

CLOSED, LEAD

**U.S. District Court**  
**United States District Court for the Southern District of New York (White Plains)**  
**CIVIL DOCKET FOR CASE #: 7:02-cv-00769-CM**

Dodge, et al v. County of Orange, et al  
Assigned to: Judge Colleen McMahon  
Demand: \$0  
Member case:

[7:02-cv-08451-CM](#)

Cause: 42:1983 Civil Rights Act

Date Filed: 01/31/2002  
Date Terminated: 06/26/2006  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Anthony Dodge**

represented by **James Edward Monroe**  
Dupee, Dupee & Monroe, P.C.  
30 Matthews Street  
Box 470  
Goshen, NY 10924  
(845) 294-8900  
*LEAD ATTORNEY*

**Plaintiff**

**Peter A. Machado**

represented by **James Edward Monroe**  
(See above for address)  
*LEAD ATTORNEY*

**Plaintiff**

**Joseph Petriello**

*Joseph Petriello, individually and on  
behalf of all others similarly situated,*

represented by **James Edward Monroe**  
(See above for address)  
*LEAD ATTORNEY*

V.

**Defendant**

**County of Orange**

represented by **Christina M. Sanabria**  
Sanabria & Manson  
90 Crystal Run Road  
Suite 405  
Middletown, NY 10941  
(845)692-9700  
Fax: (845)692-9704  
Email: CSanabria@Allmerica.com  
*LEAD ATTORNEY*

**Robert S. Groban**  
Epstein Becker & Green

250 Park Ave.  
 New York, NY 10177-0077  
 212/ 351-4500  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Sheriff H. Frank Bigger**

*Sheriff H. Frank Bigger, in his individual  
 and official capacity,*

represented by **Christina M. Sanabria**  
 (See above for address)  
**LEAD ATTORNEY**

**James M. Fedorchak**  
 Gellert & Cutler, P.C.  
 75 Washington Street  
 Poughkeepsie, NY 12601  
 (914) 454-3250  
**LEAD ATTORNEY**

**Robert S. Groban**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Samuel Rango**

*Individually and on behalf of all others  
 similarly situated*

represented by **James Edward Monroe**  
 (See above for address)  
**LEAD ATTORNEY**

**Plaintiff**

**Jarrold H. Mann**

*Individually and on behalf of all others  
 similarly situated*

represented by **James Edward Monroe**  
 (See above for address)  
**LEAD ATTORNEY**

**Plaintiff**

**Rocco Manniello**

*Individually and on behalf of all others  
 similarly situated*

represented by **James Edward Monroe**  
 (See above for address)  
**LEAD ATTORNEY**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/31/2002	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 428901. (ll) (Entered: 02/01/2002)
02/04/2002		Case accepted as related to 7:00cv1325 and 7:00cv2749 . Notice of assignment to follow. (sv) (Entered: 02/05/2002)
02/05/2002	2	Notice of Case assignment to Judge Colleen McMahon . Copy of notice and judge's rules mailed to Attorney(s) of record: James Edward Monroe . (sv)

		(Entered: 02/05/2002)
02/25/2002	3	NOTICE OF MOTION by Anthony Dodge, Peter A. Machado, Joseph Petriello to certify class action, pursuant to FRCP 23 as a class defined as: all pre-trial detainees placed in custody of the Orange COUNTY Sheriff's Office on or after 1/31/99 and strip-searched upon their arrival at the Orange County Jail pursuant to dfts' uniform strip-search , and for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . No Return date (pf) (Entered: 02/25/2002)
02/25/2002	4	MEMORANDUM OF LAW by Anthony Dodge, Peter A. Machado, Joseph Petriello in support of [3-1] motion to certify class action, pursuant to FRCP 23 as a class defined as: all pre-trial detainees placed in custody of the Orange COUNTY Sheriff's Office on or after 1/31/99 and strip-searched upon their arrival at the Orange County Jail pursuant to dfts' uniform strip-search, [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . (pf) (Entered: 02/25/2002)
02/28/2002	5	RETURN OF SERVICE of Summons & Complaint executed as to H. Frank Bigger by leaving with Chief McDonald who accepted service at c/o Orange County Sheriff's Department, 110 Wells Farm Road, Goshen, NY 10924, by Heather Woodruff on 2/19/02. Answer due on 3/11/02 for H. Frank Bigger. (dc) (Entered: 03/04/2002)
02/28/2002	5	RETURN OF SERVICE of Summons & Complaint executed as to County of Orange by leaving with Mary S. Coleman at Orange County Government Center, 255 Main Street, Goshen, NY 10924, by Heather Woodruff on 2/13/02. Answer due on 3/5/02 for County of Orange. (dc) (Entered: 03/04/2002)
03/06/2002	6	Memo-Endorsement on letter addressed to Counselors from Christina Sanabria, dated 3-5-02. Re: Who represents Sheriff Bigger in his individual capacity? . ( signed by Judge Colleen McMahan ); Copies mailed. (dh) (Entered: 03/06/2002)
03/07/2002	7	Memo-Endorsement on letter addressed to Judge McMahan from James M. Fedorchak, dated 03/06/02. Re: With the consent of the plaintiffs' attorney, that branch of the Motion which seeks a class certification will be submitted to the Court on 04/04/02. Also, with the consent of the plaintiffs' attorney, the time to file our answer has been extended to 04/14/02. SO ORDERED: ( signed by Judge Colleen McMahan ); Copies mailed. (dc) (Entered: 03/12/2002)
03/12/2002	8	AFFIDAVIT of Christina M. Sanabria by County of Orange, H. Frank Bigger in opposition to [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . (sv) (Entered: 03/12/2002)
03/12/2002	9	MEMORANDUM OF LAW by County of Orange, H. Frank Bigger in opposition to [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . (sv) (Entered: 03/12/2002)
03/12/2002	10	DECLARATION of Jospheh G. Ryan by County of Orange, H. Frank Bigger in opposition Re: [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . (sv) (Entered: 03/12/2002)

