

CLOSED

U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.3] (Albany)
CIVIL DOCKET FOR CASE #: 1:00-cv-00824-TJM-DRH

Gonzalez, et al v. City of Schenectady, et al
Assigned to: Senior Judge Thomas J. McAvoy
Referred to: Magistrate Judge David R. Homer
Demand: \$0
Case in other court: 02-07614
Cause: 42:1983 Civil Rights Act

Date Filed: 05/30/2000
Date Terminated: 09/04/2002
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Elizabeth Gonzalez
TERMINATED: 04/23/2002

represented by **Kevin A. Luibrand**
Tobin, Dempf Law Firm
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TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Michael Fyvie
TERMINATED: 04/23/2002

represented by **Kevin A. Luibrand**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
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Plaintiff

Charles Frisbee

represented by **Kevin A. Luibrand**
(See above for address)
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V.

Defendant

City of Schenectady

represented by **Joseph R. Cardamone**
Office of Joseph R. Cardamone
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Schenectady, NY 12305
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Michael J. Murphy

Carter, Conboy Law Firm
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Albany, NY 12211
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LEAD ATTORNEY
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Defendant

Richard Barnett

*Individually and as Agent, Servant and/or
Employee and Police Officer of the City of
Schenectady and the City of Schenectady
Police Department
TERMINATED: 08/30/2002*

represented by **Daniel J. Stewart**
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TERMINATED: 08/30/2002
LEAD ATTORNEY
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Defendant**Michael Siler**

Individually and as Agent, Servant and/or Employee and Police Officer of the City of Schenectady and the City of Schenectady Police Department

represented by **Joseph R. Cardamone**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael L. Koenig

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Murphy

(See above for address)
TERMINATED: 04/09/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Thomas X. Mattice**

Individually and as Agent, Servant and/or Employee and Police Officer of the City of Schenectady and the City of Schenectady Police Department
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Murphy

(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Michael Glasser**

Individually and as Agent, Servant and/or Employee and Police Officer of the City of Schenectady and the City of Schenectady Police Department
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Murphy

(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Marisela Mosher**

Individually and as Agent, Servant and/or Employee and Police Officer of the City of Schenectady and the City of Schenectady Police Department
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Murphy

(See above for address)
TERMINATED: 04/23/2002

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

William Lachanski

*Individually and as Agent, Servant and/or
Employee and Police Officer of the City of
Schenectady and the City of Schenectady
Police Department
TERMINATED: 04/23/2002*

represented by **Joseph R. Cardamone**
(See above for address)
*TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Michael J. Murphy
(See above for address)
*TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

John Doe

*Individually and being an Unnamed Agent,
Servant and/or Employee and Police Officer
of the City of Schenectady and the City of
Schenectady Police Department
TERMINATED: 04/23/2002*

represented by **Joseph R. Cardamone**
(See above for address)
*TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Jane Doe

*Individually and being an Unnamed Agent,
Servant and/or Employee and Police Officer
of the City of Schenectady and the City of
Schenectady Police Department
TERMINATED: 04/23/2002*

represented by **Joseph R. Cardamone**
(See above for address)
*TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Eric Hesch

*Individually and as Agent, Servant and/or
Employee and Police Officer of the City of
Schenectady and the city of Schenectady
Police Department.
TERMINATED: 04/23/2002*

represented by **Joseph R. Cardamone**
(See above for address)
*TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Michael J. Murphy
(See above for address)
*TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Cross Claimant

City of Schenectady

represented by **Joseph R. Cardamone**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Cross Claimant

Thomas X. Mattice

represented by **Joseph R. Cardamone**

TERMINATED: 04/23/2002

(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Michael Glasser
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Marisela Mosher
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

William Lachanski
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

John Doe
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Jane Doe
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Eric Hesch
TERMINATED: 04/23/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 04/23/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Richard Barnett
TERMINATED: 08/30/2002

represented by **Joseph R. Cardamone**
(See above for address)
TERMINATED: 08/30/2002

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael L. Koenig
(See above for address)
TERMINATED: 01/10/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

Michael Siler

represented by **Joseph R. Cardamone**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael L. Koenig
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/30/2000	39	COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 47562 ; Service deadline 7/29/00 for Jane Doe, for John Doe, for William Lachanski, for Marisela Mosher, for Michael Glasser, for Thomas X. Mattice, for Michael Siler, for Richard Barnett, for City of Schenectady (wbl) Modified on 03/15/2001 (Entered: 05/31/2000)
05/30/2000		SUMMONS(ES) issued for City of Schenectady, Richard Barnett, Michael Siler, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, John Doe, Jane Doe (wbl) (Entered: 05/31/2000)
05/30/2000		Filing Order Issued; Conference set before Magistrate Judge David R. Homer in Albany, Status Conference at 10:00 10/10/00 , Deadline for filing Case Management Plan, 9/25/00 (wbl) (Entered: 05/31/2000)
06/23/2000	2	ACKNOWLEDGEMENT OF SERVICE as to City of Schenectady, Richard Barnett, Michael Siler, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski on 6/13/00 : Answer due on 7/3/00 for William Lachanski, for Marisela Mosher, for Michael Glasser, for Thomas X. Mattice, for Michael Siler, for Richard Barnett, for City of Schenectady (tab) (Entered: 06/26/2000)
06/29/2000	3	ANSWER to Complaint by City of Schenectady, Richard Barnett, Michael Siler, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, John Doe, Jane Doe (Attorney Joseph R. Cardamone), (wjg) (Entered: 06/30/2000)
07/17/2000	4	ANSWER to Complaint by Richard Barnett, Michael Siler (Attorney Michael Louis Koenig), (wjg) (Entered: 07/18/2000)
07/20/2000	5	NOTICE of attorney appearance for Richard Barnett, Michael Siler by Michael Koenig (wjg) (Entered: 07/21/2000)
09/29/2000	6	Proposed Joint Civil Case Management Plan Submitted. (fce) (Entered: 09/29/2000)
10/03/2000	7	LETTER REQUEST by Kevin Luibrand dd 9/20/00 and ORDER, for schedule of deposition of defts Thomas Mattice (10/31/00 @ 10:00am), Marisela Mosher (10/31 @ 11:30am), Eric Hesch (10/31 @ 1:00pm), Richard Barnett (10/31 @ 2:00pm),

