

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:06-cv-00291-RJA-HBS

Williams v. The County of Niagara et al
Assigned to: Hon. Richard J. Arcara
Referred to: Hon. Hugh B. Scott
Cause: 42:1983 Civil Rights Act

Date Filed: 05/05/2006
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Dedrick Williams

*both individually and on behalf of a class
of others similarly situated*

represented by **Alexander E. Barnett**
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TERMINATED: 02/22/2010

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Charles Joseph LaDuca
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Nicholas A. Migliaccio
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Plaintiff

Camile Smith
*individually and on behalf of a Class of
others similarly situated*

represented by **Alexandra C. Warren**
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V.

Defendant

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TERMINATED: 08/04/2006

Defendant

Thomas Beilein
*both individually and in his official
capacity as Sheriff of the County of
Niagara*

represented by **Frank T. Gaglione**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Paul Domagalski
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LEAD ATTORNEY
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Shawn P. Martin
(See above for address)
TERMINATED: 08/04/2006

Defendant

Samuel Muscarella
*both individually and as Undersheriff of
the County of Niagara*

represented by **Frank T. Gaglione**
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LEAD ATTORNEY
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James Paul Domagalski
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Shawn P. Martin
(See above for address)
TERMINATED: 08/04/2006

Defendant

John Saxton
*both individually and as Major in the
Niagara County Sheriff's Department*

represented by **Frank T. Gaglione**
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Shawn P. Martin
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TERMINATED: 08/04/2006

Date Filed	#	Docket Text
05/05/2006	<u>1</u>	COMPLAINT against The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton (Filing fee \$ 350 receipt number 20929.), filed by Dedrick Williams.(JDK,) (Entered: 05/05/2006)
05/05/2006		Summons Issued as to The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (JDK,) (Entered: 05/05/2006)
06/29/2006	<u>2</u>	SUMMONS Returned Executed by Dedrick Williams. The County of Niagara served on 6/13/2006, answer due 7/3/2006; Thomas Beilein served on 6/13/2006, answer due 7/3/2006; Samuel Muscarella served on 6/13/2006, answer due 7/3/2006; John Saxton served on 6/13/2006, answer due 7/3/2006. (Keach, Elmer) (Entered: 06/29/2006)
06/29/2006	<u>3</u>	STIPULATION to Extend Defendants' Time to Answer by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Martin, Shawn) (Entered: 06/29/2006)
06/29/2006	<u>4</u>	CERTIFICATE OF SERVICE by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton re <u>3</u> Stipulation (Martin, Shawn) (Entered: 06/29/2006)
06/29/2006		Answer due date updated as to The County of Niagara answer due 7/19/2006; Thomas Beilein answer due 7/19/2006; Samuel Muscarella answer due 7/19/2006; John Saxton answer due 7/19/2006 (JDK,) (Entered: 06/30/2006)
07/10/2006	<u>5</u>	TEXT ORDER. The <u>3</u> Stipulation to extend Defendants' time to answer or otherwise move is HEREBY SO APPROVED. Time is extended to 7/19/2006. SO ORDERED. Issued by the Hon. William M. Skretny on 7/7/2006. (MEAL) (Entered: 07/10/2006)
07/19/2006	<u>6</u>	ANSWER to Complaint with Jury Demand by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton.(Domagalski, James) (Entered: 07/19/2006)
07/19/2006	<u>7</u>	CERTIFICATE OF SERVICE by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton re <u>6</u> Answer to Complaint (Domagalski, James) (Entered: 07/19/2006)
07/20/2006		AUTOMATIC REFERRAL to Mediation (JDK,) (Entered: 07/20/2006)
07/21/2006	<u>8</u>	NON-DISPOSITIVE REFERRAL ORDER REFERRING CASE to Magistrate Judge Hugh B. Scott. Signed by Hon. William M. Skretny on 7/20/2006. (Dzielski, J.) (Entered: 07/21/2006)
07/24/2006	<u>9</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>The Court notes that the motion to compel filed by the defendants includes multiple exhibits. The Court reminds counsel that, in addition to electronic filing, paper copies of all motion papers shall be forwarded to Chambers.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 7/24/06. (JRA) (Entered: 07/24/2006)</p>
07/24/2006	<u>10</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>The above Order 9 is vacated as having been inadvertently filed under the the wrong docket number.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 7/24/06. (JRA) (Entered: 07/24/2006)</p>

