

CLOSED, MEMBER, RELATED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:03-cv-04114-GEL**

Cence, et al v. The City of New York, et al  
Assigned to: Judge Gerard E. Lynch  
Demand: \$0  
Lead case: [1:02-cv-05426-GEL-THK](#)  
Member case: ([View Member Case](#))  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/05/2003  
Date Terminated: 07/11/2006  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**David Cence**  
*individually and on behalf of a class of  
all others similarly situated*

represented by **Richard Cardinale**  
Cardinale & Marinelli  
26 Court Street  
Suite 1815  
Brooklyn, NY 11242  
718-624-9391  
Fax: 718-624-4748  
Email: [rcardinaleesq@gmail.com](mailto:rcardinaleesq@gmail.com)  
**LEAD ATTORNEY**

**Plaintiff**

**Diedre Hendricks**  
*individually and on behalf of a class of  
all others similarly situated*

represented by **Richard Cardinale**  
(See above for address)  
**LEAD ATTORNEY**

**Plaintiff**

**Keysha Lee Coreta Morris**  
*individually and on behalf of a class of  
all others similarly situated*

represented by **Richard Cardinale**  
(See above for address)  
**LEAD ATTORNEY**

**Plaintiff**

**Chanta Nixon**  
*individually and on behalf of a class of  
all others similarly situated*

represented by **Richard Cardinale**  
(See above for address)  
**LEAD ATTORNEY**

**Plaintiff**

**Federico Tenorio**  
*individually and on behalf of a class of  
all others similarly situated*

represented by **Richard Cardinale**  
(See above for address)  
**LEAD ATTORNEY**

**Plaintiff**

**Kim Wallace**  
*individually and on behalf of a class of  
all others similarly situated*

represented by **Richard Cardinale**  
(See above for address)  
**LEAD ATTORNEY**

**Plaintiff****Chante Westhook***individually and on behalf of a class of all others similarly situated*represented by **Richard Cardinale**  
(See above for address)  
**LEAD ATTORNEY**

V.

**Defendant****The City of New York**represented by **Genevieve Nelson**  
New York City Law Depart. Office of  
the Corporation Counsel  
100 Church Street  
New York, NY 10007  
(212) 788-8714  
Fax: (212) 788-0367  
Email: GNELSON@LAW.NYC.GOV  
**LEAD ATTORNEY****Defendant****The New York City Health and  
Hospitals Corporation**represented by **Genevieve Nelson**  
(See above for address)  
**LEAD ATTORNEY****Defendant****William J. Fraser***(Commissioner of the New York City  
Department of Correction), individually***Defendant****William J. Fraser***(Commissioner of the New York City  
Department of Correction), in his  
official capacities*represented by **Genevieve Nelson**  
(See above for address)  
**LEAD ATTORNEY****Defendant****Gary Lanigan***(First Deputy Commissioner of the New  
York City Department of Correction),  
individually***Defendant****Gary Lanigan***(First Deputy Commissioner of the New  
York City Department of Correction), in  
his official capacity*represented by **Genevieve Nelson**  
(See above for address)  
**LEAD ATTORNEY****Defendant****Robert N. Davoren**

*(Chief of Department of the New York City Department of Correction), individually*

**Defendant**

**Robert N. Davoren**

*(Chief of Department of the New York City Department of Correction), in his official capacity*

represented by **Genevieve Nelson**  
(See above for address)  
**LEAD ATTORNEY**

**Defendant**

**Bernard Kerik**

*(former Commissioner of the New York City Department of Correction), individually*

**Defendant**

**Bernard Kerik**

*(former Commissioner of the New York City Department of Correction), in his official capacity*

represented by **Genevieve Nelson**  
(See above for address)  
**LEAD ATTORNEY**

**Defendant**

**The Wardens of Rikers Island Correctional Facility**

**Defendant**

**The Wardens of the New York City Department of Correction**

**Defendant**

**Jacqueline Thomas-Andrews**

*(Warden of the Rose M. Singer Facility for Women at Rikers Island in 2001), individually*

represented by **Genevieve Nelson**  
(See above for address)  
**LEAD ATTORNEY**

**Defendant**

**Jacqueline Thomas-Andrews**

*(Warden of the Rose M. Singer Facility for Women at Rikers Island in 2001), in her official capacity*

