

CASREF, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:00-cv-01325-CM-MDF

Murcia v. County of Orange, et al
Assigned to: Judge Colleen McMahon
Referred to: Magistrate Judge Mark D. Fox
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 02/22/2000
Date Terminated: 05/15/2006
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Jaime Murcia**

represented by **Stephen H. Gersowitz**
Stephen H. Gersowitz, Attorney At Law

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LEAD ATTORNEY

V.

Defendant**County of Orange**

represented by **Catherine M. Bartlett**
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845/ 291-3150
LEAD ATTORNEY

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TERMINATED: 05/16/2002
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Defendant**City of Newburgh**

represented by **David L. Posner**
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TERMINATED: 10/23/2001
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Defendant

Police Officer John Perez

represented by **Marilyn D. Berson**
(See above for address)
TERMINATED: 10/23/2001
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Defendant

Police Officers currently unknown

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Richard B. Golden
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Cross Claimant

County of Orange

represented by **George F. Roesch, III**
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V.

Cross Defendant**City of Newburgh****Cross Defendant****Police Officer John Perez****Cross Defendant****Police Officers currently unknown****Defendant****Sheriff Frank Bigger**

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Date Filed	#	Docket Text
02/22/2000	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 367122. (bm) (Entered: 02/24/2000)
02/22/2000	2	RULE 1.9 CERTIFICATE filed by Jaime Murcia . (bm) (Entered: 02/24/2000)
02/22/2000		Magistrate Judge Katz is so Designated. (bm) (Entered: 02/24/2000)
06/15/2000	3	ANSWER to Complaint by County of Orange (Attorney George F. Roesch III from the Firm: MacVean Lewis Sherwin & McDermott, PC).

		(lam) (Entered: 06/21/2000)
06/15/2000	3	CROSSCLAIM by County of Orange against City of Newburgh, John Perez, PO's currently unk. (lam) (Entered: 06/21/2000)
06/23/2000	4	Memo-Endorsement on letter addressed to Judge Knapp from Monte J. Rosenstein, atty for the City of Newburgh and P.O. John Perez, dated 6/9/00; in accordance with the Rules for the Division of Business Among District Judges, Southern District, Rule 21 & 22, as applied to the facts of this case, we hereby sua sponte transfer this case to the White Plains Courthouse (signed by Judge Whitman Knapp); Copies mailed. (copy of doc. sent to the assignment clerk) (lam) Modified on 06/29/2000 (Entered: 06/28/2000)
07/05/2000	7	Notice of reassignment to Judge Colleen McMahon. Copy of notice and judge's rules mailed to Attorney(s) of record: Edward H. Gersowitz. (em) (Entered: 07/10/2000)
07/05/2000	7	NOTICE OF REDESIGNATION OF A CIVIL CASE TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Mark D. Fox. Please note that this is the reassignment of the designation only. Copy of notice mailed to Attorney (s) of record: Edward H. Gersowitz. (em) (Entered: 07/10/2000)
07/07/2000	5	Affidavit of service as to City of Newburgh by Lorene Vitek on 6/1/00; Answer due on 6/21/00 for City of Newburgh. (ri) (Entered: 07/10/2000)
07/07/2000	6	Affidavit of service as to County of Orange by Donna E. Roe, Clerk on 6/1/00; Answer due on 6/21/00 for County of Orange. (ri) (Entered: 07/10/2000)
07/14/2000	8	ORDER Re Scheduling and Initial Pretrial Conference...This action having been assigned to me for all purposes, it is hereby, Ordered as follows: 1) Counsel receiving this order shall promptly mail copies hereof to all counsel of record or, in the case of parties for which no appearance has been made, to suc parties. 2) Counsel for all parties are directed to confer regarding an agreed scheduling order. If counsel are able to agree on a schedule and the agreed schedule calls for filing of the pretrial order not more than six months from the date of this order, counsel shall sign and file within fourty-five days from the date hereof a consent order in the form annexed for consideration ny the Court. The trial ready date shall be left blank.m If such consent order is not filed within the time provided, a conference will be held on 9/8/00 in courtroom 521, 300 Quarropas Street, White Plains, NY 10601 at 11:15 a.m. 3) Any party desiring a conference with the Court for purposes of discussing settlement, narrowing of issues, or other pertinent pretrial matters may request a conference by letter. 4) Parties are to follow the attached individual practice rules . (signed by Judge Colleen McMahon); Copies mailed. (fk) (Entered: 07/17/2000)
09/08/2000	9	CONSENT SCHEDULING ORDER: No additional parties may be joined after 9/1/00; No amendments to pleadings after 11/30/00; All discovery shall be completed by 12/30/00; plntffs deposition shall