		Michael Glasser (11/1 @ 10:00), William Lachanski (11/1 @ 11:30) and Michael Siler (11/1 @ 1:00pm); all depositions to take place at the offices of Tobin & Dempf (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 10/03/2000)
10/10/2000	8	Scheduling Notice:, reset Filing Order Deadlines: Conference set before Magistrate Judge David R. Homer in Albany, NY, Status Conference at 9:00 10/27/00 , Deadline for filing Case Management Plan, 10/18/00 (wjg) (Entered: 10/11/2000)
10/11/2000		Returned defts' answer to amended complaint with crossclaim to Atty. Cardamone with Document rejection Notice; no amended complaint filed at this time; such complaint must be filed first before answer/crossclaim can be filed (rejection notice placed in file, with copies to all counsel). (wjg) (Entered: 10/11/2000)
10/19/2000	9	NOTICE and ORDER dated October 13,2000 reassigning case from Judge Kahn to Judge McAvoy (fce) Modified on 10/19/2000 (Entered: 10/19/2000)
10/19/2000		CASE Reassigned to Judge Thomas J. McAvoy (fce) (Entered: 10/19/2000)
10/27/2000	10	Uniform Pretrial Order; Length of Trial: 5 days; Trial Location: Albany, NY; Joining of Parties Deadline 1/1/01 ; Amending of Pleadings Deadline 2/1/01 ; Discovery Deadline 5/1/01 ; Motion Filing Deadline 8/1/01 ; Trial ready deadline 11/1/01 Jury Trial Deadline 9:30 11/14/01 ; (Signed by: Magistrate Judge David R. Homer) (wjg) (Entered: 10/30/2000)
10/27/2000	11	ORDER TO SHOW CAUSE: why defts should not be compelled to obtain separate counsel (Signed by Magistrate Judge David R. Homer) (wjg) (Entered: 10/30/2000)
11/07/2000	12	LETTER MOTION by Michael Siler to Stay discovery pending resolution of a criminal case in which Siler is a named deft Motion returnable before Judge/Mag. Judge: Homer (wjg) (Entered: 11/07/2000)
11/07/2000	13	ORDER, Motion Hearing set for 10:00 12/15/00 re: [12-1] motion to Stay discovery pending resolution of a criminal case in which Siler is a named deft , Response to Motion reset to 11/27/00 for [12-1] motion to Stay discovery pending resolution of a criminal case in which Siler is a named deft , Reply to Response to Motion reset to 12/8/00 for [12-1] motion to Stay discovery pending resolution of a criminal case in which Siler is a named deft , and to Stay the deposition of Siler pending resolution of [12-1] Motion (signed by Magistrate Judge David R. Homer) Date Entered: 11/7/00 (wjg) (Entered: 11/07/2000)
11/08/2000	14	LETTER RESPONSE BRIEF by Kevin Luibrand for Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee to [12-1] motion to Stay discovery pending resolution of a criminal case in which Siler is a named deft (wjg) (Entered: 11/08/2000)
11/13/2000	15	ORDER, to Amend [13-1] order , Reply to Response to Motion reset to 11/15/00 for [12-1] motion to Stay discovery pending resolution of a criminal case in which Siler is a named deft , Motion Hearing set for 10:00 11/20/00 re: [12-1] motion to Stay discovery pending resolution of a criminal case in which Siler is a named deft; the motion will be taken on submit and without oral argument , and to Stay deposition of Siler pending resolution of this motion (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 11/14/2000)
11/28/2000	16	LETTER REQUEST by Kevin Luibrand dd 11/10/00 and ORDER, for Leave to File and serve an amended complaint (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 11/28/2000)
11/28/2000	17	LETTER to MJ Homer from Michael Koenig dd 11/13/00 consenting to filing of proposed amended complaint. (wjg) (Entered: 11/28/2000)

11/28/2000	18	STIPULATION signed by counsel for plaintiffs and counsel for defts Sch'dy City, Mattice, Glasser, Mosher, Lachanski, John & Jane Does consenting to filing of amended complaint. (wjg) (Entered: 11/28/2000)
12/04/2000	19	AMENDED COMPLAINT by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee , Service deadline 2/2/01 for Jane Doe, for John Doe, for William Lachanski, for Marisela Mosher, for Michael Glasser, for Thomas X. Mattice, for Michael Siler, for Richard Barnett, for City of Schenectady , amends [1-1] complaint (wjg) Modified on 12/04/2000 (Entered: 11/28/2000)
12/04/2000		Deadline updated; set Service Deadline to 2/2/01 for Eric Hesch, for Jane Doe, for John Doe, for William Lachanski, for Marisela Mosher, for Michael Glasser, for Thomas X. Mattice, for Michael Siler, for Richard Barnett, for City of Schenectady (wjg) (Entered: 12/04/2000)
12/07/2000	20	ANSWER by City of Schenectady, Thomas Mattice, Michael Glasser, Marisela Mosher, William Lachanski, John Doe, Jane Doe, Eric Hesch (Attorney Joseph R. Cardamone) to amended complaint (wjg) (Entered: 12/07/2000)
12/07/2000	20	CROSSCLAIM by City of Schenectady, Thomas Mattice, Michael Glasser, Marisela Mosher, William Lachanski, John Doe, Jane Doe, Eric Hesch against Richard Barnett, Michael Siler (wjg) (Entered: 12/07/2000)
12/11/2000	21	ORDER denying [12-1] motion to Stay discovery pending resolution of a criminal case in which Siler is a named deft (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 12/12/2000)
12/11/2000	22	ORDER, Motion Hearing set for 9:00 1/12/01 concerning the representation of Barnett and Siler; defts Barnett and Siler shall personally attend the hearing (signed by Magistrate Judge David R. Homer) [served to all parties and to William Dreyer, Esq.] (wjg) (Entered: 12/12/2000)
12/20/2000	23	NOTICE of attorney appearance for Richard Barnett by William J. Dreyer (wjg) (Entered: 12/21/2000)
01/03/2001	24	ORDER APPROVING DEFTS' WAIVER OF POTENTIAL CONFLICT, that based upon the circumstances as presently known, including the info set forth in the affidavits of defts Mattice, Glasser, Mosher, Lachanski and Hesch, the Court finds that those defts have been provided with sufficient written notice by counsel of the potential for conflict inherent in their being jointly represented by the same atty, and have knowingly and voluntarily chosen to proceed with that joint representation , and that the affidavits of Mattice, Glasser, Mosher, Lachanski and Hesch, with attachments, which were submitted pursuant to the court's Order dd 10/27/00, and contain sensitive and attorney-client priviledged matters, shall be filed by the court under seal (signed by Magistrate Judge David R. Homer) Date Entered: 1/3/01 (wjg) (Entered: 01/04/2001)
01/03/2001	25	SEALED AFFIDAVIT (sealed per [24-1] Order) (wjg) (Entered: 01/04/2001)
01/03/2001	26	SEALED AFFIDAVIT (sealed per [24-1] Order) (wjg) (Entered: 01/04/2001)
01/03/2001	27	SEALED AFFIDAVIT (sealed per [24-1] Order) (wjg) (Entered: 01/04/2001)
01/03/2001	28	SEALED AFFIDAVIT (sealed per [24-1] Order) (wjg) (Entered: 01/04/2001)
01/03/2001	29	SEALED AFFIDAVIT (sealed per [24-1] Order) (wjg) (Entered: 01/04/2001)
01/05/2001	30	ANSWER by Michael Siler (Attorney Michael Koenig) to amended complaint (wjg) (Entered: 01/05/2001)