**Defendant**

**Carolyn Thomas**

*(Warden of the Rose M. Singer Facility for Women), individually*

**Defendant**

**Carolyn Thomas**

represented by **Genevieve Nelson**

*(Warden of the Rose M. Singer Facility  
for Women), in her official capacity*

(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Prison Health Services, Inc.**

represented by **Genevieve Nelson**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**America Service Group, Inc.**

represented by **Genevieve Nelson**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**M.D. Trevor Parks**  
*(Prison Health Service Medical  
Director), individually*

represented by **Genevieve Nelson**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**M.D. Trevor Parks**  
*(Prison Health Service Medical  
Director), in his official capacity*

**Defendant**

**Dr. Patrick Brown**  
*(Medical Director of Correctional  
Health Services), individually*

**Defendant**

**Dr. Patrick Brown**  
*(Medical Director of Correctional  
Health Services), in his official capacity*

represented by **Genevieve Nelson**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Correction Officers 1-500**  
*(fictitious names for the correction  
officers who strip searched the  
plaintiffs)*

**Defendant**

**Correction Officers 1-500**  
*(fictitious names for the correction  
officers who strip searched the  
plaintiffs), in their official capacities*

**Defendant**

**Doctor/Nurse 1-50**  
*(fictitious names for the health care  
professionals who perform*

*gynecological procedures at New York  
City jails), individually*

**Defendant**

**Doctor/Nurse 1-50**

*(fictitious names for the health care  
professionals who perform  
gynecological procedures at New York  
City jails), in their official capacities*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/05/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 475753. (jjm) (Entered: 06/11/2003)
06/05/2003		CASE REFERRED TO Judge Gerard E. Lynch as possibly related 1:02cv5426. (jjm) (Entered: 06/11/2003)
06/05/2003	2	STATEMENT OF RELATEDNESS by David Cence, Diedre Hendricks, Keysha Lee Coreta Morris, Chanta Nixon, Federico Tenorio, Kim Wallace, Chante Westhook re: that this action be filed as related to 02cv5426 (GEL). (jjm) (Entered: 06/11/2003)
06/25/2003	3	Memo-Endorsement on letter addressed to Judge Lynch from Genevieve Nelson, dated 6/19/03; reset answer to the complaint due for 8/23/03 for Doctor/Nurse 1-50, for Doctor/Nurse 1-50, for Correction Officers, for Correction Officers, for Patrick Brown, for Patrick Brown, for Trevor Parks, for Trevor Parks, for America Service, for Prison Health Serv., for Carolyn Thomas, for Carolyn Thomas, for Jacqueline Thomas-Andrews, for Jacqueline Thomas-Andrews, for Wardens of NYC Corr., for Wardens of Rikers, for Bernard Kerik, for Bernard Kerik, for Robert N. Davoren, for Robert N. Davoren, for Gary Lanigan, for Gary Lanigan, for William J. Fraser, for William J. Fraser, for Health and Hospitals, for The City of New York . ( signed by Judge Gerard E. Lynch ); (pl) (Entered: 06/26/2003)
06/27/2003		Case accepted as related to 1:02cv5426. Notice of assignment to follow. (jjm) (Entered: 06/27/2003)
06/27/2003	4	Notice of Case Assignment to Judge Gerard E. Lynch . Copy of notice and judge's rules mailed to Attorney(s) of record: Richard J. Cardinale . (jjm) (Entered: 06/27/2003)
06/27/2003		Magistrate Judge Theodore H. Katz is so designated. (jjm) (Entered: 06/27/2003)
07/25/2003		STIPULATION and ORDER, The actions, 02cv5426 and 03cv4114, are consolidated for all purposes . ( signed by Judge Gerard E. Lynch ) Orig. doc. # 45 filed in 02cv5426. (sb) (Entered: 07/29/2003)
07/25/2003		Consolidated Member Case. Lead Case Number: 1:02cv5426. (sb)

