

U.S. District Court
Northern District of New York – Main Office (Syracuse) [LIVE – Version 5.1.1]
(Albany)
CIVIL DOCKET FOR CASE #: 1:04-cv-00757-GLS-RFT

McDaniel et al v. The County of Schenectady et al
Assigned to: Chief Judge Gary L. Sharpe
Referred to: Magistrate Judge Randolph F. Treece
Case in other court: 2nd Circuit, 07-05580-cv
2nd Circuit, 09-01296-cv

Cause: 42:1983 Civil Rights Act

Plaintiff

Nichole Marie McDaniel
*individually and on behalf of a class of
others similarly situated*

Date Filed: 06/29/2004
Date Terminated: 11/21/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

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Plaintiff

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Defendant

Harry Buffardi

both individually and in his official capacity as Sheriff of the County of Schenectady

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Defendant

Gordon Pollard

both individually and as Undersheriff of the County of Schenectady

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Defendant

Robert Elwell, Sr.

both individually and as Major in the Schenectady County Sheriff's Department

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Intervenor

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Date Filed	#	Docket Text
06/29/2004	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 150 receipt number 75057.), filed by Lessie Lee Davies, Nichole Marie McDaniel.(wjg,) (Entered: 06/29/2004)
06/29/2004		Summons Issued as to Harry Buffardi, Robert Elwell Sr., Gordon Pollard, The County of Schenectady. (wjg,) (Entered: 06/29/2004)
06/29/2004	<u>2</u>	G.O. 25 FILING ORDER ISSUED Initial Conference set for 11/3/2004 10:30 AM in Albany before Magistrate Judge Randolph F. Treece. Civil Case Management Plan due by 10/25/2004. (wjg,) (Entered: 06/29/2004)
08/09/2004	<u>3</u>	ANSWER to Complaint by Harry Buffardi, Robert Elwell Sr., Gordon Pollard, The County of Schenectady.(Greagan, William) (Entered: 08/09/2004)
08/09/2004		CLERK'S CORRECTION OF DOCKET ENTRY Attorney William Greagan added for Defendants pursuant to filing of <u>3</u> Answer to Complaint (amt,) (Entered: 08/09/2004)

09/10/2004	<u>4</u>	CIVIL CASE MANAGEMENT PLAN by Lessie Lee Davies, Nichole Marie McDaniel. (Keach, Elmer) (Entered: 09/10/2004)
10/25/2004	<u>5</u>	CIVIL CASE MANAGEMENT PLAN <i>Amended after Conference</i> by Lessie Lee Davies, Nichole Marie McDaniel. (Keach, Elmer) (Entered: 10/25/2004)
10/26/2004	<u>6</u>	Letter from Elmer Keach for Lessie Lee Davies, Nichole Marie McDaniel requesting Discovery and Motion Conference on November 3, 2004. (Attachments: # <u>1</u> Unreported Wright Decision)(Keach, Elmer) (Entered: 10/26/2004)
10/27/2004	7	TEXT ORDER: A Rule 16 Conference is scheduled for November 3, 2004. The parties are required under Fed. R. Civ. P. 26(f) to meet and confer before the Rule 16 Conference and then submit a joint civil case management plan. Rather than comply with that directive and the recommendation from this Court's Chambers, the Court has received separate case management plans with superfluous statements as well as correspondence to the effect of either noncompliance with the Federal Rules or a lack of a consensus in the plan. Then a subsequent case management plan is submitted with no consensus on any point reflected therein. In this respect both parties have failed to comply with the Federal Rules and this Court's expectations. THIS NONSENSE SHALL CEASE IMMEDIATELY. The personal animus between the litigators will not be tolerated by this Court in any form or fashion. There are other provisions of the Federal Rules and the Local Rules which require the parties to confer in good faith before invoking the Court's intervention, and this Court will hold the parties to such requirements. This is a warning: Failure to do so may lead to Sanctions. Further, by a letter dated October 26, 2004, Plaintiffs' Counsel has asked for a discovery conference as a part of the Rule 16 Conference. At this late juncture, there is not enough time allotted for the Conference to address the discovery disputes. A subsequent discovery conference may be required. Nonetheless, the Plaintiffs' Counsel is required to provide to this Court further case law to support Plaintiffs' position on or before November 3, 2004. The Defendants' Counsel is required to provide a written response to the Plaintiffs' letter with case law to support their positions on or before November 3, 2004. SO ORDERED.(Treece, Randolph) (Entered: 10/27/2004)
11/03/2004	<u>8</u>	LETTER BRIEF <i>Addressing Pending Disputes over Protective Orders</i> by Lessie Lee Davies, Nichole Marie McDaniel. (Keach, Elmer) (Entered: 11/03/2004)
11/03/2004	<u>11</u>	Minute Entry for proceedings held before Judge Randolph F. Treece : Elmer Keach, Esq., William Greagan, Esq., Jason Rozger, Esq.; Initial Pretrial Conference held on 11/3/2004; Parties opt out of ADR Program; deadlines set; Order to be issued. (rzh,) (Entered: 11/16/2004)
11/05/2004	<u>9</u>	LETTER BRIEF by Harry Buffardi, Robert Elwell Sr., Gordon Pollard, The County of Schenectady. (Greagan, William) (Entered: 11/05/2004)
11/08/2004	<u>10</u>	LETTER BRIEF <i>In Response to Defendants' 11.05.04 Submission and Addressing Amendment of Complaint</i> by Lessie Lee Davies, Nichole Marie McDaniel. (Keach, Elmer) (Entered: 11/08/2004)
11/29/2004	<u>12</u>	UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of trial: 30. Preferred Trial Location: Albany. Joinder of Parties due by 4/1/2005. Discovery due by 10/15/2004. Motions to be filed by 1/15/2006. Trial Ready Deadline is 1/15/2006. Signed by Judge Randolph F. Treece on 11/29/04. (tab) (Entered: 11/30/2004)
11/30/2004	13	TEXT ORDER: Both parties made applications seeking either a protective order or discovery. Both parties filed letter-memoranda with the Court in support of their respective application. On November 30, 2004, a telephonic hearing, on the record, was held, wherein the parties were given further opportunity to supplement their respective arguments. After considering all arguments made, and due deliberation being given, this Court entered Rulings, on the record, addressing both of the discovery issues presently before the Court, and further advising the parties that no written decision will be forthcoming. Therefore, it is hereby ORDERED, that the parties are directed to following the Court's Rulings, as set forth on the record. SO ORDERED.(Treece, Randolph) (Entered: 11/30/2004)

12/01/2004	<u>14</u>	Letter from Elmer Keach for Lessie Lee Davies, Nichole Marie McDaniel requesting Discovery Conference. (Keach, Elmer) (Entered: 12/01/2004)
12/02/2004	<u>15</u>	Letter for Harry Buffardi, Robert Elwell Sr., Gordon Pollard, The County of Schenectady requesting Denying Plaintiff's Request for Conference. (Greagan, William) (Entered: 12/02/2004)
12/03/2004	<u>16</u>	NOTICE & ORDER re: scheduled Hearing: Hearing to address discovery issues and behavior of litigators set for 12/9/2004 09:30 AM in Albany before Magistrate Judge Randolph F. Treece. (wjg,) (Entered: 12/03/2004)
12/09/2004	<u>17</u>	ORDER re: Discovery deadlines . Signed by Judge Randolph F. Treece on 12/9/04. (tab) (Entered: 12/13/2004)
12/23/2004	<u>18</u>	Letter from Elmer Keach for Lessie Lee Davies, Nichole Marie McDaniel requesting Discovery Conference. (Attachments: # <u>1</u> Stipulation and Protective Order re: Jail Inspection from Marriott Action# <u>2</u> Defendants' 12.20.04 letter addressing Jail Inspection# <u>3</u> Order from Judge Peebles regarding production of booking sheets in Marriott# <u>4</u> Protective Order relative to booking sheets in Marriott)(Keach, Elmer) (Entered: 12/23/2004)
12/24/2004	<u>19</u>	Letter for Harry Buffardi, Robert Elwell Sr., Gordon Pollard, The County of Schenectady requesting Denial of plaintiff's request for discovery conference. (Attachments: # <u>1</u> Attachment – Plaintiff's Proposed Stipulation for Site Inspection# <u>2</u> Attachment – December 16th email correspondence from plaintiff# <u>3</u> Attachment – December 20th correspondence from defendants' counsel# <u>4</u> Attachment – December 20th Email correspondence from plaintiff's counsel# <u>5</u> Attachment – December 20th correspondence from defendants' counsel# <u>6</u> Attachment – December 20th correspondence from plaintiff's counsel)(Greagan, William) (Entered: 12/24/2004)
12/28/2004	<u>20</u>	NOTICE of Hearing: Telephonic Discovery Conference (on the record) set for 1/7/2005 04:00 PM in Albany before Magistrate Judge Randolph F. Treece. (tab) (Entered: 12/28/2004)
01/03/2005	<u>21</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Confirming briefing schedule and requesting consideration of two other issues during 1.6.05 discovery conference. (Keach, Elmer) (Entered: 01/03/2005)
01/05/2005	<u>22</u>	LETTER BRIEF <i>Addressing Jail Inspection and Production of Booking Records</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> Exhibit A -- Unreported Babbitt Decision# <u>2</u> Exhibit B -- Plaintiffs' Initial Submission on Booking Sheets -- Marriott# <u>3</u> Exhibit C -- Defendants' Responding Submission on Booking Sheets -- Marriott# <u>4</u> Exhibit D -- Plaintiffs' Reply Submission on Booking Sheets -- Marriott# <u>5</u> Exhibit E -- Defendants' Surreply Submission on Booking Sheets -- Marriott# <u>6</u> Exhibit F -- Lessie Davies Booking Record# <u>7</u> Exhibit G -- Unreported Melendez decision# <u>8</u> Exhibit H -- Montgomery Co. Sheriff's Department Annual Reports)(Keach, Elmer) (Entered: 01/05/2005)
01/05/2005	<u>23</u>	LETTER BRIEF <i>supplementing prior submission with court transcript from Marriott action</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> Marriott Transcript -- 12.18.03)(Keach, Elmer) (Entered: 01/05/2005)
01/05/2005	<u>24</u>	LETTER BRIEF <i>in response to plaintiff's 12/23/04 and 1/3/05 letters to the Court</i> by The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Greagan, William) (Entered: 01/05/2005)
01/06/2005		TEXT NOTICE of Hearing: Discovery Hearing set for 1/7/2005 at 03:45 PM before Magistrate Judge Randolph F. Treece. Due to another request to resolve outstanding discovery disputes, this Court previously scheduled a discovery hearing for 1/7/2005 at 4:00 p.m. to be conducted by telephone conference. However, after reviewing the parties' voluminous and often rehearsed arguments, and further recalling the disagreeable and intemperate nature of previous oral arguments, whether by phone or in person, this Court has decided to rescind the courtesy of a telephonic conference and now requires the parties' respective attorney's PERSONAL APPEARANCE in order to address the discovery issues at hand. Furthermore, the time of the hearing has been changed from 4:00 p.m. to 3:45 p.m. FAILURE TO APPEAR MAY SUBJECT THE ATTORNEYS TO

		SANCTIONS. NO EXCUSES WILL BE CONSIDERED. Treece, Randolph) (Entered: 01/06/2005)
01/06/2005		Minute Entry for proceedings held before Judge Randolph F. Treece : Appearances: Elmer Keach, Esq.; William Greagan, Esq.; Discovery Hearing held On the Record 1/6/2005. (rzh,) (Entered: 01/12/2005)
01/10/2005	<u>25</u>	ORDER extending deadline to move for class certification until 4/30/05. Signed by Judge Randolph F. Treece on 1/10/05. (tab) (Entered: 01/10/2005)
01/11/2005	<u>26</u>	PROTECTIVE ORDER. Signed by Judge Randolph F. Treece on 1/11/05. (tab) (Entered: 01/11/2005)
01/11/2005	27	TRANSCRIPT of Proceedings held on November 30, 2004 before Judge Randolph F. Treece (telephone conference). Court Reporter: Theresa Casal. (tab) (Entered: 01/12/2005)
01/14/2005	<u>28</u>	Letter from William J. Greagan for The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr requesting An Order from the Court stating that attorney–client privilege and the work product doctrine are inapplicable to the factual information requested and directing plaintiffs to fully and completely respond to the defendants' interrogatories before depositions of any employee of Schenectady County Jail are conducted.. (Greagan, William) (Entered: 01/14/2005)
01/20/2005	<u>29</u>	MOTION an Order pursuant to Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Rules of the Northern District of New York reversing so much of the Magistrate's Order dated January 10, 2005, as compels production of booking records for all misdemeanor arrestees for the period June 29, 2001 through June 29, 2004, or in the alternative, reversing so much of the Magistrate's Order dated January 10, 2005, as compels production of booking records for all misdemeanor arrestees for the period June 29, 2001 through June 29, 2004 and permitting the defendant to make a formal motion for a protective order regarding the disclosure of the booking records, together with such other and further relief as to the Court seems just and proper re <u>23</u> LETTER BRIEF, <u>24</u> LETTER BRIEF, Notice of Hearing,,,, <u>25</u> Order, <u>26</u> Protective Order, <u>18</u> Letter Request,, <u>19</u> Letter Request,,, <u>20</u> Notice of Hearing, <u>21</u> Letter Request, <u>22</u> LETTER BRIEF,, Motion Hearing set for 3/17/2005 10:00 AM in Albany before Judge Gary L. Sharpe. Response to Motion due by 2/28/2005 Reply to Response to Motion due by 3/7/2005. by The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Attachments: # <u>1</u> Statement of Record on Appeal# <u>2</u> Affirmation in Support of Objection# <u>3</u> Memorandum of Law in Support of Objections to Magistrate's Ruling# <u>4</u> Westlaw Attachments# <u>5</u> Cover Letter to Clerk# <u>6</u> Certificate of Service)(Greagan, William) (Entered: 01/20/2005)
01/26/2005	<u>30</u>	LETTER BRIEF <i>In Response to Defendants' Request to Compel Production of Identification of Witnesses</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> 1.10.05—email from Defendants' Counsel# <u>2</u> mti technologies decision# <u>3</u> US v. District Council decision# <u>4</u> Williams v. McCausland decision)(Keach, Elmer) (Entered: 01/26/2005)
01/28/2005	<u>31</u>	NOTICE of Appearance by Jason J. Rozger on behalf of all plaintiffs (Rozger, Jason) (Entered: 01/28/2005)
01/28/2005	<u>32</u>	NOTICE of Appearance by Bruce E. Menken on behalf of all plaintiffs (Menken, Bruce) (Entered: 01/28/2005)
01/31/2005	<u>33</u>	MOTION for Summary Judgment Motion Hearing set for 3/3/2005 10:00 AM in Albany before Judge Gary L. Sharpe. Response to Motion due by 2/14/2005 Reply to Response to Motion due by 2/22/2005. by Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Attachments: # <u>1</u> Affidavit of William J. Greagan# <u>2</u> Exhibit(s) A to Affidavit of William J. Greagan# <u>3</u> Exhibit(s) B of Affidavit of William J. Greagan# <u>4</u> Exhibit(s) C of Affidavit of William J. Greagan# <u>5</u> Exhibit(s) D – Transcript Part 1# <u>6</u> Exhibit(s) D – Transcript – Part 2# <u>7</u> Affidavit of Harry Buffardi# <u>8</u> Affidavit of Gordon Pollard# <u>9</u> Affidavit Robert Elwell# <u>10</u> Statement of Material Facts # <u>11</u> Memorandum of Law # <u>12</u> Exhibit(s) Westlaw Citation Part 1# <u>13</u> Exhibit(s) Westlaw Citation Part 2# <u>14</u> Certificate of Service)(Greagan, William) (Entered: 01/31/2005)