01/10/2001	31	Consent to Change Attorney/NOTICE of attorney appearance for Richard Barnett by William Dreyer, Esq. of Dreyer, Boyajian Law Firm (replacing Atty. Michael Koenig). (wjg) Modified on 01/10/2001 (Entered: 01/10/2001)
01/22/2001	32	ANSWER by Richard Barnett (Attorney Daniel J. Stewart) to amended complaint (wjg) (Entered: 01/22/2001)
01/24/2001	33	Scheduling Notice:, set In Chambers Conference (regarding deft Siler's representation) for 11:00 1/30/01 (wjg) (Entered: 01/24/2001)
01/30/2001	38	**This motion was received by the Court on 3/14/01, but is considered filed as of 1/30/01 (date of initial 7.1[b] letter), pursuant to the CJRA Reporting requirements instituted 3/1/00** MOTION by Elizabeth Gonzalez, Michael Fyvie for Partial Summary Judgment , Hearing set for 10:00 4/27/01 Motion returnable before Judge/Mag. Judge: McAvoy in Binghamton, NY (wjg) (Entered: 03/15/2001)
01/31/2001	34	AFFIDAVIT/CERTIFICATE OF SERVICE by Michael Siler of Answer to Amended Complaint as to Kevin Luibrand and Michael Brockbank, Esqs. on 1/5/01. (wjg) (Entered: 02/01/2001)
02/01/2001	35	LETTER of Kevin Luibrand dd 1/30/01 on behalf of Elizabeth Gonzalez, Michael Fyvie pursuant to Local Rule 7.1(b) regarding Motion: for partial summary judgment Date Served upon counsel: 1/30/01 (wjg) (Entered: 02/01/2001)
02/05/2001	36	AFFIDAVIT/ACKNOWLEDGEMENT OF SERVICE as to Eric Hesch on 1/26/01. (wjg) (Entered: 02/05/2001)
02/28/2001	37	STATUS REPORT LETTER advising of impending deadlines. Status report due on 3/14/01 (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 02/28/2001)
03/01/2001	41	**This motion was received by the Court on 3/14/01, but is considered filed as of 3/1/01, pursuant to the CJRA Reporting requirements instituted 3/1/00** CROSS MOTION by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch for Summary Judgment , Hearing set for 10:00 4/27/01 in Binghamton, NY (wjg) (Entered: 03/15/2001)
03/14/2001	38	AFFIDAVIT by Kevin Luibrand for Elizabeth Gonzalez, Michael Fyvie Re: support of [38-1] motion for Partial Summary Judgment (wjg) (Entered: 03/15/2001)
03/14/2001	39	Statement of Material Facts in Support of [38-1] motion for Partial Summary Judgment filed by Elizabeth Gonzalez, Michael Fyvie (wjg) Modified on 03/15/2001 (Entered: 03/15/2001)
03/14/2001	40	MEMORANDUM OF LAW by Elizabeth Gonzalez, Michael Fyvie in support of [38-1] motion for Partial Summary Judgment (wjg) (Entered: 03/15/2001)
03/14/2001	41	AFFIDAVIT by Michael Seber for City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch Re: support of [41-1] cross motion for Summary Judgment, and in opposition to [38-1] motion for Partial Summary Judgment (wjg) (Entered: 03/15/2001)
03/14/2001	42	Statement of Material Facts in Support of [41-1] cross motion for Summary Judgment, and in response/opposition to [38-1] motion for Partial Summary Judgment filed by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch (wjg) (Entered: 03/15/2001)
03/14/2001	43	MEMORANDUM OF LAW by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch in opposition to [38-1] motion for Partial Summary Judgment, and in support of [41-1] cross motion for

		Summary Judgment (wjg) (Entered: 03/15/2001)
03/14/2001	44	REPLY AFFIDAVIT by Kevin Luibrand for Elizabeth Gonzalez, Michael Fyvie to response to [38-1] motion for Partial Summary Judgment, and in opposition to [41-1] cross motion for Summary Judgment (wjg) (Entered: 03/15/2001)
03/14/2001	45	REPLY MEMORANDUM OF LAW by Elizabeth Gonzalez, Michael Fyvie in further support of [38-1] motion for Partial Summary Judgment, and in opposition to [41-1] cross motion for Summary Judgment (wjg) (Entered: 03/15/2001)
03/14/2001	46	LETTER on of Kevin Luibrand dd 3/13/01 on behalf of Elizabeth Gonzalez, Michael Fyvie pursuant to Local Rule 7.1(b) regarding reply to response to Motion: for summary judgment (and opposition papers as to cross-motion for summary judgment); Date Served upon counsel: 3/13/01 (wjg) (Entered: 03/15/2001)
03/27/2001	47	NOTICE of attorney appearance for City of Schenectady, Richard Barnett, Michael Siler, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch by Michael J. Murphy (tab) (Entered: 03/27/2001)
03/29/2001	52	AFFIDAVIT(s) of Rebecca Gage and Diane UpDyke on behalf of Jane Doe(s) in opposition to Re: [41-1] cross motion for Summary Judgment (pta) (Entered: 04/09/2001)
04/03/2001	48	MOTION by Elizabeth Gonzalez for Rule 11 Sanctions , Hearing set for 10:00 5/14/01 , Response Deadline 4/30/01 , Reply to Response Deadline 5/7/01 Motion returnable before Judge/Mag. Judge: McAvoy in Albany, NY [STRICKEN FROM THE RECORD AND RETURNED TO COUNSEL PER COURT'S (60-1) ORDER] (wjg) Modified on 05/16/2001 (Entered: 04/04/2001)
04/03/2001		Motion(s) no longer referred: [48-1] motion for Rule 11 Sanctions (wjg) (Entered: 04/04/2001)
04/03/2001	48	AFFIDAVIT by Kevin Luibrand for Elizabeth Gonzalez Re: support of [48-1] motion for Rule 11 Sanctions [STRICKEN FROM THE RECORD AND RETURNED TO COUNSEL PER COURT'S (60-1) ORDER] (wjg) Modified on 05/16/2001 (Entered: 04/04/2001)
04/03/2001	49	Rule 11 Compliance AFFIDAVIT by Kevin Luibrand for Elizabeth Gonzalez Re: support of [48-1] motion for Rule 11 Sanctions [STRICKEN FROM RECORD AND RETURNED TO COUNSEL PER COURT'S (60-1) ORDER] (wjg) Modified on 05/16/2001 (Entered: 04/04/2001)
04/03/2001	50	Scheduling Notice: resetting [48-1] Motion for Sanctions to 5/14/01 @ 10:00am before USDJ McAvoy in Albany. (wjg) (Entered: 04/04/2001)
04/05/2001	51	ORDER denying Defts' [41-1] cross motion for Summary Judgment in its entirety, granting Pltf Fyvie's motion [38-1] motion for Partial Summary Judgment as to his claim against City/Schenectady in violation of his 4th Amendment; and denying Pltf Gonzalez's motion for summary judgment in its entirety (signed by Judge Thomas J. McAvoy) Date Entered: 4/5/01 (amt) (Entered: 04/05/2001)
04/09/2001	53	AMENDED NOTICE of attorney appearance for City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch by Michael Murphy (wjg) (Entered: 04/10/2001)
04/19/2001	54	Court NOTICE to counsel dd 4/19/01 advising that the pending motions will be on submit basis; no appearances necessary; MDO already issued. (sfp) (Entered: 04/20/2001)