		(Entered: 07/29/2003)
07/30/2003		Text not available. (Entered: 09/19/2003)
07/30/2003		Text not available. (Entered: 09/19/2003)
07/30/2003	6	AMENDED COMPLAINT by David Cence, Diedre Hendricks, Keysha Lee Coreta Morris, Chanta Nixon, Federico Tenorio, Kim Wallace, Chante Westhook (Answer due 8/23/03 for Doctor/Nurse 1-50, for Correction Officers, for Patrick Brown, for Trevor Parks, for America Service, for Prison Health Serv., for Carolyn Thomas, for Jacqueline Thomas-Andrews, for Wardens of NYC Corr., for Wardens of Rikers, for Bernard Kerik, for Robert N. Davoren, for Gary Lanigan, for William J. Fraser, for Health and Hospitals, for The City of New York ) amending [1-1] complaint ; Summons issued. (jco) (Entered: 09/19/2003)
08/25/2003		RULE 1.9 CERTIFICATE filed by The City of New York. Original document filed in 02cv5426 (GEL), LEAD CASE. (db) (Entered: 08/27/2003)
08/25/2003	5	ANSWER to Complaint by The City of New York (Attorney Genevieve Nelson ); jury demand. (jco) (Entered: 08/28/2003)
08/26/2003		Memo-Endorsement on letter addressed to Hon. Gerard E. Lynch from Brett H. Klein, dated 8/22/03. counsel for defendants request a stay of discovery and the briefing of plaintiffs' motion for class certification pending the outcome of settlement negotiations. So Ordered . ( signed by Judge Gerard E. Lynch ); Original entry in 02cv5426 document number 47. (yv) (Entered: 08/28/2003)
10/03/2003	7	WAIVER OF SERVICE of summons and complaint returned executed as to Robert N. Davoren mailed on 9/28/03. Answer due on 11/27/03 for Robert N. Davoren. (sb) (Entered: 10/07/2003)
10/03/2003	8	WAIVER OF SERVICE of summons and complaint returned executed as to America Service mailed on 9/28/03 . Answer due on 11/27/03 for America Service . (sb) (Entered: 10/07/2003)
10/03/2003	9	WAIVER OF SERVICE of summons and complaint returned executed as to Patrick Brown mailed on 9/28/03 . Answer due on 11/27/03 for Patrick Brown . (sb) (Entered: 10/07/2003)
10/03/2003	10	WAIVER OF SERVICE of summons and complaint returned executed as to Trevor Parks, Trevor Parks mailed on 9/28/03 . Answer due on 11/27/03 for Trevor Parks, for Trevor Parks . (sb) (Entered: 10/07/2003)
10/03/2003	11	WAIVER OF SERVICE of summons and complaint returned executed as to Prison Health Serv. mailed on 9/28/03. Answer due on 11/27/03 for Prison Health Serv. (sb) (Entered: 10/07/2003)
10/03/2003	12	WAIVER OF SERVICE of summons and complaint returned executed as to Jacqueline Thomas-Andrews, Jacqueline Thomas-Andrews mailed on 9/28/03 . Answer due on 11/27/03 for Jacqueline Thomas-Andrews, for Jacqueline Thomas-Andrews. (sb) (Entered: 10/07/2003)