03/20/2002	11	REPLY MEMORANDUM by Anthony Dodge, Peter A. Machado, Joseph Petriello re: [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 (ad) (Entered: 03/20/2002)
03/20/2002	12	DECLARATION of Gordon Barnum, Jr. by Anthony Dodge, Peter A. Machado, Joseph Petriello Re: [3-1] motion to certify class action, pursuant to FRCP 23 as a class defined as: all pre-trial detainees placed in custody of the Orange County Sheriff's Office on or after 1/31/99 and strip-searched upon their arrival at the Orange County Jail pursuant to dfts' uniform strip-search . (ad) (Entered: 03/20/2002)
03/27/2002	13	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE:... If such a consent order is not filed within the time provided, a pretrial conference will be held for 11:45 5/3/02 , in courtroom 521, 300 Quarropas Street, White Plains, NY... ( signed by Judge Colleen McMahon ) (pf) (Entered: 03/28/2002)
04/04/2002	14	ANSWER to Complaint by H. Frank Bigger (Attorney James M. Fedorchak from the Firm: Gellert & Quartararo, P.C.) . (pf) (Entered: 04/04/2002)
04/04/2002	15	Memo-Endorsement on letter addressed to USDJ McMahon from James Fedorchak, dated 4/2/02. Re:...ask that our time to file and serve our answer and submit in the motion be extended to 4/11/02...ENDORSEMENT: Granted. So ordered: ( signed by Judge Colleen McMahon ); Copies mailed. (pf) (Entered: 04/04/2002)
04/05/2002	16	ANSWER to Complaint by County of Orange, H. Frank Bigger (Attorney Christina Sanabria from the Firm: Orange County Attys Office) . (pf) (Entered: 04/05/2002)
04/15/2002	17	DECLARATION of Domenic Dimarco by County of Orange, H. Frank Bigger in opposition Re: [3-1] motion to certify class action, pursuant to FRCP 23 as a class defined as: all pre-trial detainees placed in custody of the Orange County Sheriff's Office on or after 1/31/99 and strip-searched upon their arrival at the Orange County Jail pursuant to dfts' uniform strip-search, [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . (pf) (Entered: 04/15/2002)
04/15/2002	18	MEMORANDUM OF LAW by County of Orange, H. Frank Bigger in opposition to [3-1] motion to certify class action, pursuant to FRCP 23 as a class defined as: all pre-trial detainees placed in custody of the Orange County Sheriff's Office on or after 1/31/99 and strip-searched upon their arrival at the Orange County Jail pursuant to dfts' uniform strip-search, [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . (pf) (Entered: 04/15/2002)
04/22/2002	19	REPLY MEMORANDUM by Anthony Dodge, Peter A. Machado, Joseph Petriello re: [18-1] opposition memorandum, [17-1] affidavit (pf) (Entered: 04/22/2002)
05/02/2002	20	SCHEDULING ORDER: rule 26(a) discovery must be exchanged on or before 5/15/02; no additional parties after 9/27/02; no amendments to the pleadings will be permitted after 9/27/02; all discovery shall be completed on or before 9/27/02, plaintiff's disposition shall proceed first and must be completed by 7/30/02; a joint pre-trial order shall be filed on or before 9/27/02, together with any in