08/02/2006	<u>11</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>This case has been referred to the undersigned for pretrial proceedings. A scheduling conference will be held on August 28, 2006 at 2:00 pm, in the chambers of the undersigned.</p> <p>PRIOR TO THE SCHEDULING CONFERENCE, THE PARTIES ARE DIRECTED TO COMPLY WITH THE REQUIREMENTS OF RULE 26 OF THE FEDERAL RULES OF CIVIL PROCEDURE. This means that, at a minimum, (1) the parties are to have exchanged initial disclosures as required by Rule 26(a)(1); (2) the parties are to have met or conferred as required under Rule 26(f); and (3) the parties are to have submitted a proposed discovery plan to the Court at least 7 days prior to the scheduling conference as also required by Rule 26(f).</p> <p>Also, the Magistrate Judge is available to conduct any or all proceedings in a jury or non-jury civil matter and to order the entry of judgment in the case pursuant to 28 U.S.C. 636(c). Attached hereto is a Notice of Right to Consent to Disposition of a Civil Case by a United States Magistrate Judge, together with a consent form, for consideration by the parties. The parties are encouraged to consider and act favorably on such consents; however, it is emphasized that there will be no substantive adverse consequences should the parties elect not to do so. Counsel are directed to discuss this option with their clients as soon as practicable and prior to the Magistrate Judge's participation in settlement discussion in this case.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 8/2/06. (JRA) (Entered: 08/02/2006)</p>
08/02/2006	<u>12</u>	ORDER to substitute attorneys as follows: former attorney for defendnts County of Niagara, Thomas Beilein, Samuel Muscarella and John Saxton, Paul Suozzi, Esq. current attorney, James Domagalski, Esq. Frank Gaglione, Esq. . Signed by Hon. Hugh B. Scott on 8/2/06. (JDK,) (Entered: 08/04/2006)
08/28/2006	13	<p style="text-align: center;">MINUTES OF PROCEEDINGS</p> <p style="text-align: center;">BEFORE MAGISTRATE JUDGE HUGH B. SCOTT</p> <p>Scheduling Conference held on 8/28/2006. D. Jay for plaintiffs; J. Domalgalski for defendants. Order to issue.(JRA) (Entered: 08/28/2006)</p>
08/30/2006	<u>14</u>	SCHEDULING ORDER setting dates for class certification discovery and motions.Signed by Hon. Hugh B. Scott on 8/30/06. (JRA) (Entered: 08/30/2006)
09/12/2006		Test entry (JDK,) (Entered: 09/12/2006)
10/12/2006	<u>15</u>	Stipulation–Selection of Mediator by The County of Niagara (Attachments: # <u>1</u> Certificate of Service)(Domagalski, James) (Entered: 10/12/2006)
03/26/2007	<u>16</u>	NOTICE by Dedrick Williams of <i>Change of Firm Name and Address for Alexander E. Barnett and Change of Firm Name for Gary E. Mason</i> (Barnett, Alexander) (Entered: 03/26/2007)
03/28/2007	<u>17</u>	MOTION for Extension of Time to Amend <i>Scheduling Order</i> by Dedrick Williams. (Attachments: # <u>1</u> Stipulation)(Menken, Bruce) (Entered: 03/28/2007)
03/28/2007		E–Filing Notification: Document is in Letter form and Letters are not to be E–filed, Motion to be Terminated, Attorney to be Notified** <u>17</u> MOTION for Extension of Time (JDK,) (Entered: 03/29/2007)
04/04/2007	<u>18</u>	MOTION for Extension of Time to Amend <i>the Pleadings</i> by Dedrick Williams.(Menken, Bruce) (Entered: 04/04/2007)
04/09/2007	19	TEXT ORDER. IT HEREBY IS ORDERED that the <u>18</u> Plaintiffs' Motion for an Extension of Time to Amend the Pleadings is GRANTED. Time is extended to 4/16/2007. SO ORDERED. Issued by the Hon. William M. Skretny on 4/5/2007. (MEAL) (Entered: 04/09/2007)

04/09/2007	<u>20</u>	First MOTION for Leave to Appear Pro Hac Vice <i>for Alexandra C. Warren</i> by Dedrick Williams.(LaDuca, Charles) (Entered: 04/09/2007)
04/10/2007		E-Filing Notification: <i>No Proof of Service provided for <u>20</u> First MOTION for Leave to Appear Pro Hac Vice for Alexandra C. Warren.</i> (DLC) (Entered: 04/10/2007)
04/11/2007		Second E-Filing Notification: <i>No Proof of Service provided for <u>20</u> First MOTION for Leave to Appear Pro Hac Vice for Alexandra C. Warren.</i> (DLC) (Entered: 04/11/2007)
04/11/2007	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice <i>Alexandra C. Warren</i> by Dedrick Williams.(LaDuca, Charles) (Entered: 04/11/2007)
04/12/2007	22	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE COURT'S ORDER</p> <p>Before the court is a motion for the admission of Alexandra C. Warren, Esq., pro hac vice (Docket Nos. 20 and 21). Upon the above referenced application and supporting papers and the Certificate of Service stating service upon all other parties, and no opposition being shown; the motion has been deemed submitted and is hereby GRANTED. It is ordered that upon the payment of the admission fee pursuant to Rule 83.1(l) of the Local Rules of Civil Procedure for the Western District of New York and registration with the Court's Electronic Case Filing system ("ECF"), Alexandra C. Warren, Esq., may appear herein on behalf of the plaintiff.</p> <p>So Ordered.</p> <p>Signed by Judge Hugh B. Scott on 4/12/07. (JRA) (Entered: 04/12/2007)</p>
04/16/2007	<u>23</u>	AMENDED COMPLAINT <i>Filed as of Right Pursuant to Stipulation and Order of the Court</i> against all defendants, filed by Marquessa Page, Camile Smith, Dedrick Williams.(Keach, Elmer) (Entered: 04/16/2007)
04/16/2007	<u>24</u>	CERTIFICATE OF SERVICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>23</u> Amended Complaint (Keach, Elmer) (Entered: 04/16/2007)
04/19/2007		Pro Hac Vice Filing fee: \$ 75, receipt number 2619 received from Alexandra C. Warren, Esq. (JDK,) (Entered: 04/19/2007)
06/01/2007	<u>25</u>	<i>Amended</i> ANSWER to Amended Complaint by The County of Niagara.(Domagalski, James) (Entered: 06/01/2007)
06/01/2007	<u>26</u>	CERTIFICATE OF SERVICE by The County of Niagara re <u>25</u> Answer to Amended Complaint (Domagalski, James) (Entered: 06/01/2007)
06/28/2007	<u>27</u>	MOTION for Extension of Time to File <i>Motion for Class Certification, On Consent</i> by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affirmation in Support of Motion# <u>2</u> Certificate of Service)Motions referred to Hugh B. Scott.(Keach, Elmer) (Entered: 06/28/2007)
07/02/2007	28	TEXT ORDER. IT HEREBY IS ORDERED that the <u>27</u> Plaintiffs' Motion for an Extension of Time to File their Class Certification Motion is GRANTED. Plaintiffs' Motion for Class Certification is now due 7/6/2007. SO ORDERED. Issued by the Hon. William M. Skretny on 7/2/2007. (MEAL) (Entered: 07/02/2007)
07/02/2007		Set Deadlines/Hearings: Plaintiffs Motion for class certification due by 7/6/2007. (JDK) (Entered: 07/03/2007)
07/06/2007	<u>29</u>	MOTION to Certify Class by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affirmation in support of motion# <u>2</u> Exhibit A -- Beilein Dep., p. 1-50# <u>3</u> Exhibit A -- Beilein Deposition, p. 51-100# <u>4</u> Exhibit A -- Beilein Dep., p. 101-150# <u>5</u> Exhibit A -- Beilein Dep., p. 151-200# <u>6</u> Exhibit A -- Beilein Dep., p. 201-243# <u>7</u> Exhibit A -- beilein dep., exhibits, part 1# <u>8</u> Exhibit A -- Beilein Dep., exhibits part 2# <u>9</u> Exhibit A -- Beilein Dep., exhibits, part 3#