10/03/2003	13	WAIVER OF SERVICE of summons and complaint returned executed as to Carolyn Thomas, Carolyn Thomas mailed on 9/28/03 . Answer due on 11/27/03 for Carolyn Thomas, for Carolyn Thomas . (sb) (Entered: 10/07/2003)
10/03/2003	14	WAIVER OF SERVICE of summons and complaint returned executed as to Gary Lanigan, Gary Lanigan mailed on 9/28/03 . Answer due on 11/27/03 for Gary Lanigan, for Gary Lanigan . (sb) (Entered: 10/07/2003)
10/03/2003	15	WAIVER OF SERVICE of summons and complaint returned executed as to William J. Fraser, William J. Fraser mailed on 9/28/03 . Answer due on 11/27/03 for William J. Fraser, for William J. Fraser . (sb) (Entered: 10/07/2003)
10/31/2003	16	ANSWER to Complaint by Health and Hospitals, William J. Fraser, Gary Lanigan, Robert N. Davoren, Bernard Kerik, Jacqueline Thomas-Andrews, Carolyn Thomas, America Service, Prison Health Serv., Patrick Brown, Trevor Parks (Attorney Genevieve Nelson from the Firm: Corporation counsel); jury demand. (dle) (Entered: 11/04/2003)
03/09/2004		Plaintiffs' MEMORANDUM OF LAW in Opposition to the intervenor-plaintiffs' moton to intervene. Document filed by David Cence, Diedre Hendricks, Keysha Lee Coreta Morris, Chanta Nixon, Federico Tenorio, Chante Westhook. (jco, ) Original filed in case 02cv5426, doc #51 (Entered: 03/12/2004)
03/17/2004	17	ENDORSED LETTER addressed to Judge Gerard E. Lynch from Genevieve Nelson dated 3/11/04 re: granting counsel for dfts' request for an extension of time to respond to motion to intervene and for the court to adopt the following schedule: dfts' responses to be served on or before 3/11/04; Emery, Cuti, et al reply to be served on or before 3/24/04; motion returnable on 3/26/04. (Signed by Judge Gerard E. Lynch on 3/12/04) (dle, ) (Entered: 03/22/2004)
04/16/2004		Intervenor-Plaintiffs' MEMORANDUM OF LAW in Opposition to Plaintiffs' Request for approval of Class Action Settlement. (orig. docmt dkted in case no. 02 cv 5426, docmt #55) (djc, ) (Entered: 04/20/2004)
04/29/2004		REPLY MEMORANDUM OF LAW in Support of Approval of Class Action Settlement. Document filed by Diedre Hendricks, Keysha Lee Coreta Morris, Chanta Nixon, Federico Tenorio, Kim Wallace, Chante Westhook. (orig. document docketed in 02cv5426 as document #56). (pl, ) (Entered: 04/30/2004)
05/24/2004	18	SCHEDULING ORDER: The partied having appeared for a pretrial conference on 5/20/2004: The motion for class certification filed on 10/17/2004 is withdrawn. Motions due by 6/4/2004. Cross Motions due by 6/25/2004. Responses due by 7/16/2004 Replies due by 7/30/2004. (Signed by Judge Gerard E. Lynch on 5/20/2004) Filed In Associated Cases: 1:02-cv-05426-GEL-THK,1:03-cv-04114-GEL(jsa, ) (Entered: 05/25/2004)

07/30/2004		Reply Memorandum of Law in support of plaintiffs' amended motion for class certification. Original document filed in case #02cv5426, document #65. (dle, ) (Entered: 08/02/2004)
07/30/2004	19	ENDORSED LETTER addressed to Judge Lynch from Genevieve Nelson dated 7/21/04: granting an extension of time to 8/2/04 for plntfs to serve their replies re their motion for class certification. (Signed by Judge Gerard E. Lynch on 7/22/04) (cd, ) (Entered: 08/02/2004)
08/02/2004		Intervenor plaintiffs' reply memorandum in further support of intervenors' motion for class certification. (dle, ) Original document filed in case #02cv5426, document #66. (Entered: 08/04/2004)
07/19/2005		REQUEST FOR EXCLUSION FROM CLASS. Filed by Keith Jones. (ae, ) (Entered: 07/29/2005)
08/23/2005		ORDER: It is hereby ordered that Tobey Cohen is withdrawn as class representative in this matter. (Original filed in 02-cv-5426 as document #81) (Signed by Judge Gerard E. Lynch on 8/10/2005) (lb, ) (Entered: 08/25/2005)
09/08/2005		TRANSCRIPT of proceedings held on May 31, 2005, 2:23 p.m. before Judge Gerard E. Lynch. Original Doc. # 82 Filed In 02 Civ. 5426. (dt, ) (Entered: 09/08/2005)
09/26/2005		TRANSCRIPT of proceedings held on 5/31/2005 before Judge Gerard E. Lynch. Original in 02cv5426, document #83.(jar, ) (Entered: 09/26/2005)
11/03/2005		DECLARATION of Robert N. Isseks in Support of plaintiffs' motion for an order, purs. to FRCP 23(h) awarding class counsel attorneys' fees. Original document filed in case #02cv5426, document #91.(dle, ) Modified on 11/4/2005 (dle, ). (Entered: 11/04/2005)
11/18/2005		ORDER; plaintiff's request that the Court reject intervenor-plaintiffs' memo of law is DENIED. Pltf and def't's request that Dr. Stuart Grassian be precluded from testifying at the fairness hearing are GRANTED. Intervenor-plaintiff's request for the Court to order disclosure of certain information before the fairness hearing is DENIED. Intervenor-plaintiffs have until 11/18/05 to submit a written declaration by Dr. Grassian in connection with their objections to the proposed settlement. (original filed in 02cv5426 as doc#93) (Signed by Judge Gerard E. Lynch on 10/26/05) (kco, ) (Entered: 11/18/2005)
11/18/2005		ORDER; Defendant's request for a stay of discovery is denied. The parties shall meet and confer regarding their outstanding discovery disagreements no later than November 15, 2005. Any disputes that cannot be resolved shall be submitted to the Court by a joint letter on or before December 1, 2005, in accordance with the Court's Individual Rule 2.F. Any such submission shall identify with precision the relief requested with respect to each issue and the parties' positions with respect to each request (Signed by Judge Gerard E. Lynch on 11/2/05); (orig. docmt dktd in case no. 02 cv 5426, docmt #94) (djc, ) (Entered: 11/18/2005)



