

CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:95-cv-05667-JFK-HBP

Kaufman v. U.C.O. Rivera, et al
Assigned to: Judge John F. Keenan
Referred to: Magistrate Judge Henry B. Pitman
Demand: \$2,000,000
Cause: 42:1983 Civil Rights Act

Date Filed: 07/31/1995
Date Terminated: 04/23/1998
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Stacy Kaufman

represented by **Daniel R. Williams**
Moore & Williams, LLP
740 Broadway - Fifth Floor
New York, NY 10003
(212) 353-9587
LEAD ATTORNEY

Jonathan C Moore
Moore & Williams
740 Broadway
Fifth Floor
New York, NY 10003
212/ 353-9587
LEAD ATTORNEY

V.

Defendant

U.C.O. John Does

Defendant

Carlos Rivera, Jr.
U.C.O. (Shield No.3075)

represented by **Michael Oliver Hueston**
Dennis C. Vacco
Attorney General of the State of NY
120 Broadway
New York, NY 10271
(212)416-8633
LEAD ATTORNEY

Defendant

C.O. Sgt. Gloria Torres

represented by **Michael Oliver Hueston**
(See above for address)
LEAD ATTORNEY

Defendant

U.C.O. Jane Poes

Date Filed	#	Docket Text
07/31/1995	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 120.00 RECEIPT # 243608 (mb) (Entered: 08/02/1995)
07/31/1995		It is suggested that the case be classified as standard. Magistrate Judge Gershon is so Designated. (mb) (Entered: 08/02/1995)
09/05/1995	3	Affidavit of service of Summons and Complaint as to Gloria Torres by personal service on 8/24/95 (pl) (Entered: 09/14/1995)
09/07/1995	2	Filed Memo_Endorsement on letter dated 8/18/95, answer due for 11/1/95 for Jane Poes, for Gloria Torres, for Carlos Rivera Jr., for U.C.O. John Does (signed by Judge John F. Keenan) (cd) (Entered: 09/13/1995)
11/03/1995	4	Filed Memo_Endorsement on letter form Mindy A. Levy dated 10/31/95, ... requests that the pre-trial conference set for November 9, 1995 be adjourned pending a decision on defendants' motion to dismiss.. MS. LEVY IS DIRECTED TO NOTIFY ALL PARTIES THAT THE CONFERENCE IS CANCELLED. SO ORDERED.(signed by Judge John F. Keenan) (djc) (Entered: 11/15/1995)
11/03/1995	5	NOTICE OF MOTION by U.C.O. John Does, Carlos Rivera Jr., Gloria Torres, Jane Poes for judgment on the pleadings pursuant to Rule 12(b) FRCP , Return date 11/22/95 (rag) (Entered: 11/17/1995)
11/03/1995	6	MEMORANDUM by U.C.O. John Does, Carlos Rivera Jr., Gloria Torres, Jane Poes in support of [5-1] motion for judgment on the pleadings pursuant to Rule 12(b) FRCP (rag) (Entered: 11/17/1995)
12/12/1995	7	MEMORANDUM OF LAW by Stacy Kaufman in opposition to [5-1] motion for judgment on the pleadings pursuant to Rule 12(b) FRCP (ae) (Entered: 12/15/1995)
08/05/1996	8	NOTICE OF REDESIGNATION OF A CIVIL CASE TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Pitman. Please note that this is the reassignment of the designation only. Copy of notice mailed to Attorney(s) of record: Daniel R. Williams, Jonathan C. Moore . (ba) (Entered: 08/12/1996)
10/07/1996	9	OPINION AND ORDER # 77417 denying [5-1] motion for judgment on the pleadings pursuant to Rule 12(b) FRCP....So Ordered...(Signed by Judge John F. Keenan); Copies mailed. (pl) (Entered: 10/07/1996)
10/31/1996	10	ANSWER to Complaint by Carlos Rivera Jr., Gloria Torres (Attorney Michael Oliver Hueston), ; Firm of: Dennis C. Vacco by attorney Michael Oliver Hueston (ls) (Entered: 10/31/1996)
04/14/1997	11	ORDER, the parties are to complete discovery in this case by 7/25/97 , set pretrial conference for 9:45 a.m. 7/29/97. Mag-Judge Pitman will handle any discovery disputes between the parties. (signed by Judge John F. Keenan); Copies mailed (kg) (Entered: 04/14/1997)