		<u>10</u> Exhibit B -- Williams Dep., p. 1-50# <u>11</u> Exhibit b -- williams Dep., p. 51-100# <u>12</u> Exhibit c -- Page Dep., p. 1-50# <u>13</u> Exhibit C -- Page Dep., p. 51-100# <u>14</u> Exhibit C -- page dep., p. 101-150# <u>15</u> Exhibit D -- Smith Dep., p. 1-50# <u>16</u> Exhibit D -- Smith Dep., p. 51-85# <u>17</u> Exhibit E -- Amended complaint# <u>18</u> Exhibit F -- Niagara County Strip Search Policy# <u>19</u> Exhibit G -- Domagalski letter# <u>20</u> Exhibit H -- Engert Memorandum# <u>21</u> Exhibit I -- Mitchell v. County of Clinton Decision# <u>22</u> Exhibit J -- Tyson v. City of New York Bench Decision# <u>23</u> Exhibit K -- Kahler Decision# <u>24</u> Exhibit L -- Keach Firm Resume# <u>25</u> Exhibit M -- Berenbaum Firm Resume# <u>26</u> Exhibit N -- Mason Firm Resume# <u>27</u> Exhibit O -- Cuneo Firm Resume# <u>28</u> Exhibit P -- Sample Booking Records# <u>29</u> Exhibit Q -- Pritchard Decision# <u>30</u> Memorandum in Support # <u>31</u> Certificate of Service)(Keach, Elmer) (Entered: 07/07/2007)
07/24/2007	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice of <i>Nicholas A. Migliaccio</i> by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affidavit of Nicholas A. Migliaccio# <u>2</u> Text of Proposed Order)(Barnett, Alexander) (Entered: 07/24/2007)
07/24/2007		E-Filing Notification: <u>30</u> MOTION for Leave to Appear Pro Hac Vice of <i>Nicholas A. Migliaccio</i> , Filed Without Proof of Service (JDK) (Entered: 07/25/2007)
07/26/2007	<u>31</u>	NOTICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>30</u> MOTION for Leave to Appear Pro Hac Vice of <i>Nicholas A. Migliaccio</i> Notice of Service (Barnett, Alexander) (Entered: 07/26/2007)
07/27/2007	<u>32</u>	TEXT SCHEDULING ORDER on <u>29</u> Plaintiffs' Motion to Certify Class. Response due by 8/20/2007. Reply due by 9/10/2007. Oral Argument to be scheduled by the Court if necessary. SO ORDERED. Issued by the Hon. William M. Skretny on 7/24/2007. (MEAL) (Entered: 07/27/2007)
08/14/2007	<u>33</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's motion for class certification</i> by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton.(Domagalski, James) (Entered: 08/14/2007)
08/14/2007	<u>34</u>	AFFIDAVIT re <u>33</u> Consent MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's motion for class certification</i> by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Attachments: # <u>1</u> Exhibit A)(Domagalski, James) (Entered: 08/14/2007)
08/20/2007	<u>35</u>	TEXT ORDER. IT HEREBY IS ORDERED that the <u>33</u> Defendants' Motion for an Extension of Time to File a Response to <u>29</u> Plaintiff's Motion for Class Certification is GRANTED. Defendants' response is now due 9/28/2007. Plaintiff's reply is now due 10/19/2007. SO ORDERED. Issued by the Hon. William M. Skretny on 8/16/2007. (MEAL) (Entered: 08/20/2007)
08/29/2007	<u>36</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>Before the court is a motion for the admission of Nicholas A. Migliaccio, Esq., pro hac vice (Docket No. 10). Upon the above referenced application and supporting papers and the Certificate of Service stating service upon all other parties, and no opposition being shown; the motion has been deemed submitted and is hereby GRANTED. It is ordered that upon the payment of the admission fee pursuant to Rule 83.1(l) of the Local Rules of Civil Procedure for the Western District of New York and registration with the Court's Electronic Case Filing system ("ECF"), Nicholas A. Migliaccio, Esq., may appear herein on behalf of the plaintiffs.</p> <p>So Ordered.</p> <p>Signed by Judge Hugh B. Scott on 8/29/07.(JRA) (Entered: 08/29/2007)</p>
09/05/2007		Filing fee: \$ 75, receipt number 4417 ;pro hac vice received from Nicholas Migliaccio (JDK) (Entered: 09/05/2007)
09/28/2007	<u>37</u>	AFFIDAVIT of <i>Daniel Engert</i> in Opposition re <u>29</u> MOTION to Certify Class with <i>Exhibit A to C</i> filed by The County of Niagara, Thomas Beilein, Samuel