02/01/2005	<u>34</u>	Letter from William J. Greagan for The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr requesting leave to make motion for the sanction of dismissing the claims of plaintiff Nichole Marie McDaniel pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure. (Greagan, William) (Entered: 02/01/2005)
02/01/2005		TEXTORDER: Defendants seek permission to serve and file a Motion to Dismiss pursuant to Rules 26 and 37. See re <u>34</u> Letter Request, filed by The County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi. Therefore, the Plaintiffs shall serve and file a very brief response to this letter request by Friday, February 4, 2005, at 4:00 p.m. Upon the receipt of the Plaintiffs' letter, the Court may schedule a telephone conference. Signed by Judge Randolph F. Treece on 2/1/05. (Treece, Randolph) (Entered: 02/01/2005)
02/02/2005	<u>35</u>	Letter from Plaintiffs for Lessie Lee Davies requesting On consent, extension of Plaintiff's time to respond to Defendants' objections to Magistrate Judge Treece's January 10, 2005 order to March 5, 2005. (Rozger, Jason) (Entered: 02/02/2005)
02/04/2005		NOTICE of Hearing: Discovery Hearing set for 2/9/2005 04:00 PM in Albany before Magistrate Judge Randolph F. Treece. (lmd,) (Entered: 02/04/2005)
02/04/2005	<u>36</u>	Letter from William J. Greagan for Harry Buffardi, Gordon Pollard, Robert Elwell, Sr requesting leave to refile Statement of Facts with citations. (Greagan, William) (Entered: 02/04/2005)
02/07/2005	<u>37</u>	LETTER BRIEF <i>Responding to Defendants' Submission on Nichole McDaniel and Requesting Motion Conference with the Court</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Keach, Elmer) (Entered: 02/07/2005)
02/07/2005	<u>38</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Opposing Defendants' Request for Leave to File Amended Statement of Material Fact on Basis that Underlying Motion is Untimely. (Keach, Elmer) (Entered: 02/07/2005)
02/07/2005	<u>39</u>	RESPONSE TO LETTER BRIEF filed by Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to <u>33</u> Motion for Summary Judgment,, filed by Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi,, <u>34</u> Letter Request, filed by The County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi,, Order,, <u>12</u> Uniform Pretrial Scheduling Order,, <u>36</u> Letter Request filed by Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi,, <u>37</u> LETTER BRIEF filed by Nichole Marie McDaniel,, Lessie Lee Davies,, <u>38</u> Letter Request filed by Nichole Marie McDaniel,, Lessie Lee Davies,, (Attachments: # <u>1</u> Text Order of Magistrate Treece and Mr. Keach's February 6, 2005 letter)(Greagan, William) (Entered: 02/07/2005)
02/08/2005		TEXT ONLY ORDER – On January 20, 2005, Defendants filed an appeal of a magistrate's decision with a motion return date of March 17, 2005. See dkt. no. 29. On January 31, 2005, Defendants filed a motion for summary judgment upon the grounds that the court lacks personal jurisdiction with a motion return date of March 3, 2005. See dkt. no. 33. On February 2, 2005, plaintiffs filed a request, with consent of the defendants, to extend the response deadline of the pending appeal of a magistrate's decision until March 5, 2005. See dkt. no. 35. On February 4, 2005, Defendants filed a request to refile their statement of material facts for the facts lacked the citations to the record required by Local Rule 7 of this district. See dkt. no. 36. On February 7, 2005, Plaintiffs filed an opposition to Defendants' request for leave to file an amended statement of material facts. Plaintiffs cite that the motion for summary judgment is untimely and patently frivolous. Plaintiffs further contend that the defendants did not seek their consent to this request and ask the court to strike the pending motion for failure to comply with the local rules. See dkt. no. 38. On February 7, 2005, Defendants filed a reply to plaintiffs' opposition. Defendants claim the motion for summary judgment seeks dismissal of the complaint for many reasons, not just jurisdictional grounds. Defendants further state that the scheduling order was not electronically filed until November 30, 2004, which would have given the defendants until January 31, 2005 to file the pending motion for summary judgment. Defendants conclude with a request to the court that it exercise its discretion under Rule 6 of the Federal Rules of Civil Procedure for an enlargement of time to January 31, 2005. In the interest of judicial economy, the appeal of the magistrate's decision and the motion for summary

		<p>judgment will be placed upon U.S. District Judge Gary L. Sharpe's motion calendar for the same motion return date. IT IS ORDERED, that the motion return dates of March 3, 2005 and March 17, 2005 are hereby ADJOURNED. The appeal of the magistrate's decision and the motion for summary judgment have been schedule for a motion return on June 23, 2005 at 9:00 a.m. before U.S. District Judge Gary L. Sharpe. IT IS FURTHER ORDERED, that Plaintiff's <u>35</u> request to extend the response deadline for the appeal of the magistrate's decision until March 5, 2005 is GRANTED. The response deadline to the pending motion for summary judgment is extended until March 5, 2005. The reply deadline for the motion for summary judgment is extended until March 19, 2005. A reply to the response to the appeal of the magistrate's decision will not be allowed without prior written permission of this court. IT IS FURTHER ORDERED, that Plaintiffs are to submit within (7) seven days of this text order, a one (1) page letter indicating their reasons, why the granting of the defendants' request to amend their statement of material facts would be prejudicial. Issued by Judge Gary L. Sharpe on 2/8/2005. (jel,) (Entered: 02/08/2005)</p>
02/09/2005		<p>Minute Entry for proceedings held before Judge Randolph F. Treece : Elmer R. Keach, Esq.; William J. Greagan, Esq.; Discovery Hearing held on the record on 2/9/2005. (rzh,) (Entered: 02/10/2005)</p>
02/09/2005	<u>40</u>	<p>ORDER RE: Discovery issues. Signed by Judge Randolph F. Treece on 2/9/05. (tab) (Entered: 02/10/2005)</p>
02/22/2005	<u>41</u>	<p>Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Withdrawing Objection To Submission of Amended Statement of Material Fact. (Keach, Elmer) (Entered: 02/22/2005)</p>
02/22/2005	<u>42</u>	<p>Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Enlargement of Time for Taking of Nichole McDaniel's Deposition <i>On Consent</i>. (Keach, Elmer) (Entered: 02/22/2005)</p>
02/25/2005		<p>Reset Deadlines as to <u>29</u> MOTION an Order pursuant to Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Rules of the Northern District of New York reversing so much of the Magistrate's Order dated January 10, 2005, as compels production of booking pursuant to the February 8, 2005 text order; Response to Motion due by 3/5/2005; Reply is not permitted. Motion Hearing set for 6/23/2005 at 09:00 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 02/25/2005)</p>
02/25/2005		<p>Set/Reset Deadlines as to <u>33</u> MOTION for Summary Judgment pursuant to the February 8, 2005 text order. Response to Motion due by 3/5/2005 Reply to Response to Motion due by 3/19/2005. Motion Hearing set for 6/23/2005 at 09:00 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 02/25/2005)</p>
02/25/2005	<u>43</u>	<p>APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Nichole Marie McDaniel, Lessie Lee Davies re <u>40</u> Order <i>On Work Product Issues</i> Motion Hearing set for 4/8/2005 09:00 AM in Albany before Judge Gary L. Sharpe. Response to Motion due by 3/22/2005 Reply to Response to Motion due by 3/28/2005. (Attachments: # <u>1</u> Affirmation of Elmer Keach# <u>2</u> Exhibit A to Keach Affirmation -- 01.15.05 Letter from William Greagan to Court, with enclosures# <u>3</u> Exhibit B to Keach Affirmation -- 01.26.05 Letter from Elmer Keach to Court# <u>4</u> Exhibit C to Keach Affirmation -- 02.09.05 Discovery Order# <u>5</u> Exhibit D to Keach Affirmation -- MTI Technologies Decision# <u>6</u> Exhibit E to Keach Affirmation -- Williams Decision# <u>7</u> Exhibit F to Keach Affirmation -- US v. District Council Decision# <u>8</u> Memorandum of Law)(Keach, Elmer) (Entered: 02/25/2005)</p>
02/28/2005		<p>TEXT ORDER ONLY – On January 20, 2005, Schenectady filed an appeal of a Magistrate Judge's decision with a return date of March 17, 2005. See Dkt. No. 29. On January 31, Schenectady also filed a motion for summary judgment with a return date of March 3, 2005. See Dkt. No. 33. To conserve judicial economy, the court issued a February 8, text order rescheduling the foregoing motions to a new return date of June 23, 2005 at 9:00 a.m. and setting a response deadline of March 5, 2005. The reply deadline for the Rule 56 motion was set for March 22, 2005 while no reply papers were allowed for the appeal of a magistrate judge's decision in accordance with Local Rule 7.1(b)(2). On February 25, McDaniel also filed an</p>

		appeal of a Magistrate Judge's Decision setting a return date of April 8, 2005, a response deadline of March 22, 2005 and a reply deadline of March 28, 2005. See Dkt. No. 43. The selected return date of April 8, does not comply with this court's regularly scheduled motion return dates. Therefore, IT IS ORDERED that the return date of April 8 for McDaniel's appeal is adjourned and rescheduled for June 23, 2005 at 9:00 a.m. The response deadline for this appeal remains set for March 22, 2005. The reply deadline of March 28, 2005 is terminated as there is no reply permitted pursuant to Local Rule 7.1(b)(2). Parties are advised to schedule the return dates of their future motions in accordance with this court's motion calendar. Response to Motion due by 3/22/2005 Motion Hearing set for 6/23/2005 at 09:00 AM in Albany before Judge Gary L. Sharpe.. Signed by Judge Gary L. Sharpe on 2/28/2005. (jel,) (Entered: 02/28/2005)
03/01/2005	<u>44</u>	AMENDED DOCUMENT by The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. Amendment to <u>41</u> Letter Request, <u>33</u> MOTION for Summary Judgment, <u>36</u> Letter Request <i>Amended Statement of Material Facts</i> . (Attachments: # <u>1</u> Certificate of Service)(Greagan, William) (Entered: 03/01/2005)
03/01/2005	<u>45</u>	Letter from William J. Greagan for The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr requesting that the plaintiffs' objections dated February 25, 2005 to Magistrate Treece's February 10, 2005 Order be rejected as untimely.. (Greagan, William) (Entered: 03/01/2005)
03/02/2005	<u>46</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Responding to Claim by Defendants that Recent Appeal from Judge Treece's Discovery Ruling is Untimely. (Keach, Elmer) (Entered: 03/02/2005)
03/04/2005	<u>47</u>	MEMORANDUM OF LAW re Set Motion and RRDeadlines/Hearings,, <u>29</u> Motion for Miscellaneous/Other Relief,,,,, Order,,,,,,,,,,,,, filed by Nichole Marie McDaniel. (Attachments: # <u>1</u> Affirmation of Jason J. Rozger# <u>2</u> Exhibit(s) A, Marriott v. Montgomery County Order# <u>3</u> Exhibit(s) B, Bruce v. Rensselaer County Order# <u>4</u> Exhibit(s) C, Transcript of Proceedings Before Magistrate Treece# <u>5</u> Exhibit(s) D, Hinds v. GE# <u>6</u> Exhibit(s) E, In Re Avon Securities Litig.# <u>7</u> Exhibit(s) F, Deposition Transcript of County of Schenectady)(Rozger, Jason) (Entered: 03/05/2005)
03/05/2005	<u>48</u>	RESPONSE to Motion re <u>33</u> MOTION for Summary Judgment filed by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> Statement of Material Fact# <u>2</u> Affirmation of Elmer Keach# <u>3</u> Exhibit A to Keach Affirmation — Scheduling Order# <u>4</u> Exhibit B to Keach Affirmation — Transcript of Robert Elwell# <u>5</u> Exhibit D to Keach Affirmation — Conkin Decision)(Keach, Elmer) (Entered: 03/05/2005)
03/08/2005	<u>49</u>	Letter from William J. Greagan for The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr requesting Order staying further discovery pending resolution of the motions returnable on June 23, 2005. (Attachments: # <u>1</u> Exhibit(s) Letter from Maria Morris)(Greagan, William) (Entered: 03/08/2005)
03/08/2005	50	TEXT ORDER: Defendants have asked this Court to stay all discovery pending resolution of the discovery appeal and other motions to be heard by the District Court on June 23, 2005. See re <u>49</u> Letter Request, filed by The County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi. Within the request, Defendants informed the Court that the Plaintiffs have not abided by any of the direction within this Court's Order, dated February 9, 2005. Particularly, and as an example, the Plaintiffs have not supplemented, within the allotted time frame, their interrogatory responses as directed by the Court on at least two occasions. The Court will not stay discovery but will permit the Defendants the right to file a Motion to Compel and to Seek Sanctions for failing to abide by a Court Order and to comply with discovery. The Motion may also seek a dismissal of Ms. McDaniel's complaint and/or preclusion of her testimony for her failure to appear twice at her deposition. Within the Notice of Motion, the Defendants shall disclose that this Court granted permission to file such a Motion to Compel and/or Sanctions. SO ORDERED. Signed by Judge Randolph F. Treece on 3/8/05. (Treece, Randolph) (Entered: 03/08/2005)