04/27/2001		Motion hearing re: Defts City/Schenectady+ [41-1] cross motion for Summary Judgment; and, Pltfs' [38-1] motion for Partial Summary Judgment held (cml) (Entered: 04/30/2001)
04/27/2001	55	Minute entry: MOTION CALENDAR HELD 4/27/01 bef Judge McAvoy in Binghamton, NY: APP: None; CR: V. Theleman; LC/SE; CRD/cml. Defts City/Schenectady+ [41-1] cross motion for Summary Judgment; and, Pltfs' [38-1] motion for Partial Summary Judgment - TAKEN ON SUBMIT [addressed by TJM [51-1] order] (cml) (Entered: 04/30/2001)
04/30/2001	56	ORDER, set Settlement Conference for 9:30 6/20/01 (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 05/01/2001)
05/01/2001	57	RESPONSE AFFIDAVIT by Michael Murphy for City of Schenectady to [48-1] motion for Rule 11 Sanctions [STRICKEN FROM RECORD AND RETURNED TO COUNSEL PER COURT'S (60-1) ORDER] (wjg) Modified on 05/16/2001 (Entered: 05/01/2001)
05/04/2001	58	Court NOTICE to counsel dd 5/4/01 advising that the pending motions [48-1] will be taken on submit; no appearances necessary (sfp) (Entered: 05/04/2001)
05/11/2001	59	Letter of Attorney Luibrand to the Court dd 5/9/01 advising Pltf Fyvie's claim is ready for trial and anticipates trial to take 3 to 4 days and could begin on 6/1/01 [copy forwarded to chambers/CML] (amt) (Entered: 05/11/2001)
05/11/2001	60	ORDER advising the court will not consider the merits of the instant motion; rejecting and striking Pltf's [48-1] motion for Rule 11 Sanctions and Defts' opposition to that motion (signed by Judge Thomas J. McAvoy) (amt) (Entered: 05/14/2001)
05/14/2001		Motion hearing re: Pltfs' [48-1] motion for Rule 11 Sanctions held (cml) (Entered: 05/15/2001)
05/14/2001	61	Minute entry: MOTION CALENDAR HELD 5/14/01 bef Judge McAvoy in Albany, NY: APP: None; CR: B. Buckley; LC/SSSt; CRD/mp. Pltfs' [48-1] motion for Rule 11 Sanctions - TAKEN ON SUBMIT [addressed by TJM [60-1] order] (cml) (Entered: 05/15/2001)
05/25/2001	62	NOTICE to Daniel Stewart, Esq. from Clerk advising that (per USDJ McAvoy's chambers) the Court will not consider request to sever without a formal motion. (wjg) (Entered: 05/25/2001)
06/20/2001		Settlement conference held (wjg) (Entered: 06/25/2001)
06/25/2001	63	Minute entry: SETTLEMENT CNF BEFORE MJ HOMER ON 6/20/01; APP-Kevin Luibrand, Mike Murphy and Dan Stewart, Esqs.; no settlement reached. (wjg) (Entered: 06/25/2001)
06/27/2001	64	LETTER of Michael Murphy dd 6/27/01 on behalf of City of Schenectady pursuant to Local Rule 7.1(b) regarding Motion: for partial summary judgment Date Served upon counsel: 6/27/01 (wjg) (Entered: 06/27/2001)
06/27/2001	75	**This motion was received by the Court on 7/31/01, but is considered filed as of 6/27/01, pursuant to the CJRA reporting requirements instituted 3/1/00** MOTION by City of Schenectady for Partial Summary Judgment , Hearing set for 10:00 9/10/01 Motion returnable before Judge/Mag. Judge: McAvoy in Albany, NY (wjg) (Entered: 07/31/2001)
06/29/2001	70	**This motion was received by the Court on 7/31/01, but is considered filed as of

		6/29/01, pursuant to the CJRA reporting requirements instituted 3/1/00** MOTION by Richard Barnett for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie , Hearing set for 10:00 9/10/01 Motion returnable before Judge/Mag. Judge: McAvoy in Albany, NY (wjg) (Entered: 07/31/2001)
07/03/2001	65	DOCUMENT REJECTION ORDER, rejecting affidavit, offer of judgment (does not follow FRCivP 68 (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 07/05/2001)
07/03/2001		Returned Offer of Judgment, Affidavit to counsel Michael Murphy with Document Rejection Order (copies of Order to Counsel). (wjg) (Entered: 07/05/2001)
07/03/2001	66	DOCUMENT REJECTION ORDER, rejecting Deft Barnett's Motion for Summary Judgment & supporting papers (signed by Magistrate Judge David R. Homer) (wjg) (Entered: 07/05/2001)
07/03/2001		Returned deft Barnett's Motion for Summary Judgment & supporting papers to atty Stewart w/Document Rejection Order (copies of Order to Counsel). (wjg) (Entered: 07/05/2001)
07/19/2001	67	LETTER of Joseph Amicone, Esq. pursuant to Local Rule 7.1(b) regarding response to Motion: for summary judgment (and in support of Barnett's motion for severance). Date Served upon counsel: 7/19/01 (wjg) (Entered: 07/20/2001)
07/19/2001	68	LETTER dated 7/18/01 by Kevin A. Luibrand, Esq., on behalf of Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee pursuant to Local Rule 7.1(b) regarding Motion: opposition to partial summary judgment Date Served upon counsel: 7/18/01 (jel) (Entered: 07/24/2001)
07/19/2001	69	CERTIFICATE OF SERVICE by Kevin Luibrand, Esq., for Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee stated served opposition papers to motion for partial summary judgment upon adversaries. (jel) (Entered: 07/24/2001)
07/31/2001	71	Statement of Material Facts in Support of [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie filed by Richard Barnett (wjg) (Entered: 07/31/2001)
07/31/2001	72	AFFIDAVIT by Richard Barnett Re: support of [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie (wjg) (Entered: 07/31/2001)
07/31/2001	73	AFFIDAVIT by Daniel Stewart for Richard Barnett Re: support of [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie (wjg) (Entered: 07/31/2001)
07/31/2001	74	MEMORANDUM OF LAW by Richard Barnett in support of [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie (wjg) (Entered: 07/31/2001)
07/31/2001	75	AFFIDAVIT by Michael Murphy for City of Schenectady Re: support of [75-1] motion for Partial Summary Judgment (wjg) (Entered: 07/31/2001)
07/31/2001	76	Statement of Material Facts in Support of [75-1] motion for Partial Summary Judgment filed by City of Schenectady (wjg) (Entered: 07/31/2001)
07/31/2001	77	MEMORANDUM OF LAW by City of Schenectady in support of [75-1] motion for Partial Summary Judgment (wjg) (Entered: 07/31/2001)

07/31/2001	78	AFFIDAVIT IN OPPOSITION by Kevin Luibrand for Charles Frisbee Re: [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie, [75-1] motion for Partial Summary Judgment (wjg) (Entered: 07/31/2001)
07/31/2001	79	Statement of Material Facts in response/opposition to [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie filed by Charles Frisbee (wjg) (Entered: 07/31/2001)
07/31/2001	80	Statement of Material Facts in response/opposition to [75-1] motion for Partial Summary Judgment filed by Charles Frisbee (wjg) (Entered: 07/31/2001)
07/31/2001	81	MEMORANDUM OF LAW by Charles Frisbee in opposition to [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie, [75-1] motion for Partial Summary Judgment (wjg) (Entered: 07/31/2001)
07/31/2001	82	REPLY AFFIDAVIT by Daniel Stewart for Richard Barnett to response to [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie (wjg) (Entered: 07/31/2001)
07/31/2001	83	REPLY MEMORANDUM OF LAW by Richard Barnett in further support of [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales and Fyvie (wjg) (Entered: 07/31/2001)
09/04/2001	84	Court NOTICE to counsel advising that the pending motions for 9/10/01 will hear oral argument at 10:00 am in Albany before Judge McAvoy (sfp) (Entered: 09/04/2001)
09/10/2001		Motion hearing re: Pltfs' [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by each pltf; and, Defts' [75-1] motion for Partial Summary Judgment held (cml) (Entered: 09/12/2001)
09/12/2001	85	Minute entry: MOTION CALENDAR held 9/10/01 bef Judge McAvoy in Albany, NY: APP: None; CR: V. Theleman; LC/JC; CRD/mp. Pltfs' [70-1] motion for Summary Judgment/to dismiss and for severance of all claims by Plaintiff Frisbee from Gonzales & Fyvie; and, Defts' [75-1] motion for Partial Summary Judgment - TAKEN ON SUBMIT. (cml) (Entered: 09/12/2001)
09/14/2001	86	DECISION & ORDER granting in part, denying in part [70-1] summary judgment motion by City of Sch'dy and Mr. Banett; That much of Fourth Amendment claims and state law false arrest claims seeking damages from these defts for Mr. Frisbee's detention after the point in time that the marijuana was discovered are dismissed. These same claims, however, remain viable against these defts inasmuch as they seek damages for the detention up to the time of the discovery of the marijuana. , granting in part, denying in part [75-1] summary judgment motion by Deft Barnett on the grounds of qualified immunity; Mr. Barnett is granted qualified immunity for his role in the strip search of Mr. Frisbee occurring on 4/1/98 and this much of Plaintiff's claim is dismissed. His motion for summary judgment on the grounds of qualified immunity is denied in all other respects. Deft Barnett's motion to dismiss the state law claims against him is granted, and all state law claims brought against Mr. Barnett are dismissed. Deft Barnett's motion to sever the claims of Mr. Frisbee from the other plaintiffs' claims is Granted pursuant to FRCivP 21. The Cler is Ordered to assign the severed action a separate trial date as close in time as possible to the trial date set in the R16 Scheduling Order in the main action, taking into account the Court's schedule and the overlap of counsel in the now-separate actions. Deft Barnett's motion to bifurcate the trial of the claim between the individual