		proceed first and must be completed by 10/15/00; A joint pretrial order in the form prescribed in Judge McMahon's individual rules shall be filed by 1/21/01, together with any in limine motions and memos of law; Responses to in limine motions by 2/28/01; So ordered:(signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 09/08/2000)
10/19/2000	10	Memo-Endorsement on letter addressed to USDJ McMahon from Edward Gersowitz, dated October 13, 2000. Re: request that this Court grant a limited departure from the Consent Scheduling Order previously entered... we seek to adjourn plntff's deposition to 11/3/00...ENDORSEMENT: So Ordered: (signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 10/20/2000)
02/05/2001	11	REVISED SCHEDULING ORDER: No additional parties may be joined after September 30, 2000. All remaining discovery, including depositions of defendant's and responses to interrogatories shall be completed on or before 02/15/00. A Joint Pre-Trial Order in the form prescribed by Judge McMahon's individual rules shall be filed on or before March 15, 2001, together with any In Limine Motions and Memos of law. Responses to In Limine Motions, if any, shall be filed by April 16, 2001. No Motion for Summary Judgment shall be served after the deadline fixed for submission of the Pre-Trial Order. Endorsement: CM (signed by Judge Colleen McMahon); Copies mailed. (dc) (Entered: 02/05/2001)
03/15/2001	12	Memo-Endorsement on letter addressed to Judge McMahon from George F. Roesch, II, dated 03/14/01. Re: Application for a brief extension of the deadline for submission of the Joint Pretrial Order to March 30, 2001. ENDORSED: Granted - But No More. CM (signed by Judge Colleen McMahon); Copies mailed. (dc) (Entered: 03/16/2001)
03/29/2001	13	NOTICE OF MOTION by City of Newburgh, John Perez for partial summary judgment pursuant to FRCvP 56 and 12(b) and dismissing that portion of the Complaint relating to a claim of false arrest . No Return date. (kz) (Entered: 03/29/2001)
03/29/2001	14	MEMORANDUM OF LAW by City of Newburgh, John Perez re: [13-1] motion for partial summary judgment pursuant to FRCvP 56 and 12(b) and dismissing that portion of the Complaint relating to a claim of false arrest . (kz) (Entered: 03/29/2001)
04/02/2001	15	Memo-Endorsement on letter addressed to USDJ McMahon from George F. Roesch III, dated 3/29/01. Re: motion for summary jgmnt...ENDORSEMENT: I don't understand what your problem is-my rules are quite clear. Anyone can make a summary judgment motion until the due date for the pre-trial order. No one can move after that date. Making a motion does not defer the filing of the pre-trial order. So Ordered: (signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 04/03/2001)
04/04/2001	16	Proposed Voir Dire Questions by Jaime Murcia (dc) (Entered: 04/04/2001)
04/04/2001	17	Proposed Voir Dire Questions by County of Orange (dc) (Entered: 04/04/2001)