03/14/2005	51	TRANSCRIPT of Discovery Proceedings held on January 7, 2005 before Judge Randolph F. Treece. (ban) (Entered: 03/14/2005)
03/14/2005	52	TRANSCRIPT of Discovery Proceedings held on February 9, 2005 before Judge Randolph F. Treece. (ban) (Entered: 03/14/2005)
03/15/2005	<u>53</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Providing Exhibit C to Keach Affirmation in Opposition to Defendants' Motion for Partial Summary Judgment on service issues. (Attachments: # <u>1</u> Exhibit C to Keach Affirmation in Opposition to Motion for Summary Judgment --- Sch. Co. Strip Search Policies)(Keach, Elmer) (Entered: 03/15/2005)
03/16/2005	<u>54</u>	SUMMONS Returned Executed by Nichole Marie McDaniel, Lessie Lee Davies. The County of Schenectady served on 7/19/2004, answer due 8/8/2004; Harry Buffardi served on 7/19/2004, answer due 8/8/2004; Gordon Pollard served on 7/19/2004, answer due 8/8/2004; Robert Elwell, Sr served on 7/19/2004, answer due 8/8/2004. (Keach, Elmer) (Entered: 03/16/2005)
03/22/2005	<u>55</u>	REPLY to Response to Motion re <u>33</u> MOTION for Summary Judgment filed by The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Attachments: # <u>1</u> Exhibit(s) Exhibit A# <u>2</u> Exhibit(s) Exhibit B# <u>3</u> Exhibit(s) Exhibit C# <u>4</u> Exhibit(s) Exhibit D# <u>5</u> Memorandum of Law # <u>6</u> Certificate of Service)(Greagan, William) (Entered: 03/22/2005)
03/24/2005	<u>56</u>	AFFIDAVIT in Opposition re <u>43</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Nichole Marie McDaniel, Lessie Lee Davies re <u>40</u> Order <i>On Work Product Issues</i> filed by The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Attachments: # <u>1</u> Memorandum of Law # <u>2</u> Certificate of Service)(Greagan, William) (Entered: 03/24/2005)
04/05/2005	<u>57</u>	MOTION for Sanctions Pursuant to FRCP 37 Motion Hearing set for 5/6/2005 10:00 AM in Albany before Judge Gary L. Sharpe. Response to Motion due by 4/19/2005 Reply to Response to Motion due by 4/25/2005. by The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Attachments: # <u>1</u> Affidavit of William J. Greagan# <u>2</u> Exhibit(s) A# <u>3</u> Exhibit(s) B# <u>4</u> Exhibit(s) C# <u>5</u> Exhibit(s) D# <u>6</u> Certificate of Service)(Greagan, William) (Entered: 04/05/2005)
04/06/2005		TEXT MINUTE ORDER – On April 5, 2005, Defendants' filed a Motion for Sanctions Pursuant to FRCP 37. See Dkt. No. 57. This motion was inadvertently made returnable before this court on May 6, 2005 at 10:00 a.m. instead of being made returnable before Magistrate Judge Treece. Therefore, the above pending motion is referred to Judge Treece. Issued by Judge Gary L. Sharpe on 4/6/2005. (jel,) (Entered: 04/06/2005)
04/22/2005	<u>58</u>	MOTION for Partial Summary Judgment <i>An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment pursuant to Rule 56 dismissing that part of plaintiffs' complaint seeking compensatory damages, together with such other and further relief as to the Court may seem just and proper.</i> Motion Hearing set for 6/23/2005 10:00 AM in Albany before Judge Gary L. Sharpe. Response to Motion due by 6/6/2005 Reply to Response to Motion due by 6/13/2005. by The County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Attachments: # <u>1</u> Affidavit # <u>2</u> Exhibit(s) A# <u>3</u> Exhibit(s) B# <u>4</u> Exhibit(s) C# <u>5</u> Exhibit(s) D# <u>6</u> Exhibit(s) E# <u>7</u> Exhibit(s) F–Part 1# <u>8</u> Exhibit(s) F–Part 2# <u>9</u> Exhibit(s) F–Part 3# <u>10</u> Exhibit(s) F–Part 4# <u>11</u> Exhibit(s) G–Part 1# <u>12</u> Exhibit(s) G–Part 2# <u>13</u> Memorandum of Law # <u>14</u> Statement of Material Facts # <u>15</u> Certificate of Service)(Greagan, William) (Entered: 04/22/2005)
04/25/2005	<u>59</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting That Defendants' Motion for Leave to Amend Complaint and for Partial Summary Judgment be Stricken from the Record for Failure to Comply with the Local Rules regarding Non–dispositive Motions. (Attachments: # <u>1</u> Supplement Unreported Decision --- United States v. Elliott)(Keach, Elmer) (Entered: 04/25/2005)

04/26/2005	<u>60</u>	ORDER/NOTICE Settlement Conference set for 5/17/2005 09:30 AM in Albany before Magistrate Judge Randolph F. Treece. Signed by Judge Randolph F. Treece on 4/26/05. (tab) (Entered: 04/27/2005)
04/28/2005		TEXT ONLY ORDER – On April 22nd, Defendants filed a motion to amend answer/for partial summary judgment dismissing the part of plaintiffs' complaint seeking compensatory damages. See Dkt. No. 58. On April 25th, plaintiffs filed a letter requesting the court to strike defendants' motion for failure to comply with the local rules regarding non-dispositive motions. See Dkt. No. 59. Traditionally, it is common practice of the District Court and especially this court, to handle non-dispositive motions that are coupled with pending dispositive motions. Therefore, plaintiffs' response to the pending motion is to be filed on or before June 6th. Defendants' reply, if any, is to be filed on or before June 13th. Issued by Judge Gary L. Sharpe on 4/28/2005. (jel,) (Entered: 04/28/2005)
05/11/2005		TEXT ONLY NOTICE of Hearing regarding the <u>58</u> MOTION for Partial Summary Judgment An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment: Motion Hearing has been reset for 6/23/2005 at 09:00 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 05/11/2005)
05/27/2005	<u>61</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Discovery Conference with Court. (Keach, Elmer) (Entered: 05/27/2005)
05/27/2005		TEXT NOTICE AND ORDER: The Plaintiffs have asked this Court to convene a conference to discuss discovery matters. See Dkt. No. <u>61</u> Letter Request filed by Nichole Marie McDaniel,, Lessie Lee Davies. In order to set up a conference to discuss these matters, the Court directs the parties to advise the Court of their availability for a telephone conference during the week ending June 3, 2005, who will be participating, the telephone number by which they can be reached and, if there are more than four parties participating in the telephonic conference, who has the capability of initiating the conference call. Second, the Plaintiffs raised another issue concerning the pending Motion for Sanctions. This Court does not recall the Motion being held in abeyance for any reason nor can it locate any such notice or order by this Court to that effect. The Court notes however that the Motion was file on April 5, 2005 (Dkt. No. 57) and the Plaintiffs' time to repond was set at April 19, 2005. From the docket and the record, it appears that the Plaintiffs had not responded by April 19, 2005. It is also the Court's recollection that the request to hold a settlement conference did not occur prior to April 19, 2005, but after that date, as this Court issued a notice of a settlement conference on April 26, 2005. By the time the request for a settlement conference was being made, it appears that the Plaintiffs had already defaulted. It is the Court's recollection that only the issuance of an order on the Motion was being held in abeyance until the settlement conference, and not the opportunity for the Plaintiffs to respond. Therefore, it appears that the Plaintiffs are mistaken as to the status of this Motion. Therefore, another issue to be discussed during this conference will be whether the Plaintiffs have a right to serve and file a belated opposition to the Motion for Sanctions. The parties should be prepared to address this. Furthermore, the Court directs the Defendant to provide a written response to Plaintiffs' May 27, 2005 Letter. Upon receiving Defendant's correspondence and being apprised of the parties availability, this Court will set up a telephonic conference. Signed by Judge Randolph F. Treece on 5/27/05. (Treece, Randolph) (Entered: 05/27/2005)
06/01/2005	<u>62</u>	RESPONSE TO LETTER BRIEF filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to Order,,,,,,,,, (Greagan, William) (Entered: 06/01/2005)
06/01/2005	<u>63</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Confirming Telephone Conference with Court for Thursday, June 2, 2005 at 3:30 PM. (Keach, Elmer) (Entered: 06/01/2005)
06/01/2005		TEXT ORDER A telephonic conference to discuss discovery matters is set for June 2, 2005 at 3:30 p.m. The conference call will be initated by Charles LaDuca. Signed by Judge Randolph F. Treece on 6/1/05. (sn) (Entered: 06/01/2005)

06/02/2005	<u>64</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting One Day Enlargement of Time to File Response and Reply Papers Regarding Defendants' Motion for Leave to Amend and Partial Summary Judgment <i>On Consent</i> . (Keach, Elmer) (Entered: 06/02/2005)
06/02/2005		TEXT ORDER: The Plaintiffs ask this Court to intervene to help resolve a discovery issue. Dkt. No. <u>61</u> Letter Request filed by Nichole Marie McDaniel,, Lessie Lee Davies. Pursuant to a Text Order, the parties filed letter-memoranda addressing these outstanding issues. See Dkt. Nos. <u>63</u> Letter Request filed by Nichole Marie McDaniel,, Lessie Lee Davies, and <u>62</u> RESPONSE TO LETTER BRIEF filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi. On June 2, 2005, the Court held a telephonic conference, on the record, and the parties were given further opportunity to be heard. With regard to the discovery issue, the parties have conferred and agreed upon a deposition schedule of the non-party witnesses, and therefore, this issue need not be addressed by the Court. As to the issue of whether the Plaintiff McDaniel may participate in the class in the event that she is dismissed from the action as Lead Plaintiff, the parties shall submit a brief letter-memorandum to address this point of law as follows: (1) Plaintiffs shall serve and file their letter-memorandum on or before June 9, 2005; and, (2) the Defendants shall serve and file their letter-memorandum on or before June 15, 2005. No other letters on this issue shall be authorized. SO ORDERED. Signed by Judge Randolph F. Treece on 6/2/05. (Treece, Randolph) (Entered: 06/02/2005)
06/03/2005	<u>65</u>	LETTER REQUEST dated 6/2/2005 and ORDER regarding the <u>58</u> MOTION for Partial Summary Judgment An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment Response to Motion due by 6/7/2005 Reply to Response to Motion due by 6/14/2005. Signed by Judge Gary L. Sharpe on 6/3/2005. (jel,) (Entered: 06/03/2005)
06/07/2005	<u>66</u>	RESPONSE in Opposition re <u>58</u> MOTION for Partial Summary Judgment <i>An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment</i> filed by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> Exhibit(s) Exhibit A to Keach Affirmation --Plaintiffs' Summons and Complaint# <u>2</u> Exhibit(s) Exhibit B -- Unreported Decisions# <u>3</u> Statement of Material Facts # <u>4</u> Memorandum of Law)(Keach, Elmer) (Entered: 06/07/2005)
06/10/2005		TEXT ORDER: Plaintiff's counsel has belatedly asked Chambers for a one-day extension of time to brief the matter previously discussed regarding McDaniel's participation in the class even if not lead. The Court will grant Plaintiff's request. Plaintiff shall electronically file and serve lt-memorandum no later than 5:00 p.m. on June 10, 2005. Defendant shall have an additional day to respond therewith, and accordingly shall electronically file and serve a response no later than 5:00 p.m. on June 16, 2005. So Ordered. Signed by Judge Randolph F. Treece on 06/10/05. (sn) (Entered: 06/10/2005)
06/10/2005	<u>67</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Providing Submission to Court Regarding Supplemental Authority Regarding Nichole McDaniel submitted to Judge Randolph F. Treece. (Keach, Elmer) (Entered: 06/10/2005)
06/14/2005	<u>68</u>	REPLY to Response to Motion re <u>58</u> MOTION for Partial Summary Judgment <i>An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment</i> filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Attachments: # <u>1</u> Exhibit(s) A to Reply Affidavit# <u>2</u> Exhibit(s) B to Reply Affidavit# <u>3</u> Memorandum of Law Reply Memorandum of Law# <u>4</u> Exhibit(s) A, Part 1 to Memorandum of Law# <u>5</u> Exhibit(s) A, Part 2 to Memorandum of Law# <u>6</u> Statement of Material Facts Defendants' Counter Statement of Material Facts# <u>7</u> Certificate of Service)(Greagan, William) (Entered: 06/14/2005)