		limine motions and responses to in limine motions shall be filed by 10/15/02; . ( signed by Judge Colleen McMahon ); Copies mailed. (jma) (Entered: 05/03/2002)
05/29/2002	24	Memo-Endorsement on letter addressed to Judge Colleen McMahon from James M. Fedorchak, dated 5/24/02. Re: deft. subject of strip search.....(CM), counsel having decided the indetical motion in Maneely, Iam now turning my attention to Dodge. There is no need at this time to add any named plaintiff's. ( signed by Judge Colleen McMahon ); Copies mailed. (jma) (Entered: 06/04/2002)
05/29/2002	25	MEMDORAND AND ORDER GRANTING PLANTIFFS' REQUEST FOR A PRELIMINARY INJUNCTION HEARING AND ORDERING A HEARING REGARDING RULE 23(B)(2) CERTIFICATION; granting [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65.....For the foregoing reacons, plaintiffs' request for a preliminary injunctin hearing is granted. That Preliminary Injunction hearing will be combined with a class certification hearing to determine whether class certification under Rule 23(b)(2) is appropriate, or whether partial class certification under Rule 23(c)(4)(A) would be the best method for adjudicating this case. The hearing is schedlued to begin on June 24, 2002. This constitutes the decision of and order of the Court. So Ordered ( signed by Judge Colleen McMahon ); Copies mailed. (sv) (Entered: 06/06/2002)
05/31/2002	21	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Any and all Discovery Disputes. Referred to Magistrate Judge Lisa M. Smith . ( So ordered and signed by Judge Colleen McMahon ) (jma) (Entered: 06/03/2002)
05/31/2002	22	ORDER Re: Scheduling conflict. I have rec'd Mr. Fedorchak's letter indicating that he has a scheduling conflict with the June 24 hearing date. Unfortunately, the Court has an extremely busy trial calendar and this matter cannot easily by resuduled. Mr. Fedorchak will have to find substitute counsel to represent his client during the hearing, or change his vaction plans. . ( signed by Judge Colleen McMahon ); Copies mailed. (dh) (Entered: 06/03/2002)
05/31/2002	23	MEMORANDUM OF LAW re: I have received your letters concerning the subpoenas for production of various records of the Orange County Jail concerning searches conducted after last August 1, when the jail's policy concerning strip searches allegedly changed. While the request as drafted is overly broad, it does call for considerable relevant evidence that must be produced prior to the preliminary injunction hearing that I have scheduled for June 24.....As I am in the middle of a lengthy criminal trial, all further discovery disputes shall be taken to Magistrate Judge Smith. An orer of reference is attached. Judge Smith is hereby advised that we are aiming toward a preliminary injunction hearing on June 24, and that the Court has directed that all discovey be expedited. So Ordered . (sv) (Entered: 06/03/2002)
06/19/2002	26	ORDER, for writ of habeas corpus ...the Clerk is hereby Ordered to issue a Writ of Habeas Corpus directed to Sheriff H. Frank Bigger at the Orange County Sheriff's Office, and the United STates Marshal for the SDNY, or any other authorized Officer, to produce Gordon Barnum, Jr., now confined at the Orange County Jail...in the custody of H. Frank Bigger or the person there in charge, before the Hon. Colleen McMahon, USDJ, United States District Court, SDNY,

		300 Quarropas Street, White Plains, NY beginning on June 24, 2002 at 9:00 a.m. until the conclusion of this hearing or at any time thereafter as the Court may direct. So Ordered: . ( signed by Judge Colleen McMahon ); Copies mailed. WRIT ISSUED...Certified copy sent to U.S. Marshall (pf) Modified on 06/19/2002 (Entered: 06/19/2002)
06/25/2002	27	Memorandum to Docket Clerk: 6/24/02- Court Reporter: Christina Arends-Dieck . Parties present. Hearing held on preliminary injunction motion. See attached minutes and exhibit list. Hearing concluded. Opinion to follow. ...submitted by Bonnie Schroeder (pf) (Entered: 06/27/2002)
07/24/2002	28	MEMORANDUM & ORDER granting [3-1] motion to certify class action, pursuant to FRCP 23 as a class defined as: all pre-trial detainees placed in custody of the Orange County Sheriff's Office on or after 1/31/99 and strip-searched upon their arrival at the Orange County Jail pursuant to dfts' uniform strip-search, granting [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 ... Plntffs' motion for a preliminary injunction preventing the OCCF from enforcing its current strip search policy is granted. Plntffs' motion for class certification is granted pursuant to Rule 23(b)(2)...So ordered: ( signed by Judge Colleen McMahon ); Copies mailed. (pf) (Entered: 07/26/2002)
07/26/2002	29	ORDER granting [3-2] motion for preliminary injunction enjoining dfts from enforcing this uniform strip-search policy pursuant to FRCP 65 . SO Ordered ( signed by Judge Colleen McMahon ); Copies mailed. (sv) (Entered: 07/29/2002)
08/02/2002	30	Transcript of record of proceedings before Judge Colleen McMahon for the date(s) of June 24, 2002. (ll) (Entered: 08/02/2002)
08/05/2002	31	NOTICE OF MOTION by H. Frank Bigger suspending the preliminary injunction contained in this Court's Order entered on July 26, 2002 . Return Date 8/14/02 (sv) (Entered: 08/05/2002)
08/05/2002	32	MEMORANDUM OF LAW by H. Frank Bigger re: preliminary injunction be suspended. (sv) (Entered: 08/05/2002)
08/19/2002	33	NOTICE OF MOTION by H. Frank Bigger for an Order to stay all proceedings . Return Date 8/30/02. (dcr) (Entered: 08/19/2002)
08/19/2002	34	MEMORANDUM OF LAW by H. Frank Bigger in support of [33-1] motion for an Order to stay all proceedings. (dcr) (Entered: 08/19/2002)
08/22/2002	35	NOTICE OF APPEAL by County of Orange, H. Frank Bigger from [29-1] order, [28-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Christina Sanabria, James M. Fedorchak, James Edward Monroe . Appeal record due on 9/23/02. \$105.00 fee paid. Receipt number 442734. C&D Forms Issued. (sv) (Entered: 08/22/2002)
08/22/2002		Notice of appeal and certified copy of docket to USCA: [35-1] appeal by H. Frank Bigger, County of Orange ; Copy of notice of appeal sent to District Judge. (sv) (Entered: 08/22/2002)
08/23/2002	36	ORDER denying [33-1] motion for an Order to stay all proceedings.....For the foregoing reasons, Defendants' request for a stay pending appeal of the preliminary injunction entered on July 26, 2002 is denied. This constitutes the