04/15/1997	12	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Gen. Pretrial (signed by Judge John F. Keenan) Referred to Magistrate Judge Henry B. Pitman (kg) (Entered: 04/16/1997)
07/16/1997	13	SCHEDULING ORDER: discovery cutoff is 8/15/97; further extensions will not be granted except for extraordinary cause shown by affidavit; pretrial order to be submitted on or before 9/19/97; (signed by Magistrate Judge Henry B. Pitman); Copies mailed (kw) (Entered: 07/18/1997)
09/22/1997	14	Filed Memo-Endorsement on letter by Jonathan C. Moore dated 9/16/97, reset pretrial conference for 9:45 a.m. 9/30/97. The Court will address the issue of submission of a pre-trial order and a ready for trial date at that time (signed by Judge F. Keenan) (pl) (Entered: 09/23/1997)
12/01/1997	15	Filed Memo-Endorsement on letter by Michael O. Hueston to Judge Keenan dated 10/23/97, in light of Plaintiff's counsel's 11/24/97 letter indicating no objection to this request, the Court directs that discovery may be reopened for the limited purpose of obtaining the criminal file of the Plaintiff in the case of The People of the State of New York v. Kaufman (signed by Judge John F. Keenan). (ae) (Entered: 12/02/1997)
12/30/1997	16	Filed Memo-Endorsement on letter addressed to Judge Keenan from Michael O. Hueston dated 12/26/97, reset joint pretrial order due for 1/5/98 (signed by Judge John F. Keenan). (kg) (Entered: 12/30/1997)
01/05/1998	39	JOINT PRETRIAL ORDER (sac) (Entered: 06/16/1998)
02/10/1998	17	Proposed Voir dire questions by U.C.O. John Does, Carlos Rivera Jr., Gloria Torres, Jane Poes (cd) (Entered: 02/11/1998)
02/10/1998	18	DEFTS' PRRETRIAL MEMORANDUM (cd) (Entered: 02/11/1998)
03/13/1998	19	ORDER; the Court sets this matter down for a firm trial date of 4/15/98 at 10:00 a.m. All voir dire requests are to be submitted to the Court by 4/8/98 (signed by Judge John F. Keenan); Copies mailed (sac) (Entered: 03/16/1998)
03/25/1998	20	Filed Memo-Endorsement on letter to Judge Keenan from Michael O. Hueston dated 3/23/98; counsel for defts advises the Court that although he does not object to plfff's request to adjourn trial from 4/15/98 to a time no sooner than 4/29/98, he cannot be available the week of 4/27/98. The firm trial date remains 4/15/98. Mr. Hueston is directed to inform all parties of this order ; (signed by Judge John F. Keenan) (ls) (Entered: 03/26/1998)
03/26/1998	21	TRIAL MEMORANDUM of LAW by Stacy Kaufman (dj) (Entered: 04/01/1998)
03/26/1998	22	Plaintiff's Proposed Jury instructions (dj) (Entered: 04/01/1998)
03/26/1998	23	Proposed Voir dire questions by Stacy Kaufman (dj) (Entered: 04/01/1998)
04/10/1998	24	Plaintiff's Amended Proposed Jury instructions No. 13 (dj) (Entered: 04/14/1998)
04/15/1998		Jury trial began on 4/15/98 before Judge Keenan. (sac) (Entered: 04/23/1998)
04/16/1998		Jury trial held before Judge Keenan on 4/16/98. (sac) (Entered: 04/23/1998)