06/14/2005	<u>69</u>	RESPONSE TO LETTER BRIEF filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to <u>67</u> Letter Request filed by Nichole Marie McDaniel,, Lessie Lee Davies,, Order,,,,,, <u>57</u> Motion for Sanctions, filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi., (Attachments: # <u>1</u> Exhibit(s) Warrants and Complaints)(Greagan, William) (Entered: 06/14/2005)
06/15/2005		TEXT ONLY NOTICE regarding the <u>43</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Nichole Marie McDaniel, Lessie Lee Davies re <u>40</u> Order On Work Product Issues, <u>29</u> MOTION an Order pursuant to Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Rules of the Northern District of New York reversing so much of the Magistrate's Order dated January 10, 2005, as compels production of booking r, <u>58</u> MOTION for Partial Summary Judgment An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment, <u>33</u> MOTION for Summary Judgment: Due to a conflict with the court's calendar, the motion return date of June 23, 2005 at 9:00 a.m. has been ADJOURNED. Motion Hearing has been reset for 8/4/2005 at 09:00 AM in Albany before Judge Gary L. Sharpe. Oral argument will be required unless otherwise notified by the court.(jel,) (Entered: 06/15/2005)
06/21/2005	<u>70</u>	Letter from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Adjournment of Oral Argument on Pending Motions Until September 1, 2005 submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 06/21/2005)
06/22/2005	<u>71</u>	RESPONSE TO LETTER BRIEF filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to <u>70</u> Letter Request filed by Nichole Marie McDaniel,, Lessie Lee Davies., (Greagan, William) (Entered: 06/22/2005)
06/22/2005	<u>72</u>	LETTER REQUEST dated 6/21/2005 by Elmer Robert Keach, Esq., and ORDER Hearing regarding the <u>43</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Nichole Marie McDaniel, Lessie Lee Davies re <u>40</u> Order On Work Product Issues, <u>29</u> MOTION an Order pursuant to Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Rules of the Northern District of New York reversing so much of the Magistrate's Order dated January 10, 2005, as compels production of booking r, <u>58</u> MOTION for Partial Summary Judgment An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment, <u>33</u> MOTION for Summary Judgment: Motion Hearing has been reset for a special motion calendar of 9/29/2005 at 09:00 AM in Albany before Judge Gary L. Sharpe. Signed by Judge Gary L. Sharpe on 6/22/2005. (jel,) (Entered: 06/22/2005)
06/23/2005		Minute Entry for proceedings held before Judge Randolph F. Treece : Motion Hearing held on the Record on 6/2/2005 re <u>57</u> MOTION for Sanctions Pursuant to FRCP 37 filed by County of Schenectady, Gordon Pollard,Robert Elwell, Sr., Harry Buffardi. Appearances: Bob Keach, Esq., Charles DeLuca, Esq., and Bruce Menken, Esq., counsel for Plts.; William Greagan, Esq., counsel for Dfts. Written Order to follow. (Court Reporter None) (rlh) (Entered: 06/23/2005)
07/08/2005		Reset Deadlines: Discovery due by 10/15/2005 pursuant to the <u>12</u> Uniform Pretrial Scheduling Order. This was incorrectly entered on the docket as 10/15/2004. (jel,) Modified on 7/8/2005 (jel,). (Entered: 07/08/2005)
07/22/2005	<u>73</u>	NOTICE of Change of Address and Firm name by Charles J. LaDuca, Esq. Effective Date 7/1/05 New Address: 507 C. Street, N.E. Washington DC 20002 (tab) (Entered: 07/25/2005)
08/01/2005	<u>74</u>	REPORT AND RECOMMENDATIONS re <u>57</u> MOTION for Sanctions Pursuant to FRCP 37 filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi, Objections to RRdue by 8/15/2005. Signed by Judge Randolph F. Treece on 7/21/05. (tab) (Entered: 08/01/2005)
09/26/2005	<u>75</u>	RESPONSE to Motion re <u>58</u> MOTION for Partial Summary Judgment An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants'

		<i>motion for partial summary judgment to call the Court's attention to the recent decision by Judge Homer in Kelsey v. County of Schoharie, filed by Nichole Marie McDaniel. (Attachments: # <u>1</u> Exhibit(s) Kelsey v. County of Schoharie)(Rozger, Jason) (Entered: 09/26/2005)</i>
09/28/2005		Upon request of plaintiff's counsel, TEXT NOTICE of Hearing on Motion <u>43</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Nichole Marie McDaniel, Lessie Lee Davies re <u>40</u> Order On Work Product Issues, <u>74</u> REPORT AND RECOMMENDATIONS re <u>57</u> MOTION for Sanctions Pursuant to FRCP 37 filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi,, <u>29</u> MOTION an Order pursuant to Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Rules of the Northern District of New York reversing so much of the Magistrate's Order dated January 10, 2005, as compels production of booking r, <u>57</u> MOTION for Sanctions Pursuant to FRCP 37, <u>58</u> MOTION for Partial Summary Judgment An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment, <u>33</u> MOTION for Summary Judgment: Motion Hearing has been resset for 9/29/2005 at 10:30 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 09/28/2005)
09/29/2005	<u>76</u>	Letter Motion from William J. Greagan for County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr requesting That the Court not ender an Order with respect to the PLRA decision until all parties have had an opportunity to brief the appealability issue submitted to Judge Gary L. Sharpe. (Greagan, William) (Entered: 09/29/2005)
09/29/2005	<u>77</u>	Minute Entry for proceedings held before Judge Gary L. Sharpe : CRD: John Law; Motion Hearing held on 9/29/2005 re <u>58</u> MOTION for Partial Summary Judgment An Order Pursuant to Rules 15 of the Federal Rules of Civil Procedure Allowing Defendants to Amend their Answer, and after be granted leave to amend, granting defendants' motion for partial summary judgment filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi, <u>33</u> MOTION for Summary Judgment filed by Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi,, <u>43</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Nichole Marie McDaniel, Lessie Lee Davies re <u>40</u> Order On Work Product Issues filed by Nichole Marie McDaniel,, Lessie Lee Davies,, <u>29</u> MOTION an Order pursuant to Rule 72 of the Federal Rules of Civil Procedure and Rule 72 of the Local Rules of the Northern District of New York reversing so much of the Magistrate's Order dated January 10, 2005, as compels production of booking r filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi,, <u>74</u> REPORT AND RECOMMENDATIONS re <u>57</u> MOTION for Sanctions Pursuant to FRCP 37 filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi,, <u>57</u> MOTION for Sanctions Pursuant to FRCP 37 filed by County of Schenectady,, Gordon Pollard,, Robert Elwell, Sr., Harry Buffardi; Appearances Made: Bob Keach and Jason Rozger, Esqs., for the plaintiff and William J. Greagan, Esq., for the defendants. Court states the motions and issues pending before the court. Court address sua sponte issue on the civility of litigation with the counsel and advises of the warning. Court turns to the unobjected Report–Recommendation. Court adopts the Report–Recommendation in its entirety. Court turns to the defendants' motion for summary judgment. Advises to adopt Judge Homer's decision. Atty. Greagan states that Judge Homer's decision is unconstitutional. Provides example to court. Court states point is not without merit, understands argument on unconstitutionality but disagrees with defense counsel. Atty. Greagan states would like court to certify to the court of appeals. Court directs to submit papers that gives court authority. Defendants submissions due on or before October 20th. Plaintiff's submissions due on or before November 10th. Court discusses issue of Monell claim. Court denies the motion as premature with leave to renew. Atty. Greagan states plaintiff has offered no evidence. Court states issues are in outstanding discovery. Court turns to the two (2) magistrate appeals. Attorney Keach states about service of 2 defendants and the court gives (30) thirty days. Atty. Greagan states will notify plaintiff if can accept service. Court turns back to civility issue. Court turns to magistrate standard review. Court turns to McDaniel appeal and states order is not clearly erroneous. Court AFFIRMS the order of the Magistrate Judge. Court refers matter back to Magistrate Judge since

		time components have expired. Court turns to 2nd appeal. Court discusses collateral issues. Attorney states position. Court DENIES appeal. Court states Order is not clearly erroneous. Court AFFIRMS the order of the Magistrate Judge and refers the matter back to the magistrate judge. Court asks if any outstanding issues. Counsel advises all issues have been addressed. Court states transcript constitutes the decision of the court. No written order forthcoming. (Court Reporter Theresa Casal) (jel,) Time:10:50–11:57 a.m. (Entered: 09/29/2005)
09/29/2005		TEXT ONLY MINUTE ORDER, The Court's decision and order on defendants' summary judgment motion is STAYED pending the parties submissions regarding interlocutory appeal. Signed by Judge Gary L. Sharpe on 9/29/2005. (jel,) (Entered: 09/29/2005)
09/29/2005	<u>78</u>	COURT EXHIBIT 2 Standard of Review – Summary Judgment. (jel,) (Entered: 09/29/2005)
10/17/2005	<u>79</u>	Letter Motion from Elmer Keach for Lessie Lee Davies requesting Discovery Conference with Court submitted to Judge Randolph F. Treece. (Keach, Elmer) (Entered: 10/17/2005)
10/18/2005	<u>80</u>	LETTER BRIEF <i>requesting certification of the question to the Second Circuit on whether section 1997(e) of the PLRA bars that part of plaintiff's complaint seeking compensatory damages</i> by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Greagan, William) (Entered: 10/18/2005)
10/20/2005		TEXT NOTICE: Order granting <u>79</u> Letter Request. A telephone conference is scheduled for October 25, 2005 at 10 a.m. The Court will initiate the conference call. Signed by Judge Randolph F. Treece on 10/20/05. (sn) (Entered: 10/20/2005)
10/25/2005	81	TEXT ORDER: The Plaintiffs asked this Court for a telephone conference to resolve several outstanding matters. Dkt. No. <u>79</u> Letter Motion from Elmer Keach for Lessie Lee Davies requesting Discovery Conference. On October 25, 2005, a telephonic conference was held to address pending matters. Based upon the discussion had during the telephonic conference, it is hereby Ordered as follows: (1) The Plaintiffs may initiate their motion for class certification on or before March 31, 2006; (2)The Plaintiffs may make a motion to amend their complaint and/or join parties. The motion to amend or join schedule is as follows: (a) motion to amend and/or join is due on or before December 15, 2005; (b) Defendants' opposition to the motion to amend and/or join is due on or before January 13, 2006; and (c) Plaintiffs' reply to the Defendants' opposition is due on or before January 18, 2006. This motion is on submit; (3)Defendants' counsel shall accept service on behalf of Defendant Elwell; (4) the Clerk of the Court shall issue a new summons so that Defendant Buffardi may be served. The Court extends the time to serve Defendant Buffardi to November 10, 2005; (5) Defendants shall serve a copy of the Log Sheets on or before November 4, 2005, and a copy of the booking sheets on or before November 18, 2005; (6) Plaintiffs shall serve a reply to the Defendants' Interrogatories seeking the name of witnesses on or before November 18, 2005. SO ORDERED. Signed by Judge Randolph F. Treece on 10/25/05. (Treece, Randolph) (Entered: 10/25/2005)
10/25/2005		Minute Entry for proceedings held before Judge Randolph F. Treece : Interim Pretrial Telephone Conference held on 10/25/2005 with appearances by Bob Keach, Jason Rozger, and William Greagan. 1 hr. 15 min. (sn) (Entered: 10/25/2005)
10/26/2005		Summons Reissued as to Harry Buffardi. (tab,) (Entered: 10/26/2005)
11/09/2005	82	TRANSCRIPT of Proceedings held on September 29, 2005 before Judge Gary L. Sharpe (Motion), Court Reporter: Theresa Casal – maintained in Clerk's Office and not available for electronic viewing. (tab) (Entered: 11/09/2005)
11/10/2005	<u>83</u>	LETTER BRIEF <i>in opposition to Defendants' Application for permission to seek leave for an interlocutory appeal</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> Exhibit(s) A, Marriott oral decision on PLRA)(Rozger, Jason) (Entered: 11/10/2005)

11/18/2005	<u>84</u>	ANSWER to Complaint by Harry Buffardi, Robert Elwell, Sr. (Attachments: # <u>1</u> Certificate of Service)(Greagan, William) (Entered: 11/18/2005)
11/22/2005	<u>85</u>	ORDER STAYING CASE Status Report due by 12/20/2005. Signed by Judge Gary L. Sharpe on 11/22/2005. (jel,) (Entered: 11/22/2005)
01/06/2006		TEXT ONLY ORDER, that the parties request that the court continue the previously ordered stay of this action is GRANTED and parties request for a conference is TAKEN UNDER ADVISEMENT. Issued by Judge Gary L. Sharpe on 1/6/2006. (jel,) (Entered: 01/06/2006)
01/09/2006		TEXT ONLY AMENDED ORDER, that the text only order issued on January 6, 2006, GRANTING the parties request that the court continue the previously ordered stay of this action is amended to reflect that the stay is continued for an additional period of (30) thirty days . Signed by Judge Gary L. Sharpe on 1/9/2006. (jel,) (Entered: 01/09/2006)
03/06/2006	86	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) (Entered: 03/06/2006)
03/30/2006	87	SEALED DOCUMENTS (filed 3/30/06) – maintained in Clerk's Office and not available for electronic viewing (tab) (Entered: 04/03/2006)
04/10/2006		TEXT ONLY Minute Entry for proceedings held before Judge Gary L. Sharpe : In Chambers Conference held on 4/10/2006; Appearances Made: Bruce Menken, Elmer Keach and Jason Rozger, Esqs., for the plaintiff and Bill Greagan, Esq., for the defendants; Court discusses stay with parties; Court continues stay for 1 additional week; Court advises will refer matter back to magistrate judge for scheduling. (jel,) (Entered: 04/10/2006)
04/12/2006	<u>88</u>	NOTICE by the Clerk of the Court to Attorney Charles LaDuca: You have (15) fifteen days from the date of this notice to complete all of the necessary steps to register and activate your electronic account. Failure to comply with the Court's requirements within (15) fifteen days, will result in the issuance of an Order to Show Cause, directing you to appear before the assigned Magistrate Judge of the case, to explain why you have failed to comply with the Court's General Order #22 and why such failure should not result in an order removing you from the bar of the Northern District of New York. (sal,) (Entered: 04/12/2006)
04/12/2006	<u>89</u>	NOTICE by the Clerk of the Court to Attorney Jonathan Cuneo: You have (15) fifteen days from the date of this notice to complete all of the necessary steps to register and activate your electronic account. Failure to comply with the Court's requirements within (15) fifteen days, will result in the issuance of an Order to Show Cause, directing you to appear before the assigned Magistrate Judge of the case, to explain why you have failed to comply with the Court's General Order #22 and why such failure should not result in an order removing you from the bar of the Northern District of New York. (sal,) (Entered: 04/12/2006)
04/18/2006	<u>90</u>	REQUEST & ORDER Continuing STAY of discovery and pending motions in CASE to 4/26/06. Status Report due by 4/26/06. Signed by Judge Gary L. Sharpe on 4/18/06; parties advised that no further faxes will be accepted for filing. (wjg,) (Entered: 04/18/2006)
04/26/2006	91	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) Modified on 4/27/2006 (jel,). (Entered: 04/27/2006)
05/11/2006	92	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) (Entered: 05/11/2006)
06/28/2006	93	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) (Entered: 06/28/2006)
06/28/2006	94	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) (Entered: 06/28/2006)
06/29/2006		Text Order– The court has reviewed the submitted letters. At this point, it is unclear whether the case has reached a stalemate such that this matter should be restored to the calendar and/or whether it should be forwarded to Magistrate Judge Treece for further proceedings and/or whether this court should continue the stay