		decision and order of the Court. So Ordered . ( signed by Judge Colleen McMahon ); Copies mailed. (sv) (Entered: 08/23/2002)
08/26/2002	37	Letter filed by Anthony Dodge, Peter A. Machado, Joseph Petriello addressed to Judge McMahon from James E. Monroe, dated 08/20/02, re: Opposition to Deft's Motions'dated 08/05/02 to 08/15/02. (dc) (Entered: 08/27/2002)
09/27/2002	38	Memo-Endorsement on letter addressed to Judge McMahon from James E. Monroe, dated September 26,2002. Re: respectfully request an additional week to complete the submission of their Joint Pre-Trial Order and file their motion papers. ENDORSED: OK. ( signed by Judge Colleen McMahon ); (clk/m/cpys) (sv) (Entered: 10/01/2002)
10/01/2002	39	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [35-1] appeal by H. Frank Bigger, County of Orange (cg) (Entered: 10/01/2002)
10/07/2002	40	Trial MEMORANDUM OF LAW by County of Orange re: . (ll) (Entered: 10/07/2002)
10/07/2002	41	Proposed Voir Dire Questions by County of Orange (ll) (Entered: 10/07/2002)
10/07/2002	42	Request to charge by County of Orange (ll) (Entered: 10/07/2002)
10/07/2002	43	NOTICE OF MOTION by Anthony Dodge, Peter A. Machado, Joseph Petriello for summary judgment . (ll) (Entered: 10/07/2002)
10/07/2002	44	MEMORANDUM OF LAW by Anthony Dodge, Peter A. Machado, Joseph Petriello in support of [43-1] motion for summary judgment . (ll) (Entered: 10/07/2002)
10/07/2002	45	JOINT PRETRIAL ORDER (UNSIGNED) (pf) (Entered: 10/07/2002)
10/09/2002	46	Memo-Endorsement on letter addressed to Judge McMahon from Christina M. Sanabria, dated 10/8/02. Re: requesting that the deft's. time to respond.....ENDORSED, OK. ( signed by Judge Colleen McMahon ); (jma) (Entered: 10/10/2002)
11/22/2002	47	AFFIDAVIT of Christina M. Sanabria by County of Orange, and H. Frank Bigger, Sheriff of Orange County in opposition to [43-1] motion for summary judgment . (ll) (Entered: 11/22/2002)
11/22/2002	48	MEMORANDUM OF LAW by County of Orange, H. Frank Bigger in opposition to [43-1] motion for summary judgment . (ll) (Entered: 11/22/2002)
11/25/2002	49	MEMORANDUM OF LAW by H. Frank Bigger in opposition to [43-1] motion for summary judgment. (dc) (Entered: 11/25/2002)
11/25/2002	50	AFFIRMATION of James M. Fedorchak by H. Frank Bigger in opposition to [43-1] motion for summary judgment. (dc) (Entered: 11/25/2002)
12/12/2002	51	Letter filed by Anthony Dodge addressed to Judge McMahon from J. Monroe, dated 12/5/02, re: relpy to def. opp. papers. (bls) (Entered: 12/26/2002)
12/27/2002		Notice that the record on appeal has been transmitted to the US Court of Appeals on this date. Appeal was reequested by Vincenza Singleton. The USCA# is 02-8020. (cg) (Entered: 12/27/2002)

03/07/2003	52	MANDATE OF USCA (certified copy) Re: [35-1] appeal by H. Frank Bigger, County of Orange ... Petitioner's, through counsel and pursuant to FRCP 23(f), petition for leave to appeal from an order certifying the respondents' class. Upon due consideration, it is ordered that the motion is denied because Petitioners have failed to demonstrate that either: (1) the certification order will effectively terminate the litigation; or (2) the certification order implicates a legal question about which there is a compelling need for immediate resolution...Furthermore, Petitioners have presented no "special circumstances that militate in favor of an immediate appeal".. (ISSUED AS MANDATE: 3/4/03) Copies mailed by Clerk's Office (pf) (Entered: 03/18/2003)
04/07/2003	53	Memo-Endorsement on letter addressed to Judge McMahon from James M. Fedorchak, dated April 4, 2003. Re: request that Gregory Vidler, an attorney in good standing and admitted to practice in the State of California be admitted pro hac vice...ENDORSED: Granted - get the paperwork in ASAP. So Ordered. ( signed by Judge Colleen McMahon ); clk/m/cpys (sv) (Entered: 04/08/2003)
04/07/2003	54	Letter filed by County of Orange, H. Frank Bigger addressed to Judge McMahon from Robert S. Groban, Jr., dated April 4, 2003, re: write in support of James Fedorchak's April 4, 2003 letter to the Court request that an attorney, Gregory Vidler be admitted pro hac vice..... (sv) (Entered: 04/08/2003)
04/21/2003	55	ORDER (Calendar Notice) ; Please take notice that the captioned matter has been scheduled for: Pre-trial Conference before the Honorable Colleen McMahon, United States District Judge, on Thursday, May 1, 2003 at 10:00am. So Ordered . ( signed by Judge Colleen McMahon ); clk/m/cpys. (sv) (Entered: 04/22/2003)
05/01/2003	56	Letter filed by County of Orange, H. Frank Bigger addressed to Judge McMahon from Robert S. Groban, Jr., dated April 30, 2003, re: outline certain issues that we believe that the Court should address at tomorrow's pretrial conference... (sv) (Entered: 05/05/2003)
05/08/2003	57	Transcript of record of proceedings before Judge Colleen McMahon for the date(s) of May 1, 2003. (sv) (Entered: 05/08/2003)
05/12/2003	58	Memorandum to Docket Clerk: 05/10/03 - Court Reporter: Angela O'Donnell. Decision: Trial to be held in front of Judge McMahon on May 19, 27, 28, 29. Judge McMahon to visit jail on May 29 after hearing evidence. Range. Rangs (02cv8451) and Dodge (02cv769) are consolidated. Parties agree to Stipulation re non-felony detainees strip-searched b/w 08/01/ - 08/02. Parties to submit witness statements and pre-marked copies of exhibits before trial. No pre-trial order to be submitted. Parties to submit briefs (including proposed findings of fact and conclusions of law) following trial. See Transcript or file. Submitted By: John P. (dcr) (Entered: 05/13/2003)
05/12/2003		Consolidated Lead Case. Member case # 02cv8451.(dcr) (Entered: 05/13/2003)
06/30/2003	59	Proposed FINDINGS OF FACT AND CONCLUSIONS OF LAW () (ll) (Entered: 06/30/2003)
06/30/2003	60	CONCLUSIONS OF LAW () (ll) (Entered: 06/30/2003)
06/30/2003	61	Transcript of record of proceedings before Judge Colleen McMahon for the date(s) of 5/19/03. Court Reporter: Albi Gorn (pf) (Entered: 06/30/2003)