		Muscarella, John Saxton. (Domagalski, James) (Entered: 09/28/2007)
09/28/2007	<u>38</u>	AFFIDAVIT of Frank T. Gaglione in Opposition re <u>29</u> MOTION to Certify Class filed by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Attachments: # <u>1</u> Exhibit A through C)(Domagalski, James) (Entered: 09/28/2007)
09/28/2007	<u>39</u>	CONTINUATION OF EXHIBITS to <u>38</u> Affidavit in Opposition to Motion Exhibits D through J. (Attachments: # <u>1</u> Exhibit D part 2# <u>2</u> Exhibit D part 3# <u>3</u> Exhibit D part 4# <u>4</u> Exhibit D part 5# <u>5</u> Exhibit E part 1# <u>6</u> Exhibit E part 2# <u>7</u> Exhibit F# <u>8</u> Exhibit G part 1# <u>9</u> Exhibit G part 2# <u>10</u> Exhibit H# <u>11</u> Exhibit I# <u>12</u> Exhibit J)(Domagalski, James) (Entered: 09/28/2007)
09/28/2007	<u>40</u>	MEMORANDUM in Opposition re <u>29</u> MOTION to Certify Class filed by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Domagalski, James) (Entered: 09/28/2007)
09/28/2007	<u>41</u>	CERTIFICATE OF SERVICE by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton re <u>39</u> Continuation of Exhibits, <u>40</u> Memorandum in Opposition to Motion, <u>37</u> Affidavit in Opposition to Motion, <u>38</u> Affidavit in Opposition to Motion (Domagalski, James) (Entered: 09/28/2007)
10/19/2007	<u>42</u>	MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION to Certify Class <i>On Consent</i> by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affidavit Affirmation of Elmer Keach# <u>2</u> Certificate of Service)(Keach, Elmer) (Entered: 10/19/2007)
10/23/2007	43	TEXT ORDER. IT HEREBY IS ORDERED that the <u>42</u> Plaintiff's Motion for an Extension of Time to File a Reply in support of their <u>29</u> Motion for Class Certification is GRANTED. Plaintiffs' reply is now due 10/26/2007. SO ORDERED. Issued by the Hon. William M. Skretny on 10/22/2007. (MEAL) (Entered: 10/23/2007)
10/26/2007	<u>44</u>	REPLY to Response to Motion re <u>29</u> MOTION to Certify Class filed by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Reply Affirmation of Elmer Keach# <u>2</u> Exhibit R -- Commitment Report, March 11, 2005# <u>3</u> Exhibit S -- Transport Statistics, March 2005# <u>4</u> Certificate of Service)(Keach, Elmer) (Entered: 10/26/2007)
05/30/2008	45	TEXT ORDER This case is hereby transferred to Hon. Richard J. Arcara. Signed by Hon. Richard J. Arcara on 5/30/2008. (JMB) (Entered: 05/30/2008)
05/30/2008		Hon. Richard J. Arcara added. Hon. William M. Skretny no longer assigned to case. (JMB) (Entered: 05/30/2008)
06/30/2008		NOTICE OF ORAL ARGUMENT. Oral Argument is scheduled for 8/6/2008 at 09:00 AM before Hon. Richard J. Arcara as to <u>29</u> plaintiffs motion to certify class.(DJD) (Entered: 06/30/2008)
08/05/2008	<u>46</u>	RESPONSE in Support re <u>29</u> MOTION to Certify Class <i>Supplemental Affirmation Correcting Exhibit and Providing Supplemental Authority to the Court</i> filed by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Corrected Plaintiffs' Exhibit B -- Williams Deposition, Part 1, # <u>2</u> Corrected Exhibit B -- Part 2, # <u>3</u> Corrected Exhibit B -- Part 3, # <u>4</u> Corrected Exhibit B -- Part 4, # <u>5</u> In Re Nassau County decision, # <u>6</u> Florence Decision, # <u>7</u> Delandro Decision)(Keach, Elmer) (Entered: 08/05/2008)
08/05/2008		E-Filing Notification: Filed without proof of service** <u>46</u> RESPONSE in Support (JDK) (Entered: 08/06/2008)
08/06/2008		Minute Entry for proceedings held 8/6/2008 before Hon. Richard J. Arcara. Oral Argument is held as to <u>29</u> Plaintiffs' Motion to Certify Class. The Court directs Plaintiffs to submit further papers as to proposed class definition; one class certification or two class certification. Decision is reserved. Appearances: Pltfs – Elmer Keach, Gary Mason and Charles LaDuca; Defts – Frank Gaglione and James Domagalski (Court Reporter Yvonne Garrison.) (DJD) (Entered: 09/05/2008)

08/23/2008	<u>47</u>	AFFIRMATION signed by Elmer Keach re <u>29</u> MOTION to Certify Class filed by Marquessa Page, Camile Smith, Dedrick Williams <i>Supplemental Submission on Class Definition, With Certificate of Service</i> filed by Marquessa Page, Camile Smith, Dedrick Williams. (Keach, Elmer) (Entered: 08/23/2008)
08/27/2008	48	TEXT ORDER: Defendants may file a response to <u>47</u> Affirmation, filed by Camile Smith, Dedrick Williams, Marquessa Page on or before 9/10/2008. Signed by Hon. Richard J. Arcara on 8/27/2008. (JMB) (Entered: 08/27/2008)
09/10/2008	<u>49</u>	AFFIRMATION signed by Frank T. Gaglione re 48 Text Order, <u>47</u> Affirmation, filed by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton <i>In Response to Plaintiffs' Supplemental Submission on Class Definition</i> filed by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Attachments: # <u>1</u> Certificate of Service)(Domagalski, James) (Entered: 09/10/2008)
09/11/2008	<u>50</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 8/6/08, before Judge Richard J. Arcara. Court Reporter/Transcriber Yvonne M. Garrison, Telephone number 716-847-2477. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 10/2/2008. Redacted Transcript Deadline set for 10/14/2008. Release of Transcript Restriction set for 12/10/2008. (JDK) (Entered: 09/11/2008)
09/29/2008	<u>51</u>	ORDER granting <u>29</u> Motion to Certify Class, referring case back to Magistrate Judge Scott for further proceedings. Signed by Hon. Richard J. Arcara on 9/29/2008. (JMB) (Entered: 09/29/2008)
09/30/2008	52	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>A status / scheduling conference shall take place in this matter on December 9, 2008 at 2:00 p.m. before the undersigned.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 9/30/08. (JRA) (Entered: 09/30/2008)</p>
09/30/2008		Set Deadlines/Hearings: status/ Scheduling Conference set for 12/9/2008 02:00 PM before Hon. Hugh B. Scott. (JDK) (Entered: 10/01/2008)
11/26/2008	53	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>By letter dated November 13, 2008, counsel for the defendants have requested that the December 9, 2008 scheduling / status conference in this case be rescheduled due to a conflict. The conference is re-scheduled to December 17, 2008 at 2:30 p.m. before the undersigned.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 11/26/08. (JRA) (Entered: 11/26/2008)</p>
12/16/2008	54	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>By letter dated December 15, 2008, counsel for the plaintiff, Elmer Keach, Esq. and Charles LaDuca, Esq. have requested permission to participate in the December 17, 2008 scheduling / status conference by telephone. The defendants do not object. The request is granted. The Court will initiate the telephone call. If plaintiffs counsel will be at a telephone number other than the one listed on the docket, counsel shall notify the Court of that telephone number as soon as possible.</p>