		until it resolves the request for certification. Accordingly, the parties have fourteen days from the receipt of this text order to inform the court on the above pending issues. Issued by Judge Gary L. Sharpe on 06/29/2006. (cdw,) (Entered: 06/29/2006)
07/06/2006	95	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) (Entered: 07/06/2006)
07/14/2006	96	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) (Entered: 07/14/2006)
08/18/2006	<u>97</u>	MOTION Preliminary Approval of Class Action Settlement Motion Hearing set for 9/21/2006 09:00 AM in Albany before Judge Gary L. Sharpe. Response to Motion due by 9/5/2006 Reply to Response to Motion due by 9/11/2006. by Lessie Lee Davies. (Attachments: # <u>1</u> Affirmation Rozger Affirmation# <u>2</u> Exhibit(s) Exhibit 1# <u>3</u> Exhibit(s) Exhibit 2# <u>4</u> Exhibit(s) Exhibit 3# <u>5</u> Exhibit(s) Exhibit 4# <u>6</u> Exhibit(s) Exhibit 5# <u>7</u> Exhibit(s) Exhibit 6# <u>8</u> Exhibit(s) Exhibit 7# <u>9</u> Exhibit(s) Exhibit 8# <u>10</u> Exhibit(s) Exhibit 9# <u>11</u> Exhibit(s) Exhibit 10# <u>12</u> Exhibit(s) Exhibit 11# <u>13</u> Exhibit(s) Exhibit 12# <u>14</u> Proposed Order/Judgment Proposed Form for Preliminary Approval Order# <u>15</u> Memorandum of Law Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval for Class Action Settlement)(Rozger, Jason) (Entered: 08/18/2006)
08/30/2006	<u>98</u>	Letter Motion from Defendants for County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr requesting Extension of Time for Defendants to File Responding Papers to Plaintiffs' Motion to Approve Settlement to September 8 but keeping September 21 return date submitted to Judge Hon. Gary L. Sharpe. (Greagan, William) (Entered: 08/30/2006)
08/31/2006	<u>99</u>	ORDER granting <u>98</u> Letter Request and resetting motion return/response/reply ddls . Signed by Judge Gary L. Sharpe on 8/31/06. (wjg,) (Entered: 08/31/2006)
08/31/2006		Set/Reset Deadlines (per 8/31/06 Request/Order) as to <u>97</u> MOTION Preliminary Approval of Class Action Settlement. Response to Motion due by 9/8/2006, Reply to Response to Motion due by 9/14/2006. Motion Hearing reset for 10/5/2006 09:00 AM in Albany before Judge Gary L. Sharpe. (wjg,) (Entered: 08/31/2006)
09/11/2006		TEXT ONLY NOTICE of Hearing: In Chambers Telephonic Conference set for 9/12/2006 03:00 PM in Albany before Judge Gary L. Sharpe. Parties to initiate call. (wjg,) (Entered: 09/11/2006)
09/12/2006		TEXT ONLY ORDER Striking document #100 and removing from record; further Ordered that the conference scheduled for 9/12 is hereby cancelled. (wjg,) (Entered: 09/12/2006)
09/12/2006	<u>100</u>	RESPONSE to Motion re <u>97</u> MOTION Preliminary Approval of Class Action Settlement filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Greagan, William) (Entered: 09/12/2006)
09/14/2006		TEXT ORDER– The hearing set for 10/5/06 is hereby adjourned. The hearing is now set for 10/12/06 at 9am. Issued by Judge Gary L. Sharpe on 09/14/06. (cdw) (Entered: 09/14/2006)
09/14/2006		Set/Reset Deadlines as to <u>97</u> MOTION Preliminary Approval of Class Action Settlement. Motion Hearing set for 10/12/2006 09:00 AM in Albany before Judge Gary L. Sharpe.(cdw) (Entered: 09/14/2006)
10/12/2006	<u>101</u>	Minute Entry for proceedings held before Judge Gary L. Sharpe : CRD: John Law; Motion Hearing held on 10/12/2006 re <u>97</u> MOTION Preliminary Approval of Class Action Settlement filed by Lessie Lee Davies; Appearances Made: Bob Keach and Bruce Menken, Esqs., for the plaintiff and William J. Greagan, Esq., for the defendants; Court discusses pending motion and any objection to proposal of preliminary order; Court gives summary of matter and discusses preliminary settlement. Court states elements of Rule 23(a) and (b) have been satisfied. Court GRANTS each request for preliminary approval. Court directs the plaintiff to resubmit the proposed order in Wordperfect format to NYND_GLS_ECF_NOTICES@nynd.uscourts.gov; Atty. Grogan inquires when notice time starts. Court inquires date of entry of order and fairness hearing would

		be scheduled in about 180 days. Atty. Greagan further inquires regarding the notice date; Atty. Keach inquires of the court to have 45 days instead of 30 days; advises notice date begins the day print in newspaper and notices in the mail; Court states when submitting proposed order alter 30 days to 45 days the the fairness hearing date will be 150 days from the 45 day notice date. (Court Reporter Theresa Casal) Time: 9:00–9:17 a.m. (jel,) (Entered: 10/12/2006)
10/25/2006	<u>102</u>	ORDER PRELIMINARY APPROVING SETTLEMENT. Signed by Judge Gary L. Sharpe on 10/25/2006. (jel,) (Entered: 10/25/2006)
11/13/2006	<u>103</u>	Letter Motion from Elmer Keach for Nichole Marie McDaniel, Lessie Lee Davies requesting Conference with the Court to Discuss Notice Issues submitted to Judge Gary L. Sharpe. (Attachments: # <u>1</u> Exhibit(s) Portion of Settlement Agreement Addressing Notice)(Keach, Elmer) (Entered: 11/13/2006)
11/14/2006	<u>104</u>	Letter Motion from Bruce E. Menken Esq. for Nichole Marie McDaniel, Lessie Lee Davies requesting Order releasing class members' social service and probation records submitted to Judge Gary L. Sharpe. (Rozger, Jason) (Entered: 11/14/2006)
11/14/2006		TEXT ONLY ORDER – Plaintiff's counsel filed a letter request seeking a conference with the court to address notice issues. (See Dkt. No. 103). Defendants are directed to file a letter response by 12:00 p.m. on November 15, 2006. Issued by Judge Gary L. Sharpe on 11/14/2006. (jel,) (Entered: 11/14/2006)
11/15/2006	<u>105</u>	RESPONSE TO LETTER BRIEF filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to Order,, <u>103</u> Letter Request/Motion, filed by Nichole Marie McDaniel,, Lessie Lee Davies,, <u>104</u> Letter Request/Motion filed by Nichole Marie McDaniel,, Lessie Lee Davies,. (Attachments: # <u>1</u> Exhibit(s) A# <u>2</u> Exhibit(s) B)(Greagan, William) (Entered: 11/15/2006)
11/15/2006		TEXT ONLY NOTICE of Hearing: In Court Conference has been set for 11/17/2006 at 11:00 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 11/15/2006)
11/15/2006		AMENDED NOTICE of Hearing:Due to attorney conflict, the In Court Conference has been reset for 11/22/2006 at 11:00 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 11/15/2006)
11/22/2006	<u>106</u>	Minute Entry for proceedings held before Judge Gary L. Sharpe : CRD: John LawPretrial Conference held on 11/22/2006 ; Appearances Made: Bob Keach, Esq., for the plaintiff and Bill Greagan, Esq., for the defendants. Court turns to the nature of the problems. Atty. Keach discusses issues regarding electronic format; social services and probation databases and requests additional amount of time to get out notices; Atty. Greagan discusses the agreement and booking sheets; discusses the social services and probation databases; booking sheets; entitled to enforce agreement; Court inquires of database; Atty. Greagan discusses database issues with the court; Atty. Keach discusses his position on the databases; Court declines to order the defendant to produce records; Court declines to address any issue with order to those agencies to search database for address of the class; Court GRANTS to add 14 days to each date listed in the order. Court discusses with counsel regarding the returns of mail and the procedure to follow with proposed order. Parties discuss initial payment. (Court Reporter Bonnie Buckley) Time: 11:00–11:35 a.m. (jel,) (Entered: 11/22/2006)
11/29/2006	<u>107</u>	AMENDED ORDER PRELIMINARILY APPROVING SETTLEMENT. Signed by Judge Gary L. Sharpe on 11/29/2006. (jel,) (Entered: 11/29/2006)
11/29/2006		Set/Reset Hearings: Final Settlement Approval Hearing has been reset for 5/15/2007 at 09:00 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 11/29/2006)
12/06/2006	<u>108</u>	<i>Stipulation, Proposed Order and</i> Letter Motion from Elmer Keach for Lessie Lee Davies requesting Enlargement of Time to Affect Class Notice, Joint Request submitted to Judge Gary L. Sharpe. (Attachments: # <u>1</u> Stipulation and Proposed Order)(Keach, Elmer) (Entered: 12/06/2006)
12/08/2006	<u>109</u>	STIPULATION AND ORDER extending deadlines.Final Settlement Approval Hearing set for 6/5/2007 at 09:00 AM in Albany before Judge Gary L. Sharpe.

		Signed by Judge Gary L. Sharpe on 12/8/2006. (jel,) (Entered: 12/08/2006)
01/05/2007	<u>110</u>	STATUS REPORT <i>regarding class notice</i> by Lessie Lee Davies. (Keach, Elmer) (Entered: 01/05/2007)
02/06/2007	<u>111</u>	Letter from Plummer Bradley dated January 24, 2007 regarding the proposed settlement. (jel,) (Entered: 02/06/2007)
03/23/2007	<u>112</u>	NOTICE by Nichole Marie McDaniel, Lessie Lee Davies <i>of Change of Firm Name and Address for Alexander E. Barnett and Change of Firm Name for Gary E. Mason</i> (Barnett, Alexander) (Entered: 03/23/2007)
04/04/2007	<u>113</u>	Letter Motion from Bruce E. Menken for Nichole Marie McDaniel, Lessie Lee Davies requesting Order directing Schenectady County Department of Social Services to provide last known addresses submitted to Judge Sharpe. (Attachments: # <u>1</u> Settlement Agreement# <u>2</u> Proposed Order/Judgment)(Menken, Bruce) (Entered: 04/04/2007)
04/06/2007	<u>114</u>	Letter dated April 6, 2007 from Kevin A. Burke, Esq., objecting to plaintiff's <u>113</u> letter motion. (jel,) (Entered: 04/06/2007)
04/09/2007		Text Only Minute Order – On April 4, 2007, plaintiff filed a request that the Court enter an Order directing the SCDSS to provide the last known addresses for all persons for whom the previously produced booking record addresses proved to be inaccurate. (Dkt. No. 113). On April 6, 2007, SCDSS filed an objection, pursuant to 18 NYCCR 357.1, to the application of plaintiffs counsel. (Dkt. No. 114). IT IS ORDERED, that plaintiffs counsel is to file a response to this objection on or before April 11, 2007. Issued by Judge Gary L. Sharpe on 4/9/2007. (jel,) (Entered: 04/09/2007)
04/11/2007	<u>115</u>	<i>Reply</i> Letter Motion from Bruce Menken for Nichole Marie McDaniel, Lessie Lee Davies requesting In support of Plaintiff's 4–4–07 letter motion submitted to Judge Sharpe. (Attachments: # <u>1</u> Exhibit(s) 1 – Order Signed 6/22/04# <u>2</u> Exhibit(s) 2 – Settlement agreement 7–31–06# <u>3</u> Exhibit(s) 3 – Proposed order)(Menken, Bruce) (Entered: 04/11/2007)
04/12/2007	<u>116</u>	ORDER, that: 1. The Schenectady County Department of Social Services shall provide the last known addresses in its possession for all persons for whom the parties agree the booking records previously produced are inaccurate; 2. Plaintiffs will provide defendants a list of all those persons for whom they believe the previously produced booking records are inaccurate within seven (7) days of this Order and, if not rejected by defendants within seven (7) days thereafter, will be considered accurate and immediately forwarded by defense counsel to the Schenectady County Department of Social Services; 3. Consistent with the parties' July 31, 2006 settlement agreement, plaintiff's Settlement Administrator shall pay the reasonable hourly rate for all Schenectady County staff required to produce the agreed upon last known addresses, the disclosure of the last known addresses shall be limited to Class Counsel and the Settlement Administrator and used solely for effecting notice to those class members of the preliminary settlement of this case, and the record of these last known addresses will be returned to defendants or destroyed, with the consent of the defendants, within sixty (60) days after the Court grants final approval or when any appeals are exhausted, whichever date is later. Signed by Judge Gary L. Sharpe on 4/12/2007. (jel) (Entered: 04/12/2007)
04/25/2007	<u>117</u>	STIPULATION <i>and Proposed Order Enlarging Claims Period by One Month and Adjourning Final Approval Hearing Until August 14, 2007</i> by Lessie Lee Davies submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 04/25/2007)
04/27/2007	<u>118</u>	STIPULATION AND ORDER; Final Fairness Hearing has been reset for 8/14/2007 at 09:00 AM in Albany before Judge Gary L. Sharpe. Signed by Judge Gary L. Sharpe on 4/27/2007. (jel,) (Entered: 04/27/2007)
05/16/2007	<u>119</u>	NOTICE from Class Member Keith Harris Objecting to the settlement. (ban) (Entered: 05/17/2007)
07/12/2007	<u>120</u>	Letter Motion from Elmer Keach for Lessie Lee Davies requesting Leave of Court to File Motion For Final Approval on July 23, 2007 and Court Approval of Stipulated Briefing Schedule submitted to Judge Gary L. Sharpe. (Keach, Elmer)