07/01/2003	62	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by County of Orange, H. Frank Bigger . (pf) (Entered: 07/01/2003)
07/01/2003	63	POST-TRIAL MEMORANDUM by County of Orange, H. Frank Bigger . (pf) (Entered: 07/02/2003)
07/01/2003	64	MANDATE OF USCA (certified copy) Re: WITHDRAWN [35-1] appeal without prejudice to reinstatement in accordance with the stipulation of the parties made in open court. by H. Frank Bigger, County of Orange (ll) (Entered: 07/08/2003)
07/11/2003	65	AFFIDAVIT OF SERVICE of Post-Trial Memorandum of Law as to Anthony Dodge, Peter A. Machado, Joseph Petriello, Samuel Rango, Jarrod H. Mann, Rocco Manniello by Maritza Gonzalez on 6/30/03, by Federal Express (overnight) . . (sv) (Entered: 07/16/2003)
07/11/2003	66	AFFIDAVIT OF SERVICE of Proposed Findings of Fact and as to Anthony Dodge, Peter A. Machado, Joseph Petriello, Samuel Rango, Jarrod H. Mann, Rocco Manniello by Maritza Gonzalez on 6/30/03, Federal Express (overnight delivery) . . (sv) (Entered: 07/16/2003)
09/03/2003	67	Memorandum to Docket Clerk: Telephone conference will all counsel re (1) clarifications of parties' requests following trial, and (2) clarifications of the factual record. Submitted by John Pelletieri (sv) (Entered: 09/04/2003)
09/03/2003		Telephone Conference held before Judge Colleen McMahon . (sv) (Entered: 09/04/2003)
09/05/2003	68	Letter filed by Samuel Rango, Jarrod H. Mann, Rocco Manniello addressed to Judge McMahon from Robert S. Groban, Jr., dated 09/03/03, re: Response to two inquiries posed by the Court during a telephone conference with counsel. (dcr) (Entered: 09/08/2003)
09/08/2003	69	Memorandum to Docket Clerk: Bench Trial held before Judge McMahon on May 19, 2003, May 20, 2003, May 27, 2003 and May 28, 2003. Testimony taken at Orange County Correctional Facility (OCCF) on May 29, 2003. Judge McMahon given tour of facility on May 29, 2003. Parties to submit post-trial memorandum, including findings of fact and conclusions of law by June 30. Submitted by: John Pellatteri, Law Clerk. (ll) (Entered: 09/08/2003)
09/10/2003	70	Letter filed addressed to Judge McMahon from Robert S. Groban, dated 09/08/03, re: Response to inquiry posed by the court regarding the number of holding cells in the booking and receiving area in the Orange County Correctional Facility ("OCCF"). (dcr) Modified on 09/11/2003 (Entered: 09/11/2003)
09/10/2003	71	FINDINGS OF FACT AND CONCLUSIONS OF LAW: Plaintiffs' request for an injunction is granted. My order granting plaintiff an injunction is directly appealable to the Second Circuit pursuant to 28USC:1292, even though the plaintiffs' claims for damages remain to be tried to a jury. If deft's intend to take an appeal, the Court will stay further proceedings pending the determination of that appeal. ( signed by Judge Colleen McMahon ) (dcr) (Entered: 09/11/2003)