		So Ordered. Signed by Hon. Hugh B. Scott on 12/16/08. (JRA) (Entered: 12/16/2008)
12/17/2008	55	<p style="text-align: center;">MINUTES OF PROCEEDINGS</p> <p style="text-align: center;">BEFORE MAGISTRATE JUDGE HUGH B. SCOTT</p> <p>Scheduling / Status Conference held on 12/17/2008. D. Jay, E. Keach (phone), C. LaDuca (phone), B. Thompson for plaintiffs; J. Domagalski for defendants. The plaintiffs advised the Court that they will not pursue claims relating to the second class certified by the District Court [the Policy 1201 class]. At the time of the conference, the Court indicated that dates for settlement conferences would be included in the scheduling order. The Court was not aware, at that time, that this case was previously referred to mediation by the District Court and that a mediator had already been appointed. Thus, the parties must engage in the mediation process. The docket does not reflect that the parties engaged in mediation as directed in the initial scheduling order. [Docket No. 14]. Second Scheduling Order to issue. (JRA) (Entered: 12/18/2008)</p>
12/18/2008	<u>56</u>	<p>SCHEDULING ORDER setting dates for pretrial proceedings: Discovery to be completed by 8/31/2009. Dispositive motions due by 11/30/2009. Signed by Hon. Hugh B. Scott on 12/18/08. (JRA) (Entered: 12/18/2008)</p>
06/02/2009	<u>57</u>	<p>NOTICE of Appearance by Bethany B. Schumann–McGhee on behalf of all plaintiffs (Schumann–McGhee, Bethany) (Entered: 06/02/2009)</p>
06/05/2009	<u>58</u>	<p>MOTION for Leave to Appear Pro Hac Vice of Brendan S. Thompson by Marquessa Page, Camile Smith, Dedrick Williams.(LaDuca, Charles) (Entered: 06/05/2009)</p>
06/10/2009	<u>59</u>	<p>ORDER granting <u>58</u> Motion for Leave to Appear; upon the payment of the admission fee pursuant to Rule 83.1(l) of the Local Rules of Civil Procedure for the Western District of New York and registration with the Courts Electronic Case Filing system ("ECF"), Brendan S. Thompson, Esq., may appear herein on behalf of plaintiffs. Signed by Hon. Hugh B. Scott on 6/10/09.(JRA) (Entered: 06/10/2009)</p>
08/17/2009	60	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>By letter dated August 13, 2009, the defendants request an extension of time, until August 28, 2009, to identify and produce expert reports in this matter. Defendants represent that the plaintiffs' consent to the requested extension. The request is granted. The defendant shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than August 14, 2009 See Rule 26 of the Local Rules for the Western District of New York as amended effective December 1, 1994. All expert discovery shall be completed on or before September 14, 2009. All other dates in the December 18, 2009 scheduling order (Docket No. 56) remain in effect at this time.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 8/17/09. (JRA) (Entered: 08/17/2009)</p>
09/01/2009	61	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>By letter dated August 26, 2009, the defendants request a further extension of time, until September 25, 2009, to identify and produce expert reports in this matter due to an urgent medical situation involving the defendants expert's family. The defendants represent that the plaintiffs consent to the requested extension. The request is granted. The defendant shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than September 25,</p>

		<p>2009 See Rule 26 of the Local Rules for the Western District of New York as amended effective December 1, 1994. All expert discovery shall be completed on or before October 25, 2009. All other dates in the December 18, 2009 scheduling order (Docket No. 56) remain in effect at this time.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 9/1/09. (JRA) (Entered: 09/01/2009)</p>
09/25/2009	62	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p style="text-align: center;">AMENDED SCHEDULING ORDER</p> <p>By letter dated September 24, 2009, the defendants request a further extension of time to serve expert disclosures in this matter. The request is based upon an urgent medical situation involving the defendants expert's family. The defendants represent that the plaintiffs consent to the requested extension. The request is granted. The defendant shall identify and produce its expert reports on or before October 26, 2009. The deadline to complete discovery, including expert discovery, is extended to November 24, 2009. Dispositive motions, if any, shall be filed by January 29, 2010.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 9/25/09. (JRA) (Entered: 09/25/2009)</p>
11/02/2009	<u>63</u>	<p>STIPULATION <i>Extending Deadlines for Expert Discovery</i> by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Domagalski, James) (Entered: 11/02/2009)</p>
11/02/2009	<u>64</u>	<p>RESPONSE to Discovery Request from Defendant's Expert Disclosure by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton.(Domagalski, James) (Entered: 11/02/2009)</p>
11/02/2009		<p>E-Filing Notification: No proof of service. Action required: File proof of service <u>64</u> RESPONSE to Discovery Request from Defendant's Expert Disclosure by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton.(Domagalski, James) (DR) (Entered: 11/03/2009)</p>
11/03/2009	<u>65</u>	<p>CERTIFICATE OF SERVICE by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton re <u>64</u> Response to Discovery (Domagalski, James) (Entered: 11/03/2009)</p>
11/06/2009	<u>66</u>	<p>CERTIFICATE OF SERVICE by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton re <u>65</u> Certificate of Service, <u>64</u> Response to Discovery <i>Corrected per Clerk's Direction</i> (Domagalski, James) (Entered: 11/06/2009)</p>
11/06/2009	67	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF THE ORDER</p> <p>The parties have stipulated to brief extensions of certain dates in the Scheduling Order (Docket No. 63). The modification of the Scheduling Order is approved.</p> <p>So Ordered.</p> <p>Signed by Hon. Hugh B. Scott on 11/6/09. (JRA) (Entered: 11/06/2009)</p>
02/19/2010	<u>68</u>	<p>NOTICE by Marquessa Page, Camile Smith, Dedrick Williams <i>of Withdrawal of Appearance and Removal from ECF Notification for Attorney Bethany Schumann-McGhee</i> (Keach, Elmer) (Entered: 02/19/2010)</p>
03/15/2010		<p>NOTICE: A MEETING TO SET TRIAL DATE is scheduled for 3/30/2010 at 09:00 AM before Hon. Richard J. Arcara.(DJD) (Entered: 03/15/2010)</p>