		(Entered: 07/12/2007)
07/16/2007	<u>121</u>	Letter dated July 9, 2007 from Randy J. Marshall regarding claim and settlement. (jel,) (Entered: 07/16/2007)
07/19/2007	<u>122</u>	LETTER/ORDER granting <u>120</u> Letter Request for proposed briefing schedule. Signed by Judge Gary L. Sharpe on 7/18/2007. (jel,) (Entered: 07/19/2007)
07/24/2007	<u>123</u>	MOTION to Approve Consent Judgment <i>and Class Action Settlement</i> . Motion Hearing set for 8/14/2007 09:00 AM in Albany before Judge Gary L. Sharpe. by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> Memorandum of Law # <u>2</u> Affirmation of E. Robert Keach# <u>3</u> Exhibit(s) A to Keach affirmation# <u>4</u> Exhibit(s) B to Keach affirmation# <u>5</u> Exhibit(s) C to Keach affirmation# <u>6</u> Exhibit(s) D to Keach affirmation# <u>7</u> Exhibit(s) E to Keach affirmation# <u>8</u> Exhibit(s) F to Keach affirmation# <u>9</u> Exhibit(s) G to Keach affirmation# <u>10</u> Exhibit(s) H to Keach affirmation# <u>11</u> Exhibit(s) I to Keach affirmation# <u>12</u> Exhibit(s) J to Keach affirmation# <u>13</u> Exhibit(s) K to Keach affirmation# <u>14</u> Affirmation of Jason Rozger# <u>15</u> Exhibit(s) A to Rozger affirmation (attorney time records)# <u>16</u> Affirmation of Bruce Menken# <u>17</u> Exhibit(s) A to Menken affirmation (attorney time records)) (Rozger, Jason) (Entered: 07/24/2007)
07/24/2007	<u>124</u>	LETTER REQUEST datede July 23, 2007 by Elmer Robert Keach, III, Esq., and ORDER GRANTING request to file the final approval papers on July 24, 2007. Signed by Judge Gary L. Sharpe on 7/24/2007. (jel,) (Entered: 07/24/2007)
07/26/2007	<u>125</u>	Letter dated July 18, 2007 from Elmer Robert Keach, III, Esq., to Randy J. Marshall. (jel,) (Entered: 07/26/2007)
07/26/2007	<u>126</u>	LETTER BRIEF <i>Letter from Elmer Keach to Roy Hall, Class Member</i> by Lessie Lee Davies. (Keach, Elmer) (Entered: 07/26/2007)
07/31/2007	<u>127</u>	AFFIDAVIT in Support re <u>123</u> MOTION to Approve Consent Judgment <i>and Class Action Settlement</i> . <i>Supplemental Submission on Attorneys' Fees</i> filed by Lessie Lee Davies. (Attachments: # <u>1</u> Exhibit(s) Keach Fee Affidavit# <u>2</u> Exhibit(s) Mason Fee Affidavit)(Keach, Elmer) (Entered: 07/31/2007)
08/02/2007	<u>128</u>	AFFIDAVIT in Support re <u>123</u> MOTION to Approve Consent Judgment <i>and Class Action Settlement</i> . <i>Supplemental Affirmation Addressing Notice and Administration</i> filed by Lessie Lee Davies. (Attachments: # <u>1</u> Exhibit(s) A --- Rust Consulting Affidavit# <u>2</u> Exhibit(s) B --- Long Form Notice# <u>3</u> Exhibit(s) C --- Claim Form# <u>4</u> Exhibit(s) D --- Short Form Notice# <u>5</u> Exhibit(s) E --- Short Form Notice (June 2007)# <u>6</u> Exhibit(s) F --- Website Affidavit# <u>7</u> Exhibit(s) G --- Handbill# <u>8</u> Exhibit(s) H --- Cuneo Gilbert time records)(Keach, Elmer) (Entered: 08/02/2007)
08/03/2007	<u>129</u>	RESPONSE to Motion re <u>123</u> MOTION to Approve Consent Judgment <i>and Class Action Settlement</i> . filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr. (Greagan, William) (Entered: 08/03/2007)
08/13/2007	<u>130</u>	Letter Motion from Elmer Keach for Lessie Lee Davies requesting Leave to File Final Report Regarding Composition of Settlement Class on August 29, 2007 at 3:00 PM submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 08/13/2007)
08/14/2007		Text Only Minute Entry – Clerk calls case to make record that the Final Fairness Hearing scheduled for August 14, 2007 at 9:00 a.m. has been adjourned. Parties and counsel were advised on August 13, 2007. There was no appearances made by any individual in regards to this matter. Notice will be sent to counsel to advise of new date and time for hearing. (Court Reporter Theresa Casal) Time: 9:00–9:05 a.m. (jel,) (Entered: 08/14/2007)
08/14/2007		TEXT ONLY NOTICE of Hearing:Final Fairness Hearing has been reset for 9/5/2007 at 02:00 PM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 08/14/2007)
08/17/2007	<u>131</u>	LETTER dated August 13, 2007 by Elmer Robert Keach, III, Esq., and Order that the <u>130</u> Letter requesting Leave to File Final Report Regarding Composition of Settlement Class on August 29, 2007 at 3:00 PM is GRANTED. Signed by Judge Gary L. Sharpe on 8/17/2007. (jel,) (Entered: 08/17/2007)

08/29/2007	<u>132</u>	AFFIDAVIT in Support re <u>123</u> MOTION to Approve Consent Judgment <i>and Class Action Settlement. Supplemental Affidavit Regarding Class Membership and Prospective Pro Rata Payments, with Exhibits B through F to be filed Under Seal</i> filed by Lessie Lee Davies. (Keach, Elmer) (Entered: 08/29/2007)
08/29/2007	133	SEALED DOCUMENT – maintained in Clerk's Office and not available for electronic viewing (jel,) (Entered: 08/29/2007)
09/04/2007	<u>134</u>	NOTICE/Claim by Linwood Gholson. (ban) (Entered: 09/04/2007)
09/05/2007	<u>135</u>	STATUS REPORT <i>regarding pending settlement, with proposed order allowing for late claims</i> by Lessie Lee Davies. (Attachments: # <u>1</u> Proposed Order/Judgment)(Keach, Elmer) (Entered: 09/05/2007)
09/05/2007	<u>136</u>	Minute Entry for proceedings held before Judge Gary L. Sharpe : CRD: John Law; Final Fairness Hearing held on September 5, 2007; Appearances Made: Elmer Keach and Bruce Menken, Esqs., for the plaintiffs and William Greagan, Esq., for the defendants; Court turns to the proposed order on the late claims. Court will sign proposed order and directs plaintiff to submit the proposed order to the ecf email box. Court states has reviewed the papers submitted by the parties. Court turns to the two collateral issues. Court turns to the incentive awards and the attorney amounts. Court turns to incentive awards. Court turns to the attorneys fees. Court discusses the calculation of attorneys fees. Court discusses the Lodestar method. Court discusses the multiplier. Court discusses the percentage of recovery. Court discusses the Johnson factors. Court states percentage rate is unreasonable for this case. Court will allow customary rates. Court does not feel multiplier for this case is reasonable. Court discusses the Goldberger factors. Court declines percentage method and multiplier. Court declines to adjust the hourly rates. Court awards attorneys fees on hours at customary rates. Court awards attorneys fees in the amount of \$344,756.00, \$9,001.50 in unreimbursable costs and \$107,000.00 in administrative fees. Atty. Keach indicates that he believes the unreimbursable costs are \$10,001.50. Court states intends to enter the actual amount incurred by counsel. Court turns to the settlement. Class action is fair and reasonable. Court states one objection filed. Court turns to the history of the case. Court states settlement is procedurally fair. Atty. Menken states disappointed on attorney's fees and satisfied on the final approval. Discusses the Arbor Hill case. Preserved right on appeal of this issue in settlement agreement. Atty. Keach discusses the Goldberger factors with the court. Atty. Greagan states in favor of settlement; discusses the public use policy. Discusses the billing records of counsel. Court discusses the Arbor Hill matter again. Court states multiplier is unwarranted and detrimental to the class; overall settlement remains the same. Court states parties will effectuate their rights under settlement agreement. Advises plaintiffs' counsel to submit proposed order. Court discusses allow of expenditures for disbursing of settlement but not sure on the process of the appeal. Atty. Greagan states have retained administrator. Pay in escrow account in the amount of settlement. Atty. Menken discusses further application for costs. Atty. Greagan states purpose that the whole thing to be paid into the fund. Atty. Keach states court has reduced attorneys fees greatly; the entire amount goes into escrow account. Atty. Greagan states amount of charge. (Court Reporter Bonnie Buckley) Time: 3:00–4:00 p.m. (jel,) (Entered: 09/07/2007)
09/07/2007	<u>137</u>	TRANSCRIPT REQUEST <i>of Final Approval Hearing</i> by Lessie Lee Davies for proceedings held on September 5, 2007 before Judge Gary L. Sharpe.. (Keach, Elmer) (Entered: 09/07/2007)
09/14/2007	<u>138</u>	Letter dated September 6, 2007 from James A. Smith requesting status of the litigation. (jel,) (Entered: 09/14/2007)
09/14/2007	<u>139</u>	STATUS REPORT <i>regarding Final Approval Order</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Keach, Elmer) (Entered: 09/14/2007)
09/19/2007	<u>140</u>	RECORD of Proceedings: Final Fairness Hearing held on 9/5/07 before Judge Sharpe, Court Reporter: Bonnie Buckley. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Redact with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at www.nynd.uscourts.gov . <u>Read this policy carefully</u> . If no Notice of Intent to

		Redact is filed within 5 business days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available on the web 90 days from today's date. Notice of Intent to Redact due by 9/26/2007, Transcript due by 12/18/2007. (bjb,) (Entered: 09/19/2007)
10/02/2007	<u>141</u>	STATUS REPORT <i>Regarding Final Approval Hearing, with Proposed Order</i> by Lessie Lee Davies. (Attachments: # <u>1</u> Proposed Order/Judgment # <u>2</u> Transcript Final Approval Hearing)(Keach, Elmer) (Entered: 10/02/2007)
10/03/2007	<u>142</u>	<i>Response to Atty Keach's 10/2/07 letter re: proposed final approval order / Letter Motion</i> from William J. Greagan, Esq. for County of Schenectady, Harry Buffardi, Gordon Pollard submitted to Judge Honorable Gary L. Sharpe. (Greagan, William) (Entered: 10/03/2007)
10/05/2007	<u>143</u>	RESPONSE TO LETTER BRIEF filed by Lessie Lee Davies as to <u>141</u> Status Report filed by Lessie Lee Davies, <u>142</u> Letter Request/Motion, filed by Harry Buffardi, County of Schenectady, Gordon Pollard. (Rozger, Jason) (Entered: 10/05/2007)
10/25/2007	<u>144</u>	Letter from John Peana dated October 10, 2007 requesting the status of the pending case. (jel,) (Entered: 10/25/2007)
10/25/2007	<u>145</u>	Letter from Marqus Buchanan, dated October 19, 2007, requesting status if he has been included as part of the class. (jel,) (Entered: 10/25/2007)
10/29/2007	<u>146</u>	STATUS REPORT <i>regarding correspondence from Class Members and Final Approval Order</i> by Lessie Lee Davies. (Keach, Elmer) (Entered: 10/29/2007)
11/05/2007	<u>147</u>	DECISION and ORDER, The Motion for Final Approval of the Proposed Settlement is GRANTED in part and DENIED in part as follows: 1. The Settlement Class Representative, Lessie Davies, is entitled to and is hereby awarded a payment of \$12,000.00, in recognition of the efforts she undertook in connection with this lawsuit. William Davis, an individual who had planned to intervene in this action to assist class counsel, is hereby awarded an incentive award of \$1,500.00 in addition to his pro rata share of the settlement fund. Former Class Representative Nichole McDaniel will receive no incentive award. 2. All class members who have made claims on the settlement are entitled to receive their pro rata share of the settlement fund after administrative expenses, attorneys' fees and expenses, incentive awards and the amounts to be placed in escrow under Paragraph xiii of this Order are deducted from the fund. 3. Class Counsel's application for attorneys' fees is granted in the amount of \$343,744.50. Class Counsel's request for reimbursement of pre-settlement litigation expenses is granted in the amount of \$10,053.31. The sum of \$296,202.19 (the disputed amount of attorneys' fees) will be held in escrow by the Settlement Administrator. This amount will be deposited into an insured interest bearing escrow account entitled the "SCJ Settlement Attorneys' Fees Escrow Account," which will be maintained by the Settlement Administrator, Rust Consulting. No attorney in this proceeding will have signature this account. One of the conditions of this account will be that no funds are allowed to be withdrawn from the account absent an order of the court. The Settlement Administrator will maintain the bank records for this account, and provide them to any party or the court on two business days' notice. 4. Administration expenses and costs are granted in the amount of \$107,233.40. In the event that costs of future administration are larger than this estimate, the court will entertain an application to have those sums deducted from the amounts held in escrow pending the completion of any appeals. 5. This action and all claims against the Settling defendants are dismissed with prejudice, but the court shall retain exclusive and continuing jurisdiction of the Action, all Parties, and Settlement Class Members, to interpret and enforce the terms, conditions and obligations of this Settlement Agreement. 6. All Class members who have not timely filed an opt-out request are barred and enjoined from commencing and/or prosecuting any claim or action against the Defendants. Any Class member who has not timely filed a request to exclude themselves shall be enjoined from initiating and/or proceeding as a class action in any forum. 7. The court will not authorize counsel fees to prosecute an appeal or otherwise provide any future compensation beyond the time expended through the preparation of the proposed order currently before the court. Class counsel shall submit, within SEVEN DAYS of this order, the amount of attorneys'