09/11/2003	72	Memo-Endorsement on letter addressed to Judge McMahon from Robert N. Isseks, dated September 11, 2003. Re: stay. ENDORSEMENT: I specifically did NOT stay the injunction on pending appeal - nor could I given the four things I would have to find in order to enter a stay . I am staying all other proceedings i.e., the action for damages. Only the Second Circuit can stay the injunction. So Ordered. ( signed by Judge Colleen McMahon ); clk/m/cpys. (sv) (Entered: 09/15/2003)
09/12/2003	73	Letter filed by County of Orange, H. Frank Bigger addressed to Judge McMahon from Robert S. Groban, Jr., dated September 10, 2003, re: request the Court to confirm that this constructio of the Decision is correct. (sv) (Entered: 09/16/2003)
09/17/2003	74	NOTICE OF APPEAL by County of Orange, H. Frank Bigger from [71-1] findings of fact order. Copies of notice of appeal mailed to Attorney(s) of Record: James Edward Monroe, Christina Sanabria, James M. Fedorchak. \$105.00 Fee Paid. Receipt# 485199 (dcr) Modified on 09/19/2003 (Entered: 09/19/2003)
09/19/2003		Notice of appeal and certified copy of docket to USCA: [74-1] appeal by H. Frank Bigger, County of Orange ; Copy of notice of appeal sent to District Judge. (dcr) (Entered: 09/19/2003)
09/23/2003	75	Memo-Endorsement on letter addressed to Dear Judge McMahon from Robert S. Groban, Jr., dated 09/18/03. Re: we write to advise the Court that deft's. have filed a Notice of Appeal to the Second Circuit Court of Appeal in connection with this Court's "Findings of Fact and Conclusions of Law Following Trial".....ENDORSED, All further proceedings in the above .....actions are STAYED pending appeal. ( signed by Judge Colleen McMahon ); copies mailed by clerks office. (jma) (Entered: 09/26/2003)
10/09/2003	76	ORDER There is currently a pending motion for partial summary judgment on the docket sheet. The motion was filed 10-7-02 and was effectively determined by the Court at the trial on the merits held in May 2003. Accordingly, mark the motion off calendar and remove from the motion report . ( signed by Judge Colleen McMahon ); chambers faxed to counsel (dh) (Entered: 10/10/2003)
10/14/2003	77	Letter filed addressed to To all counsel from Judge McMahon, dated 10/14/03, re: Letter from Mr. Groban....I have a strange letter from Mr. Groban...He suggests that I granted plaintiff's motion for partial summary judgment against Orange County and Sheriff Bigger..... (jma) (Entered: 10/15/2003)
10/15/2003	78	Memo-Endorsement on letter addressed to USDJ McMahon from James Monroe, dated 10/14/03. Re:withdrawing [43-1] motion for summary judgment . ... ENDORSEMENT: OK-Thanks. SO ORDERED:( signed by Judge Colleen McMahon ); Copies sent by Clerk's Office (pf) (Entered: 10/17/2003)
10/15/2003	79	Letter filed addressed to Dear Judge McMahon from Robert S. Groban, Jr., dated 10/10/03, re: request that Court to reconsider its 10/3/03 Order Granting the motion for partial summary judgment.... (jma) (Entered: 10/17/2003)
11/19/2003	80	Notice that the index to the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [0-0] transmitted appeal, [74-1] appeal by H. Frank Bigger, County of Orange, [39-1] recommendations appeal, [0-0] transmitted

		appeal (cg) (Entered: 11/19/2003)
11/19/2003		Notice that the index to the record appeal has been certified and transmitted to the usca on this date. The record will be retained by the usdc until further notice by the usca. (cg) (Entered: 11/19/2003)
06/09/2004		CASE NO LONGER REFERRED to Magistrate Judge Lisa Margaret Smith. (fk, ) (Entered: 06/09/2004)
06/30/2004	81	CALENDAR NOTICE: Pretrial Conference set for 8/6/2004 10:30 AM before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 06/30/04) (fk, ) (Entered: 07/09/2004)
07/13/2004	82	ENDORSED LETTER addressed to Judge Colleen McMahon from Robert S. Groban, Jr. dated 7/12/04 re:....request that the conference be adjourned to 8/13/04...ENDORSEMENT: Matter adjourned to 8/13/04 at 11:00 a.m.. SO Ordered:. (Signed by Judge Colleen McMahon on 7/13/04) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM Copies sent by Chambers.(pf, ) (Entered: 07/15/2004)
07/26/2004		CALENDAR NOTICE: Please take notice that the above captioned actions have been rescheduled for conference before the Honorable Colleen McMahon, USDJ, on Tuesday, September 14, 2004 at 10:30 am in courtroom 521, U.S. District Court, 300 Quarropas Street, White Plains, NY 10601. SO ORDERED: (Signed by Colleen McMahon, USDJ) (Original filed in Case# 00cv1325, Doc# 87). (dcr, ) (Entered: 08/03/2004)
08/23/2004	83	MOTION to Vacate and/or Stay the Permanent Injunction. Document filed by H. Frank Bigger, County of Orange. (pf, ) (Entered: 08/24/2004)
08/23/2004	84	MEMORANDUM OF LAW in Support re: [83] MOTION to Stay. MOTION to Vacate.. Document filed by H. Frank Bigger, County of Orange. (pf, ) (Entered: 08/24/2004)
08/23/2004	85	DECLARATION of Captain Joseph G. Ryan in Support re: [83] MOTION to Stay. MOTION to Vacate.. Document filed by H. Frank Bigger, County of Orange. (pf, ) (Entered: 08/24/2004)
08/23/2004	86	DECLARATION of Dominick Orsino in Support re: [83] MOTION to Stay. MOTION to Vacate.. Document filed by H. Frank Bigger, County of Orange. (pf, ) (Entered: 08/24/2004)
09/03/2004	87	MANDATE of USCA (Certified Copy) as to [74] Notice of Appeal, filed by County of Orange, H. Frank Bigger USCA Case Number 03-7958. Ordered that the appeal is Dismissed and the case is Remanded. Lucille Carr, Clerk USCA. Issued As Mandate: 09/01/04. Certified: 07/14/04. (fk, ) (Entered: 09/07/2004)
09/14/2004		Minute Entry for proceedings held before Judge Colleen McMahon : Motion Hearing held on 9/14/2004 re: [83] MOTION to Stay. MOTION to Vacate. filed by County of Orange, H. Frank Bigger. Permanent injunction against Orange County is vacated. Plaintiff withdraws motion for class certification relief. Plaintiff's new motion on class certification by 10-15-04, defendant's response by 11-19-04 and plaintiff's reply 12-3-04. The Court will consolidate these two dockets for trial. (02 cv 8451). (Court Reporter Angela O'Donnell) (dh, ) (Entered: 09/15/2004)

