

IN-COURT CONFERENCE MINUTES

CASE NAME:

Nichole Marie McDaniel	VS	The County of Schenectady, et al.
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CAUSE: 42:1983 Civil Rights Act

DATE: November 22, 2006

PROCEEDING: In-Court Conference

LAW CLERKS: _____

CASE NUMBER: **1:04-cv-757 (GLS/RFT)**

TRIAL DATE: **/**/**

STENO: Bonnie Buckley

Note: None

PRINT NAME	FIRM NAME	PHONE #	PARTY:
Bob Keach	Office of Elmer R. Keach	(518)434-1718	Plaintiff
William J. Greagan	Goldberg, Segalla Law Firm	(518)463-5400	Defendants

BEGINNING TIME: 11:00 A.M.

END TIME: 11:35 a.m.

APPEARANCES: All attorney's are present.

11:00 a.m. Court turns to nature of problem

11:01 a.m. Atty. Keach states integrated settlement agreement. Agreement states if defendants have electronic records they need to provide and refused to provide. Asks court to compel. Class counsel is fiduciary amount of \$10,000-\$30,000 for records to spend on administration. Claim raised by defendants to filter felony and misdemeanors. Skilled data person can segment out the criminal charge, alternative, get electronic records and compare to physical booking sheets. If have electronic records pursuant to the agreement they need to provide them. 2nd issue, provision in settlement agreements regarding social service databases and probation records on addresses. 3rd issue, requests additional amount of time to get the notices out. Perhaps would need 1 week if receive electronic records.

11:10 a.m. Atty. Greagan states this is integrated agreement; this is a contract; disclosure was the booking sheets; negotiated and agreed to provide the booking sheets; if notices come back then bring those names to social services and probation with order from the court to search names; concerned about privacy of welfare recipients. Argument was before Judge Treece over 1 year ago. The booking sheets have been in our office since the motion. Booking sheets incorporated into the agreement. County entitled to enforce the terms of the agreement.

11:14 a.m. Court inquires litigate and to the database; why is resistance?

- 11:15 a.m. Atty. Greagan states database can't be searched by pretrial detainees, it had to be sorted by hand.
- 11:16 a.m. Atty. Keach states verified there was a database, has data fields and go to computer to extract the data or put into an excel spreadsheet which has the charge.
- 11:19 a.m. Court states Judge Treece issued an order.
- 11:20 a.m. Atty. Keach states has been asking Attorney Greagan for the records for the month.
- 11:20 a.m. Court wanted just an assessment of address or identify on the class and we are identifying on the class; court turns to 2nd issue of other county agencies databases. Discusses Judge Homer's crafted order in the Rensselaer County case; adverse to do it up front.
- 11:22 a.m. Atty. Greagan states only thing about order was to protect the people providing the information. Illogical to provide that information up-front. Discusses November 6th regarding notification of the records.
- 11:24 a.m. Court declines to order the defendants to produce records; decline to address any issue County agency records; if initial efforts results in return notices; groups will be presented with order to those agencies to search database for addresses of the class; extension of time.
- 11:25 a.m. Atty. Keach requesting 14 day adjournment of all dates in the order.
- 11:26 a.m. Atty. Greagan discusses two step process. Notice period.
- 11:27 a.m. Atty. Keach states going beyond to provide notice to the class. Provide mail notice then resend notice and newspaper advertising.
- 11:28 a.m. Court states within 90 days will have returns and submit names and proposed order and any discussion what takes to run names through the database.
- 11:29 a.m. Atty. Greagan states will input each name.
- 11:29 a.m. Court states should be done in computer format.
- 11:29 a.m. Atty. Keach states all documents will be placed on a website. Have more than enough time to do what need to do.
- 11:33 a.m. Atty. Greagan discusses initial payment.