		officers and the municipal claims is Granted, however, the claims shall be tried back to back to the same jury. (signed by Judge Thomas J. McAvoy) (wjg) (Entered: 09/17/2001)
10/23/2001	87	COURT Notice dtd 10/23/01 resetting Gonzalez/Fyvie Jury Trial for 9:30 AM on 12/3/01 in Binghamton , N.Y. The Frisbee jury trial is set for 9:30 AM on 12/17/01 in Binghamton, N.Y. (cml) (Entered: 10/23/2001)
10/26/2001	88	Letter of Atty Luibrand to the Court dd 10/24/01 confirming the trial date for Fyvie and for Gonzalez [copy forwarded to chambers/CML] (amt) (Entered: 10/26/2001)
10/31/2001	89	LETTER of Michael L. Koenig, Esq. dd 10-24-01 on behalf of Deft Michael Siler regarding trial date of 12-17-01 (pta) (Entered: 10/31/2001)
11/09/2001	90	LETTER of John M. Katko, AUSA dd 11-08-01 advising of potential scheduling conflict involving Deft Michael Siler as to the 12-17-01 Trial Date (pta) (Entered: 11/09/2001)
11/15/2001	91	LETTER of Kevin A. Luibrand, Esq. dd 11-12-01 regarding the trials scheduled for 12-03-01 and 12-17-01 (pta) (Entered: 11/15/2001)
11/16/2001	92	LETTER RESPONSE of Michael L. Loenig, Esq. dd 11-14-01 to AUSA Katko's letter of 11-08-01 regarding adjournment of the 12-17-01 trail date (pta) (Entered: 11/16/2001)
11/21/2001	93	COURT Notice dtd 11/20/01 resetting Gonzalez/Fyvie Jury Trial for 9:30 AM on 12/17/01 in Binghamton , N.Y. The Frisbee jury trial is set for 9:30 AM on 2/04/02 in Binghamton, N.Y. (cml) (Entered: 11/21/2001)
11/27/2001	94	LETTER of Kevin A. Luibrand, Esq. dd 11-21-01 regarding trial schedule conflict (pta) (Entered: 11/27/2001)
12/11/2001	95	Voir Dire Attachment by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (pta) (Entered: 12/11/2001)
12/11/2001	96	Witness list by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (pta) (Entered: 12/11/2001)
12/11/2001	97	Exhibit list by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (pta) (Entered: 12/11/2001)
12/11/2001	98	Voir dire questions by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (pta) (Entered: 12/11/2001)
12/11/2001	99	TRIAL BRIEF by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (pta) (Entered: 12/11/2001)
12/11/2001	100	Proposed Jury Charge/Jury instructions by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (pta) (Entered: 12/11/2001)
12/11/2001	101	PLTF PROPOSED Special Verdict Sheet (pta) (Entered: 12/11/2001)
01/16/2002	102	COURT Notice dtd 1/16/02 resetting Gonzalez/Fyvie Jury Trial for 9:30 AM on 2/4/02 in Binghamton , N.Y. The Frisbee jury trial is set for 9:30 AM on 4/16/02 at 9:30 AM in Albany, N.Y. (cml) (Entered: 01/16/2002)
01/23/2002	103	Letter of Atty Luibrand to the court dd 1/21/02 advising the court to utilize trial papers previously submitted in December and that they are also submitting an amended trial brief, letter brief, and supplement Pltfs witness list and court ordered voidire; pre-trial stip to follow (sfp) (Entered: 01/24/2002)

01/23/2002	104	In Limine Letter BRIEF by Michael Fyvie to exclude evidence of prior arrests (sfp) Modified on 04/11/2002 (Entered: 01/24/2002)
01/23/2002	105	Amended TRIAL BRIEF by Pltfs Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (sfp) (Entered: 01/24/2002)
01/24/2002	106	Voir Dire Attachment by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch (wjg) (Entered: 01/24/2002)
01/24/2002	107	Voir dire questions by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch (wjg) (Entered: 01/24/2002)
01/24/2002	108	Witness list by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch (wjg) (Entered: 01/24/2002)
01/24/2002	109	Exhibit list by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch (wjg) (Entered: 01/24/2002)
01/24/2002	110	TRIAL BRIEF by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch (wjg) (Entered: 01/24/2002)
01/24/2002	111	Proposed Jury instructions/Request to Charge by City of Schenectady, Thomas X. Mattice, Michael Glasser, Marisela Mosher, William Lachanski, Eric Hesch (wjg) (Entered: 01/24/2002)
01/31/2002	112	COURT NOTICE dtd 1/31/02 resetting Gonzalez/Fyvie Jury Trial for 9:30 AM on 4/16/02 in Albany , N.Y. The Frisbee jury trial is s/f 9:30 AM on 5/06/02 in Binghamton, N.Y. (cml) (Entered: 01/31/2002)
02/19/2002	113	LETTER REQUEST and ORDER, directing the deposition of Robert C. O'Neill on 2/26/02 at the law offices of Tobin & Dempf (signed by Magistrate Judge Randolph F. Treece) (wjg) (Entered: 02/19/2002)
03/21/2002	114	Letter of Atty Murphy to the court dd 3/19/02 requesting adjournment of 3/25/02 trial date (sfp) (Entered: 03/21/2002)
04/12/2002	115	Witness list (additions) by Elizabeth Gonzalez, Michael Fyvie, Charles Frisbee (wjg) (Entered: 04/15/2002)
04/16/2002		Jury trial #1 re: Gonzalez/Fyvie pltfs begun in Albany, N.Y. (cml) (Entered: 04/17/2002)
04/16/2002	116	Minute entry: JURY TRIAL #1 w/ Gonzalez/Fyvie Pltfs commence 4/16/02 bef Judge McAvoy in Albany, NY: APP: Kevin Luibrand & Adrien Kerwin, Esqs. for Pltfs; Michael Murphy, Esq. for Defts Mattice, Glasser, Mosher, Lachanski, Hesch & City/Schenectady; CR: B. Buckley; LC/JC; CRD/mp. Evidentiary & procedural issues discussed in chambers. Jury selection conducted. Some potential jurors are interviewed in chambers re: knowledge of events & media coverage. Attys argue challenges/cause; cause is granted as to jurors 3, 6, 10 & 12. Jury sworn & given preliminary charge. Each side give opening stmts. PLTF WITNESS: William Grasso, Henry Kenyon, Robert O'Neill, Maria Elwell & Michael Fyvie. Court adjourns until 4/17/02 at 9:30 A.M. [9:00a - 5:00p] (cml) (Entered: 04/17/2002)
04/17/2002		Jury trial #1 held (cml) (Entered: 04/18/2002)
04/17/2002	117	Minute entry: JURY TRIAL #1 held 4/17/02 bef Judge McAvoy in Albany, NY: APP: Same; CR: B. Buckley; LC/JC; CRD/mp. PLTF WITNESS: Michael Fyvie (cont), Thomas Fyvie & Elizabeth Gonzalez. Pltf reads stipulated facts into the record. Pltf rests. Jury stands aside. Defense makes Rule 50 motion - RESERVED