		fees for the time expended for the final fairness hearing through the preparation of the proposed order currently before the court. See Dkt. No. 141. Signed by Judge Gary L. Sharpe on 11/5/2007. (jel,) (Entered: 11/05/2007)
11/12/2007	<u>148</u>	AFFIDAVIT re <u>147</u> Order on Motion for Miscellaneous Relief,,,,,,,,,,,,, Order on Motion to Approve Consent Judgment,,,,,,,,,,,,, Order on Letter Request,,,,,,,,,,,,, <i>Affirmation of Jason J. Rozger on counsel fees</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Attachments: # <u>1</u> Exhibit(s) A, Rozger time records)(Rozger, Jason) (Entered: 11/12/2007)
11/12/2007	<u>149</u>	AFFIDAVIT re <u>147</u> Order on Motion for Miscellaneous Relief,,,,,,,,,,,,, Order on Motion to Approve Consent Judgment,,,,,,,,,,,,, Order on Letter Request,,,,,,,,,,,,, <i>Affirmation and time records of Bruce Menken</i> by Nichole Marie McDaniel, Lessie Lee Davies. (Rozger, Jason) (Entered: 11/12/2007)
11/15/2007	<u>150</u>	AFFIDAVIT in Support re <u>123</u> MOTION to Approve Consent Judgment <i>and Class Action Settlement. Supplemental Affirmation Regarding Attorneys' Fees</i> filed by Lessie Lee Davies. (Attachments: # <u>1</u> Exhibit(s) Keach Time Records# <u>2</u> Exhibit(s) Decker Time Records)(Keach, Elmer) (Entered: 11/15/2007)
11/20/2007		TEXT ONLY ORDER – Pending is a supplemental moton for an award of additional attorneys' fees for the time period of July 30, 2007 to October 2, 2007. Attorney Menken requests \$6,024.75, Attorney Rozger requests \$775.00 and Attorne Keach requests \$18,518.00. These amounts are approved and the motion is granted. The clerk is hereby ordered to enter judgment accordingly. Signed by Judge Gary L. Sharpe on 11/20/2007. (jel,) (Entered: 11/20/2007)
11/21/2007	<u>151</u>	JUDGMENT: That judgment is entered in this case and the case is closed in accordance with the terms set forth in the Decision and Order and the Text Only Order, signed and issued by U.S. District Judge Gary L. Sharpe on November 5, 2007 and November 20, 2007 respectively. (jel,) (Entered: 11/21/2007)
12/04/2007	<u>152</u>	NOTICE OF APPEAL as to <u>151</u> Judgment, <u>147</u> Order on Motion for Miscellaneous Relief,,,,,,,,,,,,, Order on Motion to Approve Consent Judgment,,,,,,,,,,,,, Order on Letter Request,,,,,,,,,,,,, by Lessie Lee Davies. Filing fee \$ 455, receipt number 907719. (Keach, Elmer) (Entered: 12/04/2007)
12/14/2007	<u>153</u>	ELECTRONIC NOTICE sent to US Court of Appeals re <u>152</u> Notice of Appeal. [appeals packet sent to Elmer R. Reach, III, Esq.]. (ban) (Entered: 12/14/2007)
12/18/2007	<u>154</u>	Letter dated December 11, 2007 from Gary L. Priddle to the Court. (jel,) (Entered: 12/18/2007)
12/18/2007	<u>155</u>	STATUS REPORT <i>regarding letter to Court by Gary Priddle</i> by Lessie Lee Davies. (Keach, Elmer) (Entered: 12/18/2007)
01/02/2008		USCA Case Number is 07–5580–cv for <u>152</u> Notice of Appeal, filed by Lessie Lee Davies. (cbm,) (Entered: 01/02/2008)
01/02/2008	<u>156</u>	TRANSCRIPT of Proceedings (Unredacted): Final Fairness hearing held on 9/5/07 before Judge Gary L. Sharpe, Court Reporter: Bonnie Buckley. Tape Number: none (bjb,) (Entered: 01/02/2008)
01/04/2008	<u>157</u>	Letter Motion from Elmer Robert Keach, III for Lessie Lee Davies requesting unsealing of settlement documents for inclusion in Joint Appendix submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 01/04/2008)
01/10/2008	<u>158</u>	LETTER dated January 3, 2008 by Elmer Robert Keach, III, Esq., and ORDER that the plaintiff's <u>157</u> requesting unsealing of settlement documents for inclusion in Joint Appendix is denied. The 2nd circuit has full access to the District Court's sealed documents. Signed by Judge Gary L. Sharpe on 1/10/2008. (jel,) (Entered: 01/10/2008)
01/16/2008	<u>159</u>	Letter dated January 14,2008 from Jay Carter to the court. (jel,) (Entered: 01/16/2008)
01/16/2008	<u>160</u>	LETTER BRIEF <i>responding to letter from Class Member Jay Carter</i> by Lessie Lee Davies. (Keach, Elmer) (Entered: 01/16/2008)

01/23/2008	<u>161</u>	Letter Motion from Elmer Keach for Lessie Lee Davies requesting Addressing Filing of Sealed Affidavit by William Greagan seeking that Elmer Keach be disbarred from practice before the Northern District of New York submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 01/23/2008)
01/30/2008	<u>162</u>	USCA Scheduling Order as to <u>152</u> Notice of Appeal, filed by Lessie Lee Davies. USCA Case No. 07-5580-cv. Appealed to: Second Circuit, USCA.Appeal Record due by 2/20/2008. (dpk) (Entered: 02/01/2008)
02/01/2008	<u>163</u>	ELECTRONIC CERTIFICATION to US Court of Appeals of Record on Appeal re <u>152</u> Notice of Appeal. (dpk) (Entered: 02/01/2008)
02/06/2008	<u>164</u>	ELECTRONIC CERTIFICATION to US Court of Appeals of Record on Appeal re <u>152</u> Notice of Appeal (tab) (Entered: 02/06/2008)
02/11/2008	<u>165</u>	Letter Motion from Elmer Robert Keach III for Lessie Lee Davies requesting conference with Court submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 02/11/2008)
02/12/2008	<u>166</u>	LETTER dated February 11, 2008 by Elmer Rober Keach, III, Esq., and ORDER that the request for a conference is denied. Signed by Judge Gary L. Sharpe on 2/12/2008. (jel,) (Entered: 02/12/2008)
02/19/2008		TEXT ONLY NOTICE of Hearing:An In-Court Conference has been set for 2/27/2008 at 09:00 AM in Albany before Judge Gary L. Sharpe. (jel,) (Entered: 02/19/2008)
02/27/2008	<u>167</u>	Minute Entry for proceedings held before Judge Gary L. Sharpe: CRD: John Law; In-Court Conference held on 2/27/2008; Appearances Made: Elmer Robert Keach, Esq., and William Greagan, Esq.; Court discusses variety of matters; disputes between parties; sealing of documents; telephone communications with the court; clear out the facts; allow parties to digest and respond accordingly; Court discusses application from Attorney Greagan. Court discusses authority of the court. Court discusses local rule 83.4 with counsel. Court turns to disciplinary allegations and indicates the application needs to be filed with the Chief Judge Mordue for his review. Court turns to the secondary matter. Court turns to the imposition of sanctions. Court discusses the authority to act. Court states that currently on appeal and digest of jurisdiction; what gives this court authority to act; Court states not prepared to answer this morning. Court states tangential issues. Court states inclination always retains power to inherent authority over orders of this case. Court turns to confusion. Court turns back to pre electronic filing regarding settlement negotiations. Court turns to confidential communications with the court. Atty. Greagan inquires before getting into the text. Court states not to get into text of those documents. Court inquires of Atty. Keach regarding the settlement documents. Atty. Keach states allegation made violated the courts order; Atty. Keach stated was not sure of the documents that were sealed. There were no orders. Atty. Keach discusses the sealed document issue. Discusses videotape issue with Judge Treece. Advises the court will return the tape. Discusses protective orders with the court. Court discusses issue with Magistrate Judge Peebles. Atty. Keach states does not believe so then indicates an issues 6-7 years ago. Court turns to protective order on communications with one another. Belief not underlying order issued to seal but understood they were sealed. Court turns to the issue of pre electronic settlement conference. Atty. Keach states with Judge Homer a settlement conference order was issued. Not sure if done with Judge Treece. Do not believe that the correspondence should have been sealed. Does not believe it should be filed under seal. Have not give correspondence to anyone. Tried to mark one as exhibit in another action; Atty. Keach discusses issues discussed with Judge Homer; did not mark one of the letters as a deposition exhibit. Indicates the more lengthy letter. The first one in the pile. Court turns to the settlement issues. Court discusses the first document number 86. Letter from Attorney Keach to the court to the state of settlement. Court states the date of the letter. Court discusses language of the statement. Atty. Keach states he does not know that was two years ago. Atty. Greagan states the letter was dated March 27, 2006. Court turns to the courts perspective. Atty. Keach discusses the letter stated after defendants objection he did not mark the document as an exhibit. Have not given the letter. Court turns to discussion to see issues that the court sees. Court to discuss the underlying facts. Atty. Keach states feel compelled regarding accusations; discusses the due process;

		<p>at least follow the rules; did not give letter to anybody; some things that are going at the 2nd circuit that this court is not aware of; feel compelled to bring that to 2nd circuits attention; these documents should not be sealed. Atty. Keach indicates can request the documents be unsealed. Court inquires of the request of unsealing the documents. Court turns to reason of unsealing. Atty. Keach states that is not accurate. Court turns to the 2nd circuits access to the sealed documents. Court turns to Atty. Greagan regarding protective order on exchange. Atty. Greagan states there was not indicating protective order by Judge Treece as to issues regarding the jail and booking slips. Court turns to sealed documents filed by the defendants (dkt. no. 87,91,92,93,94,95 and 96). Court turns to the documents from Attorney Greagan. Court discusses the dates of these letters. Court discusses class action settlement that this court. Court discusses titled Confidential for Settlement Purposes only. Carbon copy letters to be disclosed to the other counsel. Court turns to curious of view that a copy placed in his position. Atty. Greagan states product of an agreement between the parties. Court discusses ethics; discusses electronic filing; court states access simpler today. Atty. Greagan discusses settlement agreements and negotiations. Atty. Greagan discusses believes the court has authority and jurisdiction over issues not on appeal. Application to unseal had to thought it was an order as well. Discusses the telephone conferences and issue of public interest; Atty. Keach discusses the issues that arose before the court; discusses the delay of the settlement; Court discusses pending motion. Atty. Keach states does not recall the motion; discusses Atty. Greagans demands; motion for preliminary approval was made; discusses opposition; discusses conference with the court; Court states delays of the settlement. Court turns to the document of the defendant to take the disciplinary document. Court inquires of the defendant. Atty. Greagan discusses the filing of the application; inquires of the mechanism; inquires of a motion; discusses inherent power to control conduct of counsel appearing before the court; discusses the rules of civility; states the court have jurisdiction. Court inquires to the defendant regarding a motion for sanctions. Atty. Greagan states yes and to be filed under seal. Atty. Keach states vehemently opposes to be filed under seal; wrote him a Rule 11 letter. Court discusses application to unseal. Court states believes letter was in disingenuous. Court turns to January 23, 2008. Court turns to docket entry then the letter filed document number 161. Court states to permit the defendant to supplement for sanctions, authority for sanctions, legal dissertation on the oral presentation; duties arose; disciplinary roles; settlement negotiations; impact; no law cited to the court to the extend as application to take disciplinary it is denied and that can be taken up with the chief judge; an application for sanctions; court grants to file the document under seal; grant Atty. Keach the right to respond; Court give right to refile that document; review document where it may not remain sealed; permit to file under seal but may not stay under seal. Atty. Greagan discusses intentions was to act on ability act on ability to live anywhere. Indicated not where going to pursue this; Court states are you looking for time to think or walk away. Atty. Greagan states to look at bigger picture. Court turns to application; can resubmit motion for sanctions; in regards to discipline should be submitted to Chief Judge Mordue; whether wish to pursue. Atty. Greagan states not ready to say whether or not. Court wants a date. Atty. Greagan wants 30 days to file his motion which would be March 28. Atty. Keach wants 30 days which will be April 27. Court states no reply will be granted. Court states sua sponte issue order to show cause for letter to unseal documents and accusation to the court of ex parte communication. Atty. Keach states requests 3 weeks to respond. Court states granted which will be March 19, 2008. Atty. Keach states position in regards to the allegation of the ex parte communication regarding the application in regards to guidance. States filed a letter to clarify. Court reads the entry of the January 23, 2008 entry. Atty. Keach states he does not recall the conversation that went that way. Atty. Keach discusses issue with Judge DiBianco. Discusses action of issues with Judge Scullin. Indicates that the court should recuse itself since this issue involves a court staff member. Court indicates can include that in writing. Court adjourns. (Court Reporter Diane Martens) Time: 9:00–10:35 a.m. (jel,) (Entered: 02/27/2008)</p>
02/28/2008	<u>168</u>	TRANSCRIPT REQUEST <i>with AO 440 Form</i> by Lessie Lee Davies for proceedings held on 2.27.2008 before Judge Gary L. Sharpe.. (Keach, Elmer) (Entered: 02/28/2008)

03/04/2008	<u>169</u>	Letter Motion from Elmer Keach requesting Enlargement of Time to File Response to Order To Show Cause and File Motion For Recusal submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 03/04/2008)
03/07/2008	<u>170</u>	LETTER dated March 4, 2008 by Elmer Robert Keach, III, Esq., and ORDER GRANTING <u>169</u> Letter requesting an enlargement of time to file his response and recusal motion until Friday, April 4, 2008. Signed by Judge Gary L. Sharpe on 3/7/2008. (jel,) (Entered: 03/07/2008)
03/27/2008	<u>171</u>	MOTION for Sanctions Response to Motion due by 4/14/2008 Reply to Response to Motion due by 4/21/2008. Motion Hearing set for 5/1/2008 10:00 AM in Albany before Judge Gary L. Sharpe by County of Schenectady, Harry Buffardi, Gordon Pollard. (Attachments: # <u>1</u> Letter to Clerk/copy opc serving motion for sanctions against plaintiff's counsel – supporting papers submitted under seal per transcript of minutes of conference held on 2/27/08 wherein Court granted leave to file supporting papers under seal) (Greagan, William) (Entered: 03/27/2008)
03/27/2008	<u>172</u>	CERTIFICATE OF SERVICE by County of Schenectady, Harry Buffardi, Gordon Pollard re <u>171</u> MOTION for Sanctions (Greagan, William) (Entered: 03/27/2008)
03/27/2008	<u>173</u>	RECORD of Proceedings: Status Conference held on 2/27/08 before Judge Gary L. Sharpe, Court Reporter: Diane S. Martens. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a Notice of Intent to Redact with the Clerk's Office within 5 business days of this date. The policy governing the redaction of personal information is located on the court website at www.nynd.uscourts.gov . <u>Read this policy carefully</u> . If no Notice of Intent to Redact is filed within 5 business days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available on the web 90 days from today's date. Notice of Intent to Redact due by 4/3/2008 Transcript due by 6/25/2008. (dm2,) (Entered: 03/27/2008)
03/27/2008	<u>174</u>	Letter Motion from Elmer Keach for Elmer Robert Keach, III requesting Unsealing of all Proceedings Regarding Application by William Greagan for Sanctions and Adjournment of Return Date submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 03/27/2008)
03/28/2008	<u>175</u>	CERTIFICATE OF SERVICE by County of Schenectady, Harry Buffardi, Gordon Pollard re <u>171</u> MOTION for Sanctions (Greagan, William) (Entered: 03/28/2008)
03/31/2008	<u>176</u>	Defendant's MOTION for Sanctions against Plaintiff's counsel Elmer Robert Keach, III filed by William Greagan. (Additional attachments added on 4/2/2009: # <u>1</u> Affidavit of William Greagan, # <u>2</u> Exhibits A – D, # <u>3</u> Exhibits E – G, # <u>4</u> Cover Letter) (dpk). Modified on 4/2/2009 (dpk). (Entered: 03/31/2008)
03/31/2008	<u>177</u>	MEMORANDUM OF LAW in Support of <u>176</u> Motion for Sanctions by William Greagan. (dpk) Modified on 4/2/2009 (dpk) (Entered: 03/31/2008)
04/02/2008	<u>178</u>	Letter Motion from Elmer Keach for Elmer Robert Keach, III requesting Renewing Request for Adjournment of Return Date on Pending Motion for Sanctions submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 04/02/2008)
04/02/2008	<u>179</u>	RESPONSE TO LETTER BRIEF filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to <u>178</u> Letter Request/Motion filed by Elmer Robert Keach, III. (Greagan, William) (Entered: 04/02/2008)
04/02/2008	<u>180</u>	CERTIFICATE OF SERVICE by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr re <u>179</u> RESPONSE TO LETTER BRIEF (Greagan, William) (Entered: 04/02/2008)
04/03/2008		Text Only Order – The court is in receipt of the letters filed by plaintiffs counsel on March 27th and April 2nd seeking an extension of the motion filing deadlines. (See Dkt. Nos. 174 and 178 respectively). On April 2nd, defense counsel filed a letter in response to these requests. (See Dkt. No. 179). The court has reviewed these letters and IT IS ORDERED, that the request to extend the motion return to June 19, 2008 at 9:00 a.m. is GRANTED. The following dates are imposed: Response papers and cross-motion to be served upon defense counsel on or before May 1, 2008. Response papers to the Courts Order to Show Cause are to be filed