07/11/2006	20	ORDER the Court is advised that the above-captioned civil action continues to appear as an open case in certain internal reports prepared by the Clerk's Office. This action was settled pursuant to this Court's approval of the class settlement in Kadian McBean et al. v. The City of New York et al., 2Civ 5426 (Doc.#105), on February 7,2006. Accordingly, the Clerk of the Court is respectfully directed to close the case. So Ordered. (Signed by Judge Gerard E. Lynch on 7/7/2006) (jmi, ) (Entered: 07/11/2006)
10/06/2006		ENDORSED LETTER addressed to Judge Theodore H. Katz from Elizabeth Saylor dated 10/6/06 re: a request for an extension until 10/18/2006 to respond to the letter. ENDORSEMENT: SO ORDERED. ( original document filed in 02cv5426 as doc. #127) (Signed by Judge Theodore H. Katz on 10/6/06) (kco, ) (Entered: 10/11/2006)
10/20/2006	21	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Elizabeth Saylor dated 10/18/2006 re: writing to request another extension until 10/23/2006 to respond to the letter. ENDORSEMENT: Granted. So Ordered. (Signed by Magistrate Judge Theodore H. Katz on 10/19/2006) Filed In Associated Cases: 1:02-cv-05426-GEL-THK,1:03-cv-04114-GEL(lb, ) (Entered: 10/23/2006)
11/15/2006	22	STIPULATION AND PROTECTIVE ORDER, regarding procedures to be followed that shall govern the handling of "Confidential Materials". (Signed by Judge Theodore H. Katz on 11/13/06) Filed In Associated Cases: 1:02-cv-05426-GEL-THK,1:03-cv-04114-GEL(ae, ) (Entered: 11/17/2006)
11/20/2006		ENDORSED LETTER addressed to Mag. Judge Theodore H. Katz from Mariann Meier Wang dated 11/15/06 re: granting the parties request that the proposed discovery plans be submitted to Your Honor on 12/8/08, a week after the documents are produced. (orig. document docketed in 02cv5426 as document #134). (Signed by Judge Theodore H. Katz on 11/16/06) (pl, ) (Entered: 11/20/2006)
12/20/2006		PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material....(Original filed in 02-cv-5426 as document # 141) (Signed by Magistrate Judge Theodore H. Katz on 12/19/2006) Copies Mailed By Chambers(lb, ) (Entered: 12/22/2006)
01/30/2007		STIPULATION AND ORDER OF SETTLEMENT OF CLASS ACTION ADMINISTRATION FEES: The City of New York hereby agrees to pay plaintiffs' class counsel, the sum of \$128,319.00 n full staisfaction of costs and expenses of the administration of the settlement in these actions between 4/8/2006 and 11/28/2006. In consideration for the payment of this sum, plaintiffs' class counsel agrees to dismissal of all claims it has or may have against defendants for the cost and expenses of the administration of the class actions, including attorneys fees and paralegal fees, costs and expenses...(Original filed in 02-cv-5426 as document # 144) (Signed by Judge Gerard E. Lynch on 1/25/2007) (lb) (Entered: 01/31/2007)

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06/20/2007 14:02:45			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:03-cv-04114-GEL
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.48

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