		on false arrest claim by pltf Fyvie against deflt Glasser; DENIED as to dismissal of claim against deflt City/Schenetady w/ leave to renew; DENIED as to all other motions. DEFENSE WITNESS: Eric Hesch, Peter Frisoni, Jr. & Rebecca D. Gaige. Court adjourns to 9:30 AM on 4/18/02. [9:30a - 3:45p] (cml) (Entered: 04/18/2002)
04/18/2002		Jury trial #1 continues bef Judge McAvoy in Albany, NY (cml) (Entered: 04/19/2002)
04/19/2002	118	Minute entry: JURY TRIAL #1 (Gonzalez/Fyvie) held 4/18/02 bef Judge McAvoy in Albany, NY: APP: same; CR: B. Buckley; LC/JC; CRD/mp. DEFENSE WITNESS: Rebecca Gaige (con't), Thomas Mattice, William Lachanski, Marisela Mosher & Michael Glasser. Defense plays Exh 14 for jury. Defense rests. Motions renewed - same rulings. Jury present. PLTF REBUTTAL WITNESS: Nucgaek Seber & Elizabeth Gonzalez (recalled). DEFENSE SIR-REBUTTAL WITNESS: Eric Hesch (recalled). Evidence closed. Jury discharged until 9:30 AM on 4/19/02. Counsel meet w/ Court in chambers; charge conf held. [9:40a - 8:00p] (cml) (Entered: 04/19/2002)
04/19/2002		Jury trial #1 held bef Judge McAvoy in Albany, NY (cml) (Entered: 04/22/2002)
04/19/2002	119	Minute entry: JURY TRIAL #1 (Gonzalez/Fyvie) held 4/19/02 bef Judge McAvoy in Albany, NY: APP: Same; CR: B. Buckley, LC/JC; CRD/mp. Charge conf resumes in chambers. In court; jury present, each side makes summation. Judge charges jury. Jury steps aside & commence deliberations. CE #1 is marked & discussed w/ counsel. Jury enters & Court complies w/ CE #1. Jury steps aside & continue deliberations. Court adjourns until 9:30 AM on 4/22/02. [9:00a - 4:15p] (cml) (Entered: 04/22/2002)
04/22/2002	120	Letter of Atty Stewart to the court dd 4/19/02 requesting the Court to issue an order to BOP directing they produce Mr. Barnett for the duration of the 5/6/02 trial against him by Mr. Frisbee or to postpone the trial (sfp) (Entered: 04/22/2002)
04/22/2002		Jury trial #1 (Gonzalez/Fyvie) concluded (cml) (Entered: 04/22/2002)
04/22/2002	121	Minute entry: JURY TRIAL #1 (Gonzalez/Fyvie) concluded 4/22/02 bef Judge McAvoy in Albany, NY: APP: Same; CR: B. Buckley; LC/JC; CRD/mp. Jury deliberations resume. CE #2 marked & discussed w/ counsel. Jury verdict reached & verdict is found in favor of plaintiffs in accordance w/ the verdict form. Jury is permanently discharged w/ thanks of court. Parties advised post-trial rights. Court adjourns. [9:00a - 3:30p] (cml) (Entered: 04/22/2002)
04/22/2002	122	JURY VERDICT of Jury Trial #1 in favor of pltf's Elizabeth Gonzalez & Michael Fyvie (cml) (Entered: 04/22/2002)
04/22/2002		DDL updated; setting Jury Trial #2 (Frisbee) for 9:30 AM on 5/6/02 bef Judge McAvoy in Binghamton , N.Y. per [112-1] scheduling notice (cml) (Entered: 04/22/2002)
04/23/2002	123	JUDGMENT for Elizabeth Gonzalez & Michael Fyvie against City of Schenectady, Marisela Mosher & William Lachanski Date Entered & Served: 4/23/02 (cml) (Entered: 04/23/2002)
04/24/2002	124	Letter of Atty Koenig to the court dd 4/22/02 requesting the court issue an order to BOP that directs them to produce Mr. Siler for the duration of the trial scheduled 5/6/02 or that the trial be stayed pending Mr. Stiler's release from federal incarceration (sfp) (Entered: 04/25/2002)
04/25/2002	125	Letter of Atty Koenig to the court dd 4/23/02 requesting the court that if the 5/6/02

		trial gets adjourned to not reschedule it during 8/9/02-8/19/02 (sfp) (Entered: 04/25/2002)
04/25/2002	126	Trial Exhibit list by Elizabeth Gonzalez, Michael Fyvie (sfp) (Entered: 04/25/2002)
04/25/2002	127	Exhibit list by City of Schenectady, Marisela Mosher, William Lachanski (sfp) (Entered: 04/25/2002)
04/26/2002	128	COURT Notice dtd 4/26/02 resetting Frisbee Jury Trial for 1:00 PM on 9/3/02 in Albany , N.Y. (cml) (Entered: 04/26/2002)
04/29/2002	129	LETTER of Kevin A. Luibrand, Esq. dd 4-24-02 advising the Court of his unavailability during 8-11 thru 8-25-2002 (pta) (Entered: 04/29/2002)
05/01/2002	130	Jury note/CE #1 filed re: Gonzalez/Fyvie trial (cml) (Entered: 05/01/2002)
05/01/2002	131	Jury note/CE #2 filed re: Gonzalez/Fyvie trial (cml) (Entered: 05/01/2002)
05/01/2002	132	Jury note/CE #3 filed re: Gonzalez/Fyvie trial (cml) (Entered: 05/01/2002)
05/03/2002	133	MOTION by defendants for Judgement as a Matter of Law, pursuant to Rule 50a, for reduction of compensatory damages award to pltf, to set aside punitive damages award to pltf or, in the alternative, for a new trial. , Hearing set for 10:00 6/10/02 , Response Deadline 5/27/02 , Reply to Response Deadline 6/3/02 Motion returnable before Judge/Mag. Judge: McAvoy in Albany, NY (wjg) Modified on 05/06/2002 (Entered: 05/06/2002)
05/03/2002	133	AFFIDAVIT by Michael Murphy for defendants Re: support of [133-1] motion for Judgement as a Matter of Law, pursuant to Rule 50a, for reduction of compensatory damages award to pltf, to set aside punitive damages award to pltf or, in the alternative, for a new trial. (wjg) Modified on 05/06/2002 (Entered: 05/06/2002)
05/03/2002	134	MEMORANDUM OF LAW by defendants in support of [133-1] motion for Judgement as a Matter of Law, pursuant to Rule 50a, for reduction of compensatory damages award to pltf, to set aside punitive damages award to pltf or, in the alternative, for a new trial. (wjg) Modified on 05/06/2002 (Entered: 05/06/2002)
05/14/2002	135	NOTICE OF APPEAL by City of Schenectady, Thomas X. Mattice, Marisela Mosher, William Lachanski, Eric Hesch from the final judgment (jury verdict) entered 4/23/02. FILING FEE \$ 105.00 RECEIPT # 62474 Appeal record due on 6/13/02 (wjg) (Entered: 05/15/2002)
05/17/2002		Notice of appeal and certified copy of docket to USCA re: [135-1] appeal by Eric Hesch, William Lachanski, Marisela Mosher, Thomas X. Mattice, City of Schenectady (parties noticed). (wjg) (Entered: 07/15/2002)
05/28/2002	136	MEMORANDUM by Charles Frisbee in opposition to [133-1] motion for Judgement as a Matter of Law, pursuant to Rule 50 and 59 (pta) (Entered: 05/28/2002)
05/28/2002	137	AFFIDAVIT of Kevin A. Luibrand, Esq. on behalf of Charles Frisbee in opposition to Defts Re: [133-1] motion for Judgement as a Matter of Law, pursuant to Rule 50 and 59, for reduction of compensatory damages award to pltf, to set aside punitive damages award to pltf or, in the alternative, for a new trial; w/Exhibit A (pta) (Entered: 05/28/2002)
06/03/2002	138	Court NOTICE to counsel dd 6/3/02 advising that the pending motions for 6/10/02 will be on submit, no appearances necessary (sfp) (Entered: 06/03/2002)