		on or before May 1, 2008. Response papers and cross-motion to be filed electronically on or before May 22, 2008. Defense counsels response to the cross-motion only, are to be filed on or before June 5, 2008. No reply papers by either counsel will be permitted. The request to unseal the documents is DENIED. The court will revisit this issue at the June 19, 2008 motion return. Issued by Judge Gary L. Sharpe on 4/3/2008q. (jel,) (Entered: 04/03/2008)
04/04/2008	<u>181</u>	NOTICE of Appearance by John R. Supple on behalf of Elmer Robert Keach, III (Supple, John) (Entered: 04/04/2008)
04/04/2008	<u>182</u>	MOTION for Recusal <i>and Response to Order to Show Cause</i> Response to Motion due by 4/28/2008 Motion Hearing set for 5/15/2008 09:00 AM in Albany before Judge Gary L. Sharpe by Elmer Robert Keach, III. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s), # <u>5</u> Memorandum of Law, # <u>6</u> Affirmation Certificate of Good Faith) Motions referred to Randolph F. Treece. (Supple, John) (Entered: 04/04/2008)
04/07/2008		TEXT ONLY NOTICE of Hearing on Motion <u>182</u> MOTION for Recusal <i>and Response to Order to Show Cause</i> : The Motion Hearing has been reset for 6/19/2008 at 09:00 AM in Albany before Judge Gary L. Sharpe to be held with the pending motion for sanctions. (jel,) (Entered: 04/07/2008)
04/10/2008	<u>183</u>	RESPONSE TO LETTER BRIEF filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to <u>179</u> RESPONSE TO LETTER BRIEF filed by Harry Buffardi, County of Schenectady, Robert Elwell, Sr., Gordon Pollard, Order Setting Hearing on Motion,,,, Terminate Motions,,,, <i>further letter relating to the plaintiff's request for an extension of time.</i> (Attachments: # <u>1</u> April 9, 2008 e-mail from E.R. Keach)(Greagan, William) (Entered: 04/10/2008)
04/10/2008	<u>184</u>	CERTIFICATE OF SERVICE by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr re <u>183</u> RESPONSE TO LETTER BRIEF, (Greagan, William) (Entered: 04/10/2008)
04/13/2008	<u>185</u>	Letter Motion from Elmer Keach for Elmer Robert Keach, III requesting Responding to Letter from Defendants' Counsel on Scheduling submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 04/13/2008)
05/01/2008	<u>186</u>	Letter Motion from Elmer Keach for Elmer Robert Keach, III requesting Leave to File Response to Motion for Sanctions Under Seal and to Mail Response to Clerk's Office on May 2, 2008 submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 05/01/2008)
05/05/2008	<u>187</u>	<u>186</u> LETTER dated May 1, 2008 by Elmer Robert Keach, III, Esq., and ORDER granting <u>186</u> Letter requesting Leave to File Response to Motion for Sanctions Under Seal and to Mail Response to Clerk's Office on May 2, 2008. Signed by Judge Gary L. Sharpe on 5/5/2008. (jel,) (Entered: 05/05/2008)
05/05/2008	<u>188</u>	RESPONSE IN OPPOSITION by Elmer R. Keach. (dpk) (Additional attachment(s) added on 4/2/2009: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B - J, # <u>3</u> Memorandum of Law, # <u>4</u> Cover Letter) (dpk,). Modified on 4/2/2009 (dpk). (Entered: 05/05/2008)
05/29/2008	<u>189</u>	Letter Motion from J. Richard Supple for Elmer Robert Keach, III requesting opportunity to inspect document the Court referenced during Feb. 27th conference submitted to Judge Hon. Gary L. Sharpe. (Supple, John) (Entered: 05/29/2008)
06/04/2008	<u>190</u>	Letter dated May 29, 2008 by Richard Supple, Esq., and Order that the request for an opportunity to inspect a document the Court reference during the February 27th conference is denied. The motion return scheduled for June 19, 2008 will be on SUBMIT only. No personal appearances are needed. Signed by Judge Gary L. Sharpe on 6/4/2008. (jel,) Modified on 6/19/2008 (jel,). (Entered: 06/04/2008)
01/21/2009	<u>191</u>	Letter Motion from Richard Supple, Esq. to Hon. Gary L. Sharpe for Elmer Robert Keach, III requesting Conference with Court submitted to Judge Gary L. Sharpe. (Supple, John) (Entered: 01/21/2009)
02/27/2009	<u>192</u>	MEMORANDUM-DECISION AND ORDER. ORDERED that Keach's motion for recusal (Dkt. no. 182) is DENIED; and it is further ORDERED that Greagan's

		motion for sanctions (Dkt. Nos. 176–77) is DENIED; and it is further ORDERED that the court DECLINES to impose judicial sanctions pursuant to its order to show cause. Signed by Judge Gary L. Sharpe on 02/27/2009. (dpk) (Entered: 02/27/2009)
03/16/2009	<u>193</u>	NOTICE OF APPEAL by Elmer Robert Keach, III. Filing fee \$ 455, receipt number 0206000000001244488. (Attachments: # <u>1</u> Certificate of Service)(Supple, John) (Entered: 03/16/2009)
03/16/2009	<u>194</u>	Letter Motion from Elmer Keach for Elmer Robert Keach, III requesting Filing and Unsealing of Documents Relevant to Sanctions Order of February 27, 2009 submitted to Judge Gary L. Sharpe. (Attachments: # <u>1</u> Exhibit --- Online Version of New York Law Journal Article)(Keach, Elmer) (Entered: 03/16/2009)
03/18/2009	<u>195</u>	RESPONSE TO LETTER BRIEF filed by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr as to <u>194</u> Letter Request/Motion, filed by Elmer Robert Keach, III. (Greagan, William) (Entered: 03/18/2009)
03/18/2009	<u>196</u>	CERTIFICATE OF SERVICE by County of Schenectady, Harry Buffardi, Gordon Pollard, Robert Elwell, Sr re <u>195</u> RESPONSE TO LETTER BRIEF (Greagan, William) (Entered: 03/18/2009)
03/31/2009	<u>197</u>	ELECTRONIC NOTICE sent to US Court of Appeals re <u>193</u> Notice of Appeal. (ban) (Entered: 03/31/2009)
03/31/2009	<u>198</u>	ORDER granting in part and denying in part <u>194</u> Letter Request. The court is in receipt of Atty. Keach's letter seeking various relief. See Dkt. No. <u>194</u> . Atty. Greagan opposes this request. See Dkt. No. <u>195</u> . IT IS HEREBY ORDERED, that Atty. Keach's request to unseal docket numbers 86, 87, 91, 92, 93, 94, 95 and 96 is GRANTED, however the District Court is no longer in possession of these documents for they have been transferred to the 2nd Circuit Court of Appeals. Once those documents have been returned from the 2nd Circuit Court of Appeals the Clerk is directed to upload those documents to the docket. IT IS FURTHER ORDERED that Atty. Keach's request to file Atty. Greagan's January 21, 2008 application is GRANTED. IT IS FURTHER ORDERED that Atty. Keach's request to unseal the court's chamber entry is DENIED. IT IS FURTHER ORDERED that Atty. Keach's request to unseal Attorney Greagan's motion to sanction (Dkt. Nos. <u>176</u> , <u>177</u> and <u>188</u>) is GRANTED. Signed by Judge Gary L. Sharpe on 3/31/2009. (dpk) (Entered: 04/02/2009)
03/31/2009	<u>199</u>	AFFIDAVIT by William Greagan made to the Court on January 21, 2008 and filed by <u>198</u> ORDER of District Judge Gary L. Sharpe on 3/31/2009. (Attachments: # <u>1</u> Exhibit(s) A – D to Affidavit, # <u>2</u> Cover Letter)(dpk) (Entered: 04/02/2009)
08/24/2009	<u>200</u>	AMENDED ELECTRONIC NOTICE AND CERTIFICATION sent to US Court of Appeals re <u>193</u> Notice of Appeal (dpk) (Entered: 08/24/2009)
03/04/2010		USCA Case Number is 07–5580–cv for <u>152</u> Appeal filed by Lessie Lee Davies. (cbm) (Entered: 03/04/2010)
03/04/2010		USCA Case Number is 09–1296–cv for <u>193</u> Appeal filed by Elmer Robert Keach, III. (cbm) (Entered: 03/04/2010)
03/04/2010	<u>201</u>	MANDATE of USCA, issued 2/19/10, DISMISSING <u>193</u> Appeal filed by Elmer Robert Keach, III, in accordance w/attached slip opinion. (Attachments: # <u>1</u> slip opinion)(cbm) (Entered: 03/04/2010)
03/26/2010	<u>202</u>	MANDATE of USCA, issued 3/12/10, as to <u>152</u> Appeal, filed by Lessie Lee Davies ; AFFIRMING judgment of the district court in accordance w/attached slip opinion. (Attachments: # <u>1</u> slip opinion)(cbm) (Entered: 03/26/2010)
04/12/2010	<u>203</u>	BILL OF COSTS re <u>193</u> appeal, issued 3/24/10, taxed in USCA in favor of appellees County of Schenectady et al. in amt of \$200. (cbm) (Entered: 04/12/2010)
06/25/2010	<u>204</u>	Letter dated June 22, 2010 from Jay Carter to the court. (jel,) (Entered: 06/25/2010)

06/25/2010	<u>205</u>	STATUS REPORT <i>Letter response to Class Member Jay Carter</i> by Lessie Lee Davies, Nichole Marie McDaniel. (Keach, Elmer) (Entered: 06/25/2010)
07/14/2010	<u>206</u>	MOTION for Disbursement of Funds <i>and Supplemental Distribution to Class Members</i> Motion Hearing set for 8/19/2010 09:00 AM in Albany before Judge Gary L. Sharpe Response to Motion due by 8/2/2010 Reply to Response to Motion due by 8/9/2010. filed by Lessie Lee Davies. (Attachments: # <u>1</u> Affirmation of Elmer Keach in Support of Motion, # <u>2</u> Exhibit(s) A --- Escrow Account Bank Statement, # <u>3</u> Exhibit(s) B --- Settlement Administrator Invoices, # <u>4</u> Proposed Order/Judgment) (Keach, Elmer) (Entered: 07/14/2010)
07/14/2010	<u>207</u>	CERTIFICATE OF SERVICE by Lessie Lee Davies re <u>206</u> MOTION for Disbursement of Funds <i>and Supplemental Distribution to Class Members</i> (Keach, Elmer) (Entered: 07/14/2010)
08/16/2010		TEXT ONLY NOTICE of Hearing on Motion <u>206</u> MOTION for Disbursement of Funds <i>and Supplemental Distribution to Class Members</i> : Motion Hearing set for 8/19/2010 at 09:00 AM in Albany before Judge Gary L. Sharpe will be on SUBMIT only. No personal appearances are needed. (jel,) (Entered: 08/16/2010)
08/25/2010		Text Order Only: This court hereby orders Elmer Robert Keach, III to further explain the administrative cost "accumulated...during the course of the Class Counsel's appeal" and the "additional \$20,000 in fees to complete the settlement" requested. Mr. Keach is to provide an affidavit to this court within Fourteen days of this Order. Issued by Judge Gary L. Sharpe on 8/25/2010. (jel,) (Entered: 08/25/2010)
08/25/2010	<u>208</u>	Letter from Jay Carter to Attorney Elmer Robert Keach, III. (mab) (Entered: 08/27/2010)
09/08/2010	<u>209</u>	RESPONSE in Support re <u>206</u> MOTION for Disbursement of Funds <i>and Supplemental Distribution to Class Members</i> filed by Lessie Lee Davies, Nichole Marie McDaniel. (Attachments: # <u>1</u> Exhibit(s) A --- Eisert Affidavit)(Keach, Elmer) (Entered: 09/08/2010)
10/01/2010		TEXT ONLY ORDER: Pending is a Motion for Approval of Supplemental Payments to Class Members under the Settlement Agreement. In particular, the motion seeks approval of final payment of administrative expenses and to distribute the remaining funds. The motion is granted in part and denied in part. The court DENIES the payment of \$35,000 to the Settlement Administrator, Rust Consulting, for services rendered in administering the settlement fund during the pendency of the appeal. However, the court GRANTS the request to distribute the remaining funds on a pro rata basis to all valid claimants pursuant to the settlement agreement. Issued by Judge Gary L. Sharpe on 10/1/2010. (jel,) (Entered: 10/01/2010)
03/24/2011	<u>210</u>	Letter from Juan McCray. (dpk) (Entered: 03/24/2011)
04/18/2011	<u>211</u>	Letter Motion from Elmer Keach for Lessie Lee Davies, Nichole Marie McDaniel requesting Addressing Unclaimed Settlement Funds from Settlement submitted to Judge Gary L. Sharpe. (Keach, Elmer) (Entered: 04/18/2011)
04/28/2011	<u>212</u>	Letter dated 4/27/2011 from claimant/class action member Juan McCray requesting the status of the settlement payments. With attached letter dated 10/7/2010 from Attorney Elmer Keach's Office. (jmb) (Entered: 04/28/2011)
05/05/2011	<u>213</u>	ORDER granting <u>211</u> Letter requesting Addressing Unclaimed Settlement Funds from Settlement. Signed by Judge Gary L. Sharpe on 5/5/2011. (jel,) (Entered: 05/05/2011)