		04/04/2001)
04/04/2001	18	Request to charge by County of Orange (dc) (Entered: 04/04/2001)
04/04/2001	19	PRETRIAL MEMORANDUM OF LAW ON BEHALF OF DEFENDANT COUNTY OF ORANGE: The County of Orange cannot be held liable for the alleged acts or omissions of the Sheriff or his deputies, and the the complaint should be dismissed as to the County. In the alternative, the personal hygiene search conducted at Orange County Jail did not violate plaintiff's fourth amendment constitutional rights. Finally, the acts giving rise to this action were not done pursuant to an official policy of deft., County of Orange. (dc) (Entered: 04/04/2001)
04/05/2001	20	Memo-Endorsement on letter addressed to USDJ McMahon from Edward H. Gershowitz, dated 3/30/01. Re: We regret the absence of Dft Orange County from the Joint Pretrial Order...ENDORSEMENT: Orange County is in default as far as I am concerned-I do not accept partial pretral orders or separate submissions. So Ordered: (signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 04/06/2001)
04/09/2001	21	Letter filed addressed to Judge McMahon from George Roesch III, dated 4/5/01, . (dh) (Entered: 04/09/2001)
04/16/2001	22	Memo-Endorsement on letter addressed to Judge McMahon from George Roesch, III, dated 4-16-01. Re: clairification of 4-13-01 letter. Just consolidate the orders. . (signed by Judge Colleen McMahon); Copies mailed. (dh) (Entered: 04/17/2001)
04/17/2001	23	Letter filed by Jaime Murcia addressed to Judge McMahon from Edward H. Gersowitz Esq., dated 4/12/01, re: extension to file opposition. (ad) (Entered: 04/20/2001)
04/17/2001	24	Letter filed by County of Orange addressed to Judge McMahon from George F. Roesch III, dated 4/17/01, re: Plaintiff's Request for an extension to file opposition papers to the summary judgment motion. (ad) (Entered: 04/20/2001)
04/19/2001	25	BRIEF by Jaime Murcia re: [13-1] motion for partial summary judgment pursuant to FRCvP 56 and 12(b) and dismissing that portion of the Complaint relating to a claim of false arrest (ad) (Entered: 04/20/2001)
05/01/2001	26	Memorandum to Docket Clerk: Telephone conference held. 1. 1983 claim limited to strip search, false arrest allegations dropped, 2. plaintiff to move to add Sheriff Frank Bigger as a party, Defendant motion will be opposed. (dh) (Entered: 05/01/2001)
05/02/2001	27	JOINT PRETRIAL ORDER filed (UNSIGNED) (pf) (Entered: 05/02/2001)
05/11/2001	28	ORDER denying [13-1] motion for partial summary judgment pursuant to FRCvP 56 and 12(b) and dismissing that portion of the Complaint relating to a claim of false arrest. 1. The City of Newburgh's Motion to dismiss plaintiff's claim brought under 42 USC:1983 is denied. However, based on concessions made by plaintiff, that claim is limited to a claim

		that palintiff's constitutional rights were violated when he stripped searched following his arrest pursuant to a valid warrant. Plaintiff's complaint is deemed amended to drop allegations of false arrest. 2. Plaintiff has leave to move to add Orange County Sheriff Frank Bigger as a party deft. The Court is given to understand that the motion will be opposed, and no one should construe this grant of permission to move as any indication of how the Court will rule on the Motion. ENDORSED: CM (signed by Judge Colleen McMahon); Copies mailed. (dc) (Entered: 05/14/2001)
07/27/2001	29	CALENDAR NOTICE: Please take notice that the action has been scheduled for a final pre-trial conference before the Hon. Colleen McMahon, USDJ, on Friday, 10/19/01 at 10:00 a.m. in courtroom 521, U.S. District Court, 300 Quarropas Street, White Plains. NY. Counsel should be prepared to proceed to trial before Judge McMahon on Mondat, 11/5/01 at 9:30 a.m. in Courtroom 521, U.S. District Court, 300 Quarropas St., white Plains, NY ... (signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 07/31/2001)
09/25/2001	30	Memo-Endorsement on letter addressed to USDJ McMahon from Edward Gersowitz, dated 9/25/01. Re: ...requested that this Court permit plntff to serve the previously discussed motion by 10/1/01. In addition, it is furtehr requested that this Court grant a brief postponment of both the Pretrial Conference and Trial of this matter...ENDORSEMENT: Granted. So Ordered: (signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 09/28/2001)
10/15/2001	31	Memo-Endorsement on letter addressed to USDJ McMahon from Edward Gersowitz, dated 10/12/10. Re: adjournment of pending matters...new counsel has been retained for the City...ENDORSEMENT: Granted-please understand this case was slated for trial in November, New counsel will have no more than 60 days to be ready for trial. So Ordered: . (signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 10/15/2001)
10/22/2001	32	NOTICE OF MOTION by Jaime Murcia for leave to file Amended Complaint to Name Orange County Sheriff H. Frank Bigger as a Deft. , for leave to file Amended Complaint to clarify those allegations against deft's giving rise to liability under 42 USC 1983 . Return date 11/29/01. (dc) (Entered: 10/23/2001)
10/23/2001	33	NOTICE OF SUBSTITUTION OF ATTORNEY for City of Newburgh, John Perez, PO's currently unk. Added attorney Marilyn D. Berson. IT IS HEREBY CONSENTED THAT the City of Newburgh Coporation Counsel, Marilyn D. Berson, be substituted in place of and in stead of Monte J. Rosenstein, as the attorney for the deft's, City of Newburgh, Police officer John Perez and Police officers Currently unknown in the above entitled action as of the date hereof. SO ORDERED: (Colleen McMahon, USDJ). (dc) Modified on 10/24/2001 (Entered: 10/24/2001)
10/23/2001	34	NOTICE OF SUBSTITUTION OF ATTORNEY for City of Newburgh. (Terminated attorney Marilyn D. Berson for City of Newburgh) Added