06/10/2002		Motion hearing re: Defts' [133-1] motion for Judgement as a Matter of Law, reduction of compensatory damages award, to set aside punitive damages award and/or for a new trial held (cml) (Entered: 06/18/2002)
06/17/2002	139	Minute entry: MOTION CALENDAR held 6/10/02 bef Judge McAvoy in Albany, NY: APP: None; CR: B. Buckley; LC/JC; CRD/mp. Defts [133-1] motion for Judgment as Matter/Law, reduction of compensatory damages award, set aside punitive damages award and/or for a new trial - TAKEN ON SUBMIT. (cml) (Entered: 06/18/2002)
07/15/2002	140	Court of Appeals Scheduling Order, re: [135-1] appeal by Eric Hesch, William Lachanski, Marisela Mosher, Thomas X. Mattice, City of Schenectady ; Index to Appeal record due on 8/6/02 (wjg) (Entered: 07/16/2002)
07/15/2002		USCA Case Number Re: [135-1] appeal by Eric Hesch, William Lachanski, Marisela Mosher, Thomas X. Mattice, City of Schenectady USCA NUMBER: 02-7614 (wjg) (Entered: 07/16/2002)
07/16/2002		Certified and transmitted index to the record on appeal to U.S. Court of Appeals: [135-1] appeal by Eric Hesch, William Lachanski, Marisela Mosher, Thomas X. Mattice, City of Schenectady (wjg) (Entered: 07/16/2002)
07/29/2002	141	Letter of Atty Koenig to the court dd 7/26/02 requesting the court issue a writ to produce for Deft Siler to attend trial on 9/3/02 [forward to chambers/cml] (sfp) (Entered: 07/29/2002)
07/30/2002	142	Received certified copy of the Index to the Record on Appeal from the USCA with case No. 02/7614. (fce) (Entered: 07/31/2002)
08/01/2002	143	Copy of Letter of Atty Stewart dd 7/30/02 to the FCI Warden at Waseca, MN seeking furlough for Richard Barnett for trial on 9/3/02 (sfp) (Entered: 08/01/2002)
08/08/2002	144	ORDER/WRIT of Habeas Corpus ad Testificandum to USBOP / Warden of FCI Waseca to produce deft Richard Barnett #10357-052 for trial at 11:00 AM on 9/03/02 in Albany, NY (Signed by Judge Thomas J. McAvoy dtd 8/08/02) (cml) (Entered: 08/08/2002)
08/08/2002	145	ORDER/WRIT of Habeas Corpus ad Testificandum to USBOP / Warden FCI Beaumont (Low) to produce deft Michael Siler #10356-052 for trial at 11:00 AM on 9/03/02 in Albany, NY; (Signed by Judge Thomas J. McAvoy dtd 8/08/02) (cml) (Entered: 08/08/2002)
08/19/2002	146	JUDGMENT OF USCA (certified copy) Re: [135-1] appeal by Eric Hesch, William Lachanski, Marisela Mosher, Thomas X. Mattice, City of Schenectady Appeal is stayed pending decision of pending motions in the District Court. (tab) (Entered: 08/22/2002)
08/26/2002	147	Witness list by City of Schenectady, Michael Siler (wjg) (Entered: 08/26/2002)
08/26/2002	148	Voir Dire Attachment by City of Schenectady, Michael Siler (wjg) (Entered: 08/26/2002)
08/26/2002	149	Voir dire questions by City of Schenectady, Michael Siler (wjg) (Entered: 08/26/2002)
08/26/2002	150	Exhibit list by City of Schenectady, Michael Siler (wjg) (Entered: 08/26/2002)
08/26/2002		Recv'd Deft Siler trial diskette [placed in JF] (pta) (Entered: 08/26/2002)

08/26/2002	151	Court Ordered Voir Dire Attachment by Michael Siler (pta) (Entered: 08/26/2002)
08/26/2002	152	Proposed Voir dire questions by Michael Siler (pta) (Entered: 08/26/2002)
08/26/2002	153	MOTION by Michael Siler in Limine to preclude testimony , Trial set for 9:30 9/3/02 Motion returnable before Judge/Mag. Judge: McAvoy (pta) (Entered: 08/26/2002)
08/27/2002	154	Court Ordered Voir Dire Attachment by Pltf Charles Frisbee (sfp) (Entered: 08/27/2002)
08/27/2002	155	Proposed Voir dire questions by Charles Frisbee (sfp) (Entered: 08/27/2002)
08/27/2002	156	Witness list by Charles Frisbee (sfp) (Entered: 08/27/2002)
08/27/2002	157	Proposed Exhibit list by Charles Frisbee (sfp) (Entered: 08/27/2002)
08/27/2002	158	MOTION by Charles Frisbee in Limine re: evidentiary issues , Trial set for 9:30 9/3/02 Motion returnable before Judge/Mag. Judge: McAvoy (sfp) (Entered: 08/27/2002)
08/27/2002	159	TRIAL BRIEF by Charles Frisbee (sfp) (Entered: 08/27/2002)
08/27/2002	160	Proposed Jury instructions [Request to Charge] by Charles Frisbee (sfp) (Entered: 08/27/2002)
08/27/2002	161	Voir dire questions [Proposed Special Verdict Sheet] by Charles Frisbee (sfp) (Entered: 08/27/2002)
08/28/2002	162	REQUEST and ORDER, denying Atty Murphy's request for adjournment of 9/3/02 trial date (signed by Judge Thomas J. McAvoy 8/27/02) (sfp) (Entered: 08/28/2002)
08/29/2002	163	Letter of Atty Koenig to the court dd 8/27/02 stating he has no objection to Atty's Murphy & Luibrand's requests for adjournment of 9/3/02 trial (sfp) (Entered: 08/29/2002)
08/30/2002	164	STIPULATION/ORDER, to Dismiss/discontinue action as to deft Richard Barnett (signed by Judge Thomas J. McAvoy on 9/3/02) (wjg) (Entered: 09/04/2002)
09/03/2002		Bifurcated Jury trial re: Frisbee vs. Siler & City/Schenectady begins bef Judge McAvoy in Albany, NY (cml) (Entered: 09/04/2002)
09/04/2002	165	Minute entry: FRISBEE vs. SILER & CITY/SCHENECTADY JURY TRIAL commences 9/03/02 bef Judge McAvoy in Albany, NY: APP: Kevin Luibrand & Andrienne Kerwin, Esqs. for Pltf; Michael Koenig, Esq. for Deft Siler; Blair Todt, Esq. for Deft City/Schenectady; CR: T. Berical; LC/JC; CRD/mp. Pltf's [158-1] motion/limine & Deft Siler's [153-1] motion/limine are argued in chambers. Jury selection conducted; jury sworn & discharged until 9:30 AM on 9/04/02. Attys recess to chambers; settlement discussions go forward. Evidentiary issues discussed. Court adjourns. [12:15p - 6:30p] (cml) (Entered: 09/04/2002)
09/04/2002		Bifurcated Jury trial re: Frisbee vs. Siler & City/Schenectady in Albany, NY is concluded (cml) (Entered: 09/04/2002)
09/04/2002	166	Minute entry: FRISBEE vs. SILER & CITY/SCHENECTADY JURY TRIAL concluded 9/04/02 bef Judge McAvoy in Albany, NY: APP: Same; CR: T. Berical; LC/JC; CRD/mp. Further settlement discussions continue in chambers. Settlement is reached & placed upon the record. Jury enters in open court & advised of settlement. Jury is permanently discharged w/ the thanks of the court. Court adjourns. [9:00a -