03/25/2010	<u>69</u>	MOTION for Leave to File <i>Motion for Summary Judgment</i> by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affidavit Affirmation of Elmer Keach in Support of Motion, # <u>2</u> Certificate of Service)(Keach, Elmer) (Entered: 03/25/2010)
03/29/2010	70	TEXT ORDER. Plaintiffs filed <u>69</u> Motion for Leave to File Motion for Summary Judgment. Response papers are to be filed by 4/13/2010. Oral Argument on the motion is scheduled for 4/29/2010 at 03:00 PM before Hon. Richard J. Arcara . Upon the oral request of counsel for plaintiffs, the 3/30/2010 Meeting to Set Trial Date is rescheduled as a Status Conference/Meeting to Set Trial Date for 4/29/2010 at 03:00 PM before Hon. Richard J. Arcara. SO ORDERED. Issued by Hon. Richard J. Arcara on March 29, 2010. (DJD) (Entered: 03/29/2010)
04/13/2010	<u>71</u>	AFFIDAVIT in Opposition re <u>69</u> MOTION for Leave to File <i>Motion for Summary Judgment</i> filed by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Attachments: # <u>1</u> Certificate of Service)(Domagalski, James) (Entered: 04/13/2010)
04/20/2010	<u>72</u>	Mediation Certification by Michael A. Brady(Brady, Michael) (Entered: 04/20/2010)
04/29/2010	<u>73</u>	MOTION Provide Notice to the Class <i>and Incorporated Memorandum</i> by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Exhibit A Proposed Class Notice, # <u>2</u> Exhibit B Notice Plan, # <u>3</u> Certificate of Service)(Migliaccio, Nicholas) (Entered: 04/29/2010)
04/29/2010		Set/Reset Deadlines as to Oral Argument on Pltf's Motion for Summary Judgment set for 8/20/2010 09:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 04/30/2010)
04/29/2010		Minute Entry for proceedings held 4/29/2010 before Hon. Richard J. Arcara. Oral Argument is held as to <u>69</u> Motion for Leave to File Motion for Summary Judgment filed by plaintiffs. The Court grants the motion. The following briefing schedule is set forth: plaintiffs' motion for summary judgment is to be filed by 6/4/2010; response papers to be filed by 7/16/2010; reply papers to be filed by 7/30/2010. Oral Argument is scheduled for 8/20/2010 at 09:00 AM. The Court directs plaintiffs to submit a proposed order addressing the class notification. Appearances: Pltfs – Elmer Keach; Defts – Frank Gaglione and James Domagalski (Electronic Court Recorder, Jane Kellogg.) (DJD) (Entered: 05/11/2010)
06/04/2010	<u>74</u>	MOTION for Extension of Time to File <i>On Consent</i> by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affirmation in Support)(Keach, Elmer) (Entered: 06/04/2010)
06/04/2010	<u>75</u>	CERTIFICATE OF SERVICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>74</u> MOTION for Extension of Time to File <i>On Consent</i> (Keach, Elmer) (Entered: 06/04/2010)
06/08/2010	<u>76</u>	MOTION for Partial Summary Judgment by Marquessa Page, Camile Smith, Dedrick Williams.(Keach, Elmer) (Entered: 06/08/2010)
06/08/2010	<u>77</u>	AFFIRMATION signed by Elmer Robert Keach, III re <u>76</u> MOTION for Partial Summary Judgment filed by Marquessa Page, Camile Smith, Dedrick Williams filed by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Exhibit 1 – Amended Class Action Complaint, # <u>2</u> Exhibit 2 – Defendants' Amended Answer, # <u>3</u> Exhibit 3 – Decision of Court granting Class Certification, # <u>4</u> Exhibit 4 – Defendants' Strip Search Policy, # <u>5</u> Exhibit 5 – Memorandum from Engert to Sexton, Entitled "Strip Search Policy – 1109", # <u>6</u> Exhibit 6 – Dedrick Williams Deposition, Part 1, pp. 1–50, # <u>7</u> Exhibit 6 – Dedrick Williams Dep., Part Two, pp. 51–100, # <u>8</u> Exhibit 6 – Dedrick Williams Deposition, Part Three, pp. 101–150, # <u>9</u> Exhibit 6 – Dedrick Williams Dep., Part 4, 151–end, # <u>10</u> Exhibit 7 – Marquessa Page Deposition Transcript, # <u>11</u> Exhibit 8 – Camille Smith Deposition Transcript, # <u>12</u> Exhibit 9 – Niagara County (Beilein) Deposition, Part One, pp. 1–50, # <u>13</u> Exhibit 9 – Niagara County (Beilein) Deposition, Part Two, pp. 51–100, # <u>14</u> Exhibit 9 – Niagara County (Beilein) Deposition, Part Three, pp. 101–150, # <u>15</u> Exhibit 9 – Niagara County (Beilein) Dep., Part Four, pp. 151–200, # <u>16</u> Exhibit 9 – Niagara County (Beilein) Deposition, Part Five, pp. 201–243, # <u>17</u> Exhibit 9 – Niagara County (Beilein)