10/14/2004	88	ENDORSED LETTER addressed to Judge McMahon from James E. Monroe dated 10/14/04 re: Request for a week extension to October 22, 2004 for the submission of Plaintiff's Motion papers. ENDORSED: Granted.. (Signed by Judge Colleen McMahon on 10/14/04) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM Chambers Faxed Copies..(dcr, ) (Entered: 10/14/2004)
10/25/2004	89	MOTION re-certifying this class action, pursuant to Fed. R.Civ. P. 23(b)(3) comprising of the subclasses (a) all felony detainees who were remanded to the custody of the Orange County Jail on or after Jan. 31, 1999 and strip searched upon their admission to this jail without regard to an individualized belief that such persons were in the possession of drugs, weapons or contraband: (b) All non-felony detainees remanded to the Orange Co. Jail from Jan 31, 1999 to August 6, 2002 and strip searched upon their admission to this jail without regard to an individualized belief that such person were in the possession of drugs, weapons or contraband. 2. Issuing notice to the class as required by Fed. R.Civ. P. 23(C)(2) and 3. such further and other relief as the Court deems just and proper.. Document filed by Anthony Dodge, Peter A. Machado, Jarrod H. Mann, Rocco Manniello, Joseph Petriello, Samuel Rango. (ll, ) (Entered: 10/25/2004)
10/25/2004	90	MEMORANDUM OF LAW in Support re: [89] MOTION re-certifying this class action, pursuant to Fed. R.Civ. P. 23(b)(3) comprising of the subclasses (a) all felony detainees who were remanded to the custody of the Orange County Jail on or after Jan. 31, 1999 and strip searched upon their admission. Document filed by Anthony Dodge, Peter A. Machado, Jarrod H. Mann, Rocco Manniello, Joseph Petriello, Samuel Rango. Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(ll, ) (Entered: 10/25/2004)
12/01/2004	91	ENDORSED LETTER addressed to Judge Colleen McMahon from Robert Groban dated 11/30/04 re: ///to request a one-week extension from 12/3/04 to 12/10/04 to respond to plntffs' motion for class certification...ENDORSEMENT: Yes. So Ordered:. (Signed by Judge Colleen McMahon on 12/1/04) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM Copies sent by Clerk's Office.(pf, ) (Entered: 12/02/2004)
12/13/2004	92	MEMORANDUM OF LAW in Opposition re: [89] MOTION re-certifying this class action, pursuant to Fed. R.Civ. P. 23(b)(3) comprising of the subclasses (a) all felony detainees who were remanded to the custody of the Orange County Jail on or after Jan. 31, 1999 and strip searched upon their admission. Document filed by County of Orange. Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(ll, ) (Entered: 12/13/2004)
12/13/2004	93	DECLARATION of Robert S. Groban, Jr. in Opposition re: [89] MOTION re-certifying this class action, pursuant to Fed. R.Civ. P. 23(b)(3) comprising of the subclasses (a) all felony detainees who were remanded to the custody of the Orange County Jail on or after Jan. 31, 1999 and strip searched upon their admission. Document filed by County of Orange. Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(ll, ) (Entered: 12/13/2004)
12/13/2004	94	DECLARATION of JOSEPH G. RYAN in Opposition re: [89] MOTION re-certifying this class action, pursuant to Fed. R.Civ. P. 23(b)(3) comprising of the subclasses (a) all felony detainees who were remanded to the custody of the Orange County Jail on or after Jan. 31, 1999 and strip searched upon their