04/17/1998		Jury trial held before Judge Keenan on 4/17/98. (sac) (Entered: 04/23/1998)
04/20/1998	25	Pltff's Proposed Jury Interrogatories (ls) (Entered: 04/21/1998)
04/20/1998	26	Pltff's Proposed Amended Jury Instruction No. 14 (ls) (Entered: 04/21/1998)
04/20/1998	27	MEMORANDUM OF LAW by Stacy Kaufman in support of pltff's motion for jdgmt. as a mater of law purs. to F.R.C.P. 50 (ls) (Entered: 04/21/1998)
04/20/1998	28	Affidavit of service of a copy of the Pltff's Amended Proposed Jury Insturction No. 14, Pltff's Memorandum Of Law In Support Of Pltff's Motion For Jdgmt. As A Matter Of Law Purs. to F.R.C.P. 50, and Pltff's Proposed Jury Interrog's., by hand delivery upon Michael O. Hueston, Office of the Attny. General of the State of N.Y., 120 Bdwy., New York, N.Y. on 4/20/98 (ls) (Entered: 04/21/1998)
04/20/1998		Jury trial held before Judge Keenan on 4/20/98. (sac) (Entered: 04/23/1998)
04/21/1998		Jury trial concluded on 4/21/98. Court dismisses complaint as to defts: John Does and Jane Doe (sac) (Entered: 04/23/1998)
04/23/1998	29	MEMORANDUM of LAW by Stacy Kaufman in support of Plaintiff's Motion for Judgment as a Matter of Law Pursuant to FRCP 50 (djc) (Entered: 04/23/1998)
04/23/1998	30	Proposed Voir dire questions by U.C.O. John Does, Carlos Rivera Jr., Gloria Torres, Jane Poes (ls) (Entered: 04/23/1998)
04/23/1998	31	TRIAL MEMORANDUM OF LAW by U.C.O. John Does, Carlos Rivera Jr., Gloria Torres, Jane Poes on the Doctrine of Qualified Immunity (ae) (Entered: 04/23/1998)
04/23/1998	32	Court exhibit #1 - Jury Selection Procedure (ae) (Entered: 04/23/1998)
04/23/1998	33	Plntf's Jury instructions (cd) (Entered: 04/23/1998)
04/23/1998	34	Plaintiff's proposed jury instructions. (kw) (Entered: 04/23/1998)
04/23/1998	35	JUDGMENT, is rendered in favor of defts and the Court directs that this case be closed and removed from the Court's docket (signed by Judge John F. Keenan); Mailed copies and notice of right to appeal. (cd) Modified on 04/28/1998 (Entered: 04/24/1998)
04/23/1998		Case closed (cd) (Entered: 04/24/1998)
04/23/1998	42	MEMORANDUM OF LAW by Stacy Kaufman re: The Applicability and Handling of the Doctrine of Qualified Immunity. (rag) (Entered: 07/10/1998)
04/24/1998	36	NOTICE OF MOTION by Stacy Kaufman; for an order entering judgment in favor of the plaintiff as a matter of law upon her cause of action against defendant Sgt. Gloria Torres, pursuant to FRCP 50(a) ; for a new trial on the issue of damages only, pursuant to FRCP 50(b) ; or in the alternative, for an order granting plaintiff a new trial on the issue of whether the doctrine of qualified immunity applies in this case, pursuant to FRCP 50(b) , Return date 5/5/98 (ae) (Entered: 04/27/1998)
05/05/1998	37	REPLY MEMORANDUM by Stacy Kaufman re: [36-1] motion for an order entering judgment in favor of the plaintiff as a matter of law upon her cause of

		action against defendant Sgt. Gloria Torres, pursuant to FRCP 50(a), [36-2] motion for a new trial on the issue of damages only, pursuant to FRCP 50(b) (cd) (Entered: 05/05/1998)
06/12/1998	38	MEMORANDUM OPINION AND ORDER #80741 denying [36-2] motion for a new trial on the issue of damages only, pursuant to FRCP 50(b); denying [36-3] motion for an order granting plaintiff a new trial on the issue of whether the doctrine of qualified immunity applies in this case, pursuant to FRCP 50(b); The Court directs that this case be closed and removed from the Court's docket Signed by Judge John F. Keenan); Copies mailed. (dj) (Entered: 06/15/1998)
06/15/1998	40	Letter addressed to Judge Keenan filed by U.C.O. John Does, Carlos Rivera Jr., Gloria Torres, Jane Poes, dated 5/4/98; Re: this letter is in opposition to plttf's motion purs. to FRCP, Rule 50(a), entering judgment as a matter of law against Sergeant Gloria Torres, or, in the alternative, for a new trial purs. to FRCP, Rules 50(b) and 59(b) (sac) (Entered: 06/16/1998)
06/24/1998	41	NOTICE OF APPEAL by Stacy Kaufman ; from [38-1] order The Court directs that this case be closed and removed from the Court's docket, [35-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record:iAtty. General, FeePd. \$105.00, rec # 319207 . (as) (Entered: 06/25/1998)
07/10/1998	43	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [41-1] appeal by Stacy Kaufman on July 10, 1998. (dt) (Entered: 07/10/1998)
08/06/1998	44	Transcript of record of proceedings filed before Judge Keenan for dates of 6/4/98 (sac) (Entered: 08/06/1998)
09/21/1998	45	Transcript of record of proceedings filed before Judge Keenan for dates of April 15,16,17,20,21, 1998 (sac) (Entered: 09/22/1998)
04/26/1999	46	MANDATE OF USCA (certified copy) Re: affirmed [41-1] appeal by Stacy Kaufman. Attached statement of costs taxed in the amount of \$100.94 in favor of appellees, Carlos Rivera, Jr. et ano. (98-7888) Carolyn Clark Campbell, Clerk, USCA. *(Docketed as a Judgment #99.0931 on April 26, 1999)*. (as) Modified on 04/27/1999 (Entered: 04/26/1999)

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