		Deposition, Exhibits, Part One, # <u>18</u> Exhibit 9 -- Niagara County (Beilein) Dep., Exhibits, Part Two, # <u>19</u> Exhibit 9 -- Niagara County (Beilein) Deposition, Exhibits, Part Three, # <u>20</u> Exhibit 10 -- Daniel Engert Deposition, # <u>21</u> Exhibit 11 -- Jason Kenney Deposition, # <u>22</u> Exhibit 12 -- Paul Curcione Deposition, # <u>23</u> Exhibit 13 -- Anthony Suess Deposition, # <u>24</u> Exhibit 14 -- Defendants' Expert Deposition)(Keach, Elmer) (Entered: 06/08/2010)
06/09/2010	<u>78</u>	AFFIRMATION signed by Elmer Robert Keach, III re <u>76</u> MOTION for Partial Summary Judgment filed by Marquessa Page, Camile Smith, Dedrick Williams <i>Supplemental Affirmation in Support of Motion for Summary Judgment</i> filed by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Exhibit 15 -- Defendants' Response to Request for Documents, # <u>2</u> Exhibit 16 -- contraband reports, Niagara county jail)(Keach, Elmer) (Entered: 06/09/2010)
06/09/2010	<u>79</u>	CONTINUATION OF EXHIBITS by Marquessa Page, Camile Smith, Dedrick Williams. to <u>76</u> MOTION for Partial Summary Judgment <i>Plaintiffs' Statement of Uncontested Material Fact</i> filed by Marquessa Page, Camile Smith, Dedrick Williams. (Keach, Elmer) (Entered: 06/09/2010)
06/09/2010	<u>80</u>	MEMORANDUM in Support re <u>76</u> MOTION for Partial Summary Judgment filed by Marquessa Page, Camile Smith, Dedrick Williams. (Keach, Elmer) (Entered: 06/09/2010)
06/09/2010	<u>81</u>	CERTIFICATE OF SERVICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>80</u> Memorandum in Support of Motion, <u>79</u> Continuation of Exhibits, <u>77</u> Affirmation,,,,,, <u>78</u> Affirmation, <u>76</u> MOTION for Partial Summary Judgment (Keach, Elmer) (Entered: 06/09/2010)
06/09/2010		E-Filing Notification: Incorrect event used to electronically file document. For future reference, use STATEMENT OF FACTS event. No action required. <u>79</u> CONTINUATION OF EXHIBITS by Marquessa Page, Camile Smith, Dedrick Williams. to <u>76</u> MOTION for Partial Summary Judgment <i>Plaintiffs' Statement of Uncontested Material Fact</i> filed by Marquessa Page, Camile Smith, Dedrick Williams. (Keach, Elmer) (DR) (Entered: 06/10/2010)
07/12/2010	<u>82</u>	Consent MOTION for Extension of Time to File Response/Reply as to Motion Hearing, Terminate Motions,,,,, <u>76</u> MOTION for Partial Summary Judgment by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Attachments: # <u>1</u> Affidavit in Support of Motion)(Domagalski, James) (Entered: 07/12/2010)
07/15/2010	83	TEXT ORDER granting <u>82</u> Consent MOTION for Extension of Time to File Response/Reply as to Motion Hearing. Defendants' response due by 8/2/2010. Plaintiffs' reply due by 8/9/2010. Signed by Hon. Richard J. Arcara on 7/15/2010. (JMB) (Entered: 07/15/2010)
08/02/2010	<u>84</u>	Cross MOTION for Summary Judgment by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Attachments: # <u>1</u> Rule 56 Counter-Statement of Facts, # <u>2</u> Exhibit 1 to 7 to Rule 56 Counter-Statement, # <u>3</u> Exhibit 8 to 14 to Rule 56 Counter-Statement, # <u>4</u> Affidavit of Frank T. Gaglione in Support of Cross-motion and in Opposition to Plaintiffs' Motion for Partial Summary Judgment, # <u>5</u> Memorandum in Support of Cross-Motion and in Opposition to Plaintiffs' Motion for Partial Summary Judgment)(Domagalski, James) (Entered: 08/02/2010)
08/09/2010	<u>85</u>	MOTION for Extension of Time to File Response/Reply as to <u>84</u> Cross MOTION for Summary Judgment, <u>76</u> MOTION for Partial Summary Judgment <i>and Request for Adjournment of Oral Argument</i> by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Certificate of Service)(Keach, Elmer) (Entered: 08/10/2010)
08/12/2010	86	TEXT ORDER: plaintiffs motion for an extension of time to file a reply to their <u>76</u> motion for summary judgment and a response to defendants <u>84</u> cross motion for summary judgment is granted. Plaintiff shall have until 8/27/2010 to file their response and reply. Defendant shall file its reply by 9/17/2010. Oral argument scheduled for 8/20/2010 is adjourned. The Court will advise the parties of a new date. SO ORDERED. Issued by Hon. Richard J. Arcara on 8/12/2010. (JDK)

		(Entered: 08/12/2010)
08/19/2010		NOTICE OF RESCHEDULED ORAL ARGUMENT DATE. Oral Argument as to <u>76</u> Motion for Partial Summary Judgment filed by plaintiffs and <u>84</u> Cross-Motion for Summary Judgment filed by defendants is rescheduled from 8/20/2010 to 10/18/2010 at 02:00 PM before Hon. Richard J. Arcara. (DJD) (Entered: 08/19/2010)
08/27/2010	<u>87</u>	MOTION for Extension of Time to File Response/Reply as to <u>84</u> Cross MOTION for Summary Judgment by Marquessa Page, Camile Smith, Dedrick Williams. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Certificate of Service)(Keach, Elmer) (Entered: 08/27/2010)
08/29/2010	<u>88</u>	RESPONSE in Opposition re <u>84</u> Cross MOTION for Summary Judgment <i>Counter-Statement of Material Fact</i> filed by Marquessa Page, Camile Smith, Dedrick Williams. (Keach, Elmer) (Entered: 08/29/2010)
08/29/2010	<u>89</u>	MEMORANDUM in Opposition re <u>84</u> Cross MOTION for Summary Judgment filed by Marquessa Page, Camile Smith, Dedrick Williams. (Keach, Elmer) (Entered: 08/29/2010)
08/29/2010	<u>90</u>	CERTIFICATE OF SERVICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>89</u> Memorandum in Opposition to Motion, <u>88</u> Response in Opposition to Motion (Keach, Elmer) (Entered: 08/29/2010)
08/30/2010	91	TEXT ORDER granting <u>87</u> Motion for Extension of Time to August 29, 2010 to File Responding papers regarding defendant's motion for summary judgment. Signed by Hon. Richard J. Arcara on 8/30/2010. (JMB) (Entered: 08/30/2010)
09/17/2010	<u>92</u>	REPLY/RESPONSE to re <u>84</u> Cross MOTION for Summary Judgment, <u>89</u> Memorandum in Opposition to Motion, <u>88</u> Response in Opposition to Motion, <u>76</u> MOTION for Partial Summary Judgment filed by The County of Niagara, Thomas Beilein, Samuel Muscarella, John Saxton. (Attachments: # <u>1</u> Certificate of Service)(Domagalski, James) (Entered: 09/17/2010)
10/18/2010		Minute Entry for proceedings held 10/18/2010 before Hon. Richard J. Arcara. Oral Argument is held as to <u>76</u> Motion for Partial Summary Judgment filed by plaintiffs and <u>84</u> Cross-Motion for Summary Judgment filed by defendants. Decision is reserved. Appearances: Pltfs – Elmer Robert Keach and Nicholas Migliaccio; Defts – Frank Gaglione and James Domagalski (Court Recorder ECRO Jane Kellogg.) (DJD) (Entered: 11/29/2010)
01/25/2011	93	TEXT ORDER granting <u>74</u> Motion for Extension of Time to File. Signed by Hon. Richard J. Arcara on 1/25/2011. (JMB) (Entered: 01/25/2011)
04/15/2011		NOTICE OF STATUS CONFERENCE. A Status Conference is scheduled for 4/19/2011 at 09:00 AM before Hon. Richard J. Arcara. Counsel for plaintiffs may participate by telephone by calling 716-332-7810 on 4/19/2011 at 8:55 AM. (DJD) (Entered: 04/15/2011)
04/19/2011		Minute Entry for proceedings held 4/19/2011 before Hon. Richard J. Arcara. Status conference is held. The Court stays the proceedings for one year pending the outcome of a U.S. Supreme Court case which is of a similar issue to the instant case. Further Status Conference is scheduled for 4/20/2012 at 09:00 AM. Appearances: Pltf – Elmer Keach (via telephone conference call); Deft – Frank Gaglione and James Domagalski (Court Reporter Yvonne Garrison.) (DJD) (Entered: 07/01/2011)
04/19/2011		Set/Reset Hearings: Status Conference set for 4/20/2012 09:00 AM before Hon. Richard J. Arcara. (DJD) (Entered: 07/01/2011)
07/01/2011		Set Deadlines/Hearings: Status Conference set for 4/20/2012 09:00 AM before Hon. Richard J. Arcara. (DZ) (Entered: 07/05/2011)
02/23/2012	<u>94</u>	NOTICE by Marquessa Page, Camile Smith, Dedrick Williams <i>of Change of Firm Name</i> (Migliaccio, Nicholas) (Entered: 02/23/2012)