		admissi. Document filed by County of Orange. Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(II, ) (Entered: 12/13/2004)
12/22/2004	95	AFFIDAVIT of James E. Monroe. Document filed by Anthony Dodge, Peter A. Machado, Jarrod H. Mann, Rocco Manniello, Joseph Petriello, Samuel Rango. Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(mde, ) (Entered: 12/27/2004)
12/22/2004	96	MEMORANDUM OF LAW In Reply To Dfts' Opposition To Rule 23(B)(3) Class Certification. Document filed by Anthony Dodge, Peter A. Machado, Jarrod H. Mann, Rocco Manniello, Joseph Petriello, Samuel Rango. Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(mde, ) (Entered: 12/27/2004)
01/07/2005	97	TRANSCRIPT of proceedings held on 9/14/2004 Court Reporter: Angela A. O'Donnell, RPR. (cg, ) (Entered: 01/07/2005)
01/27/2005	98	DECISION AND ORDER ON PLAINTIFF'S MOTION FOR TO DECERTIFY THE RULE 23(B)(2) CLASSIN THIS ACTION AND CERTIFY A CLASS OR SUBCLASSES UNDER RULE 23(B)(3). [89] Motion. (Signed by Judge Colleen McMahon on 1/27/05) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(fk, ) (Entered: 01/31/2005)
01/28/2005		Minute Entry for proceedings held before Judge Colleen McMahon : Telephone Conference held on 1/28/2005. Decision: Telephone Conference in response to parties request for decision to be withheld for 45 days. Request is moot because decisions were released two hours before this request. Parties are encouraged to submit in writing any request for an extension of the time period Ordered in the decision. Submitted By: J. Freidmann (dcr, ) (Entered: 01/31/2005)
02/09/2005	99	ENDORSED LETTER addressed to Judge Colleen McMahon from James E. Monroe dated 2/7/05 re: Parties requests that the plaintiffs' proposed Notice not be issued to the class until 4/1/05; Adjournment granted. (Signed by Judge Colleen McMahon on 2/9/05) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(ae, ) (Entered: 02/14/2005)
03/01/2005	100	STIPULATION AND ORDER that defendants' time to respond to the plaintiffs' proposed Notice to the Class is extended to and including 3/15/05 and that Notice to the class will not be issued until after 4/1/05. (Signed by Judge Colleen McMahon on 3/1/05) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM(ae, ) (Entered: 03/02/2005)
03/11/2005	101	STIPULATION AND ORDER:...dfts' time to respond to the plntffs' proposed notice to the Class is extended to 4/18/05.... So Ordered: (Signed by Judge Colleen McMahon on 3/10/05) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM Copies sent by Clerk's Office.(pf, ) (Entered: 03/14/2005)
05/05/2005	102	ENDORSED LETTER addressed to Dear Counsel from Robert S. Groban dated 5/2/2005 re: this letter is in response to Judge McMahon's April 20, 2005 memorandum addressed to all counsel, and the April 29, 2005 court conference.....as discussed at the conference, we suggest that the Court's suggested revision of the first paragraph under Background be changed to read as follows.....ENDORSED, So ordered.. (Signed by Judge Colleen McMahon on

		5/4/2005) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM "The Clerk's Office Has Mailed Copies".(jma, ) (Entered: 05/09/2005)
10/04/2005	103	ENDORSED LETTER addressed to Judge Colleen McMahon from James E. Monroe dated 9/30/2005 re: I write to advise the Court that the parties to the Dodge/Rango Class Action litigation have in principal reached a settlement....ENDORSED: It sure does! (Signed by Judge Colleen McMahon on 10/3/2005) "The Clerk's Office Has Mailed Copies".(mde, ) (Entered: 10/05/2005)
02/28/2006	104	ORDER FOR PRELIMINARY APPROVAL OF SETTLEMENT (SETTLEMENT AGREEMENT)...Final Approval Hearing 6/9/2006 at 9:00 a.m...IT IS SO ORDERED: (Signed by Judge Colleen McMahon on 2/28/2006) "The Clerk's Office Has Mailed Copies".(mde, ) (Entered: 03/02/2006)
06/12/2006	105	LETTER addressed to The Clerk of the Court from Robert Wiggins dated 5/16/06 re: Unfair money damages that were awarded.. (fk, ) (Entered: 06/13/2006)
06/12/2006	106	AFFIDAVIT of Angrew R. Scott. Document filed by County of Orange. (fk, ) (Entered: 06/13/2006)
06/12/2006	107	AFFIDAVIT of Deborah Bailey Brown. Document filed by County of Orange. (fk, ) (Entered: 06/13/2006)
06/12/2006	108	AFFIDAVIT of Patricia E. Nelson. (fk, ) (Entered: 06/13/2006)
06/12/2006	109	LETTER addressed to Judge Colleen McMahon from James Monroe dated 6/6/06 re: Billable Hours. Document filed by Anthony Dodge.(fk, ) (Entered: 06/13/2006)
06/12/2006	111	LETTER addressed to The Clerk of the Court from Jurij Oracz dated 04/27/06 re: Proposed Settlement. (dcr, ) (Entered: 06/13/2006)
06/23/2006	112	FINAL JUDGMENT:...ORDERED, ADJUDGED AND DECREED: That for the reasons set forth on the record at the June 9, 2006 Fairness Hearing, final approval of the Settlement Agreement is hereby granted and all terms and conditions set forth herein are incorporated into this Final Judgment. SO ORDERED: (Signed by Judge Colleen McMahon on 06/23/2006) Filed In Associated Cases: 7:02-cv-00769-CM,7:02-cv-08451-CM "The Clerk's Office Has Mailed Copies".(gco, ) (Entered: 06/26/2006)
07/10/2006		Received returned mail re: [112] Judgment,. Mail was addressed to JAMES EDWARD MONROE of DUPEE, DUPEE, & MONROE, PC at 30 MATTHEWS STREET BOX 470 GOSHEN, NY 10924 and was returned for the following reason(s): RETURN TO SENDER. (rj, ) (Entered: 07/10/2006)

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