agreement is hereby approved. The Court will issue today the final Order of Dismissal with Prejudice. (Signed by Judge Denny Chin on 4/3/06) (dj,) (Entered: 04/03/2006)
04/04/2006	<u>186</u>	OPINION: The agreement is hereby approved. The Court will issue today the final order of Dismissal with prejudice. (Signed by Judge Denny Chin on 4/3/06) (js,) (Entered: 04/04/2006)
04/04/2006	187	STIPULATION AND ORDER OF DISMISSAL: the individual claims for damages and for injunctive, declaratory or equitable relief asserted by the named plaintiffs in this action are dismissed with prejudice and settled for the amounts as further set forth in this stipulation; dft City of New York agrees to pay the sums as further set forth in this order in full satisfaction of any and all of the named plaintiffs' individual claims for damages and for injunctive, declaratory or equitable relief against it; dfts K. Jackson, Torres, Clark, Echevarria, Turissi, Debblay and Arnold will pay the sums as further set forth in this stipulation to the City as contribution and in full satisfaction of any and all of the named plaintiffs' individual damage claims against them; in consideration for the payment of the sums specified herein, plaintiffs each agree to release and

		discharge all of the dfts from any and all claims or causes of action for damages as further set forth in this stipulation; this release does not affect the claims asserted in Eric Richards v. City of New York, et al 05cv3611 or 05cv9602. (Signed by Judge Denny Chin on 4/3/06) (dle,) (Entered: 04/04/2006)
04/04/2006	188	ORDER OF DISMISSAL WITH PREJUDICE, The parties having requested approval of, and the Court having approved, the Settlement Agreement of February 17, 2006, and all other claims in this action having been resolved by separately executed agreements, this action is hereby dismissed with prejudice by consent of the parties. The Court shall retain jurisdiction over this action except if Class Counsel seeks, and the Court grants, reinstatement of the Action. (Signed by Judge Denny Chin on 8/3/06) (dt,) (Entered: 04/05/2006)
04/27/2006	189	TRANSCRIPT of proceedings (Conference) held on 3/31/06 before Judge Denny Chin. (ja,) (Entered: 04/27/2006)

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