04/12/2012	95	TEXT ORDER: the status conference scheduled for April 20, 2012 is adjourned. The parties are directed to file short memoranda advising the Court of their positions regarding the effect of <i>Florence v. Board of Chosen Freeholders of County of Burlington</i> , --- S.Ct. ----, 2012 WL 1069092 (April 2, 2012)(No. 10-945), on the legal theories at issue and on the pending proceedings. The parties should confer among themselves in order to reach agreements regarding these matters to the extent possible and should submit joint or partially joint memoranda to the extent possible. The parties memoranda shall be due April 26, 2012. Further proceedings will be scheduled by the Court. Issued by Hon. Richard J. Arcara on April 12, 2012. (WJG) (Entered: 04/12/2012)
04/27/2012	96	TEXT ORDER: the due date for memoranda of the parties scheduled in Text Order 95 to advise the Court of the views of the parties regarding the effects of the Supreme Court's decision in <i>Florence v. Board of Chosen Freeholders of County of Burlington</i> , 132 S.Ct. 1510 (2012), is adjourned to May 10, 2012. Issued by Hon. Richard J. Arcara on April 27, 2012. (WJG) (Entered: 04/27/2012)
05/10/2012	<u>97</u>	Consent MOTION for Extension of Time to File <i>Status Report Regarding Florence Decision Until May 14, 2012</i> by Marquessa Page, Camile Smith, Dedrick Williams.(Keach, Elmer) (Entered: 05/10/2012)
05/10/2012	<u>98</u>	CERTIFICATE OF SERVICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>97</u> Consent MOTION for Extension of Time to File <i>Status Report Regarding Florence Decision Until May 14, 2012</i> (Keach, Elmer) (Entered: 05/10/2012)
05/10/2012	<u>99</u>	CONTINUATION OF EXHIBITS to <u>97</u> Consent MOTION for Extension of Time to File <i>Status Report Regarding Florence Decision Until May 14, 2012</i> . (Keach, Elmer) (Entered: 05/10/2012)
05/10/2012	100	TEXT ORDER: Motion for Extension of Time to File Status Report to May 14, 2012 <u>97</u> is granted. Issued by Hon. Richard J. Arcara on May 10, 2012. (WJG) (Entered: 05/10/2012)
05/14/2012	<u>101</u>	MEMORANDUM/BRIEF re 95 Terminate Hearings, Text Order,,,, <i>Regarding Effect of Florence Decision</i> by Thomas Beilein, Samuel Muscarella, John Saxton, The County of Niagara. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service)(Domagalski, James) (Entered: 05/14/2012)
05/14/2012	<u>102</u>	NOTICE by Marquessa Page, Camile Smith, Dedrick Williams re 95 Terminate Hearings, Text Order,,,, <i>Plaintiffs' Submission Regarding the Florence Decision</i> (Keach, Elmer) (Entered: 05/14/2012)
05/14/2012	<u>103</u>	CERTIFICATE OF SERVICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>102</u> Notice (Other) (Keach, Elmer) (Entered: 05/14/2012)
05/15/2012	104	TEXT ORDER: In light of the parties' helpful May 14, 2012 filings regarding the effect of <i>Florence v. Board of Chosen Freeholders of County of Burlington</i> , the parties are directed to confer and each submit a brief statement of the motions they conclude should be filed by May 23, 2012. Issued by Hon. Richard J. Arcara on May 15, 2012. (MLM) (Entered: 05/15/2012)
05/23/2012	<u>105</u>	MEMORANDUM/BRIEF re 104 Text Order, <i>with Certificate of Service</i> by Thomas Beilein, Samuel Muscarella, John Saxton, The County of Niagara. (Domagalski, James) (Entered: 05/23/2012)
05/23/2012	<u>106</u>	NOTICE by Marquessa Page, Camile Smith, Dedrick Williams re 104 Text Order, <i>Submission on Proposed Motion Practice</i> (Attachments: # <u>1</u> Exhibit A -- Correspondence from Defendants, # <u>2</u> Exhibit B ---- Email Between Counsel)(Keach, Elmer) (Entered: 05/23/2012)
05/24/2012	<u>107</u>	CERTIFICATE OF SERVICE by Marquessa Page, Camile Smith, Dedrick Williams re <u>106</u> Notice (Other) (Keach, Elmer) (Entered: 05/24/2012)