		10:00a] (cml) (Entered: 09/04/2002)
09/04/2002	167	JUDGMENT dismissing action by reason of settlement as to parties pltf Frisbee and defts Siler & City/Schenectady only [30 days stated] Date Entered & Served: 9/04/02 (cml) (Entered: 09/04/2002)
09/04/2002		Case closed (cml) (Entered: 09/04/2002)
09/04/2002	168	AFFIDAVIT/CERTIFICATE OF SERVICE of subpoena on Monica Dunkel on 8/30/02. (wjg) (Entered: 09/05/2002)
11/12/2002		Motion(s) no longer referred: [133-1] motion for Judgement as a Matter of Law, pursuant to Rule 50a, for reduction of compensatory damages award to pltf, to set aside punitive damages award to pltf or, in the alternative, for a new trial. (wjg) (Entered: 11/12/2002)
12/03/2002	169	TRANSCRIPT filed for dates of 9/4/02 (settlement) (wjg) (Entered: 12/03/2002)
12/27/2002	170	TRANSCRIPT filed for dates of 4/16/02 (jury trial) (wjg) (Entered: 12/30/2002)
12/27/2002	171	TRANSCRIPT filed for dates of 4/17/02 (jury trial-cont.) (wjg) (Entered: 12/30/2002)
12/27/2002	172	TRANSCRIPT filed for dates of 4/18/02 (jury trial-cont.) (wjg) (Entered: 12/30/2002)
12/27/2002	173	TRANSCRIPT filed for dates of 4/19/02 (jury-trial-cont.) (wjg) (Entered: 12/30/2002)
12/27/2002	174	TRANSCRIPT filed for dates of 4/22/02 (jury trial-cont.) (wjg) (Entered: 12/30/2002)
12/30/2002	175	ORDER granting Defts' [133-1] motion for a new trial on the issue of Fyvie's actual damages unless Fyvie files and serves a written acceptance of remittitur of the award of actual damages on his strip search claim to \$40,000.00 on or before 1/28/03; and denying the [133-1] motion in all other respects (signed by Judge Thomas J. McAvoy) Date Entered: 12/30/02 (amt) (Entered: 12/30/2002)
01/13/2003	176	Letter of Atty Luibrand to the court dd 1/3/03 stating Fyvie as accepted the remittitur of the compensatory damage award to him [copy forwarded to chambers/CML] (amt) (Entered: 01/13/2003)
01/15/2003	177	MOTION by Elizabeth Gonzalez, Michael Fyvie for Legal/ Attorney Fees , Hearing set for 10:00 2/28/03 , Response Deadline 2/14/03 , Reply to Response Deadline 2/21/03 Motion returnable before Judge/Mag. Judge: McAvoy in Binghamton, NY (on submit). (wjg) (Entered: 01/16/2003)
01/15/2003	177	AFFIDAVIT by Kevin Luibrand for Elizabeth Gonzalez, Michael Fyvie Re: support of [177-1] motion for Legal/ Attorney Fees (wjg) (Entered: 01/16/2003)
01/15/2003	178	AFFIDAVIT by Adrienne Kerwin for Elizabeth Gonzalez, Michael Fyvie Re: support of [177-1] motion for Legal/ Attorney Fees (wjg) (Entered: 01/16/2003)
01/15/2003	179	AFFIDAVIT by Elizabeth Gonzalez Re: support of [177-1] motion for Legal/ Attorney Fees (wjg) (Entered: 01/16/2003)
01/15/2003	180	AFFIDAVIT by Michael Fyvie Re: support of [177-1] motion for Legal/ Attorney Fees (wjg) (Entered: 01/16/2003)
01/15/2003	181	MEMORANDUM OF LAW by Elizabeth Gonzalez, Michael Fyvie in support of

		[177-1] motion for Legal/ Attorney Fees (wjg) (Entered: 01/16/2003)
01/16/2003	182	Clerk's Scheduling Notice re-setting [177-1] Motion for Legal/Atty fees from 2/10/03 to 2/28/03 @ 10:00am before USDJ McAvoy in Binghamton, NY (on submit); Opposition to be filed and served by 2/14/03. (wjg) (Entered: 01/16/2003)
02/12/2003	183	Court notice to counsel dd 2/12/03 advising that the pending motions for 2/28/03 are on submit basis, no appearances necessary (sfp) (Entered: 02/12/2003)
02/18/2003	184	Letter of Atty Decaire to the court dd 2/13/03 stating Defts will not be submitting any opposition to the motin for attorneys' fees (amt) (Entered: 02/18/2003)
02/28/2003		Motion hearing re: Pltfs Gonzalez & Fyvie's [177-1] motion for Legal/Attorney Fees held (cml) (Entered: 03/03/2003)
02/28/2003	185	Minute entry: MOTION CALENDAR held 2/28/03 bef Judge McAvoy in Binghamton, NY: APP: None; CR: V. Theleman; LC/JC; CRD/cml. Pltfs Gonzalez & Fyvie's [177-1] motion for Legal/ Attorney fees - TAKEN ON SUBMIT. (cml) (Entered: 03/03/2003)
04/07/2003	186	ORDER/CIVIL JUDGMENT granting [177-1] motion for Legal/ Attorney Fees in the amount of \$94,138.83. to plaintiffs (signed by Judge Thomas J. McAvoy on 4/4/03) Date Entered: 4/7/03 (wjg) (Entered: 04/07/2003)
05/19/2003	187	SATISFACTION OF JUDGMENT signed by Michael Fyvie on 5/10/03 (amt) (Entered: 05/19/2003)
05/19/2003	188	SATISFACTION OF JUDGMENT signed by Pltfs Gonzalez and Fyvie on 5/10/03 (amt) (Entered: 05/19/2003)
05/19/2003	189	SATISFACTION OF JUDGMENT signed by Pltf Gonzalez on 5/7/03 (amt) Modified on 05/19/2003 (Entered: 05/19/2003)
08/12/2003	190	Supplemental Proposed Jury instructions/request to charge by Michael Siler, City of Schenectady (wjg) (Entered: 08/12/2003)
01/05/2005	191	MANDATE of USCA on Stipulation withdrawing appeal. (wjg,) (Entered: 01/07/2005)
10/10/2006	192	ORDER ; that the parties show cause w/in 30 days why the case/or documents cannot be unsealed for storage. Signed by Judge Thomas J. McAvoy on 10/10/06. (pta) (Entered: 10/10/2006)
10/10/2006		Clerk served Order 192 upon non NEF parties by regular mail (pta) (Entered: 10/10/2006)

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