		attorney David L. Posner. IT IS HEREBY CONSENTED THAT the law firm of McCabe & Mack, 63 Washington Street, Poughkeepsie, NY 12601 be substituted in place and stead of the Corporation Counsel, Marilyn D. Berson, as the attorneys for the deft's, The City of Newburgh, in the above entitled action as of the date hereof. SO ORDERED: (Colleen McMahan, USDJ) (dc) Modified on 10/24/2001 (Entered: 10/24/2001)
10/23/2001	35	NOTICE OF SUBSTITUTION OF ATTORNEY for John Perez, PO's currently unk. . (Terminated attorney Marilyn D. Berson for PO's currently unk., attorney Marilyn D. Berson for John Perez) Added attorney Richard B. Golden. IT IS HEREBY CONSENTED THAT the law firm of Burke, Miele & Golden, LLP, 30 Mathews Street, Suite 303A, Goshen, NY 10924 be substituted in place and in stead of the Corporation Counsel, Marilyn D. Bearson, as the attorneys for the deft's, Police Officer John Perez and Police Officers unknown, in the above entitled action as of the date hereof. SO ORDERED: (signed by: Colleen McMahan, USDJ). (dc) (Entered: 10/24/2001)
11/14/2001	38	MEMORANDUM OF LAW by City of Newburgh in opposition to [32-1] motion for leave to file Amended Complaint to Name Orange County Sheriff H. Frank Bigger as a Deft., [32-2] motion for leave to file Amended Complaint to clarify those allegations against deft's giving rise to liability under 42 USC 1983 . (ll) (Entered: 11/15/2001)
11/15/2001	36	NOTICE OF CROSS MOTION by County of Orange for summary judgment . Return date 11/29/01. (ll) (Entered: 11/15/2001)
11/15/2001	37	MEMORANDUM OF LAW by County of Orange in support of [36-1] cross motion for summary judgment . (ll) (Entered: 11/15/2001)
12/03/2001	39	MEMORANDUM OF LAW IN REPLY by Jaime Murcia re: On the necessity of denying the County's attempt to escape liability and the propriety of allowing an amended complaint naming the sheriff as a dft and clarifying allegations of deprivations of plntff's civil rights. (pf) (Entered: 12/05/2001)
12/03/2001	40	REPLY AFFIDAVIT of Edward Gershowitz by Jaime Murcia Re: . (pf) (Entered: 12/05/2001)
01/25/2002	41	ORDER denying [36-1] cross motion for summary judgment, granting [32-1] motion for leave to file Amended Complaint to Name Orange County Sheriff H. Frank Bigger as a Deft., granting [32-2] motion for leave to file Amended Complaint to clarify those allegations against deft's giving rise to liability under 42 USC 1983 .The parties will be noticed for trial in the next six to eight weeks. So Ordered: (signed by Judge Colleen McMahan); Copies mailed. (ll) (Entered: 01/28/2002)
01/28/2002	42	AMENDED COMPLAINT by Jaime Murcia (Answer due 2/11/02 for PO's currently unk., for John Perez, for City of Newburgh, for County of Orange) amending [1-1] complaint against Frank Bigger; Summons issued. (sv) (Entered: 01/29/2002)

01/29/2002	43	RETURN OF SERVICE of Amended Complaint executed as to County of Orange, City of Newburgh, John Perez, PO's currently unk., Frank Bigger, upon their attorney's place of business by Inesh C. Chehl on 1/27/02, by depositing a true copy of same enclosed in an official depository of the United States Postal Service. Answer due on 2/19/02 for County of Orange, for City of Newburgh, for John Perez, for PO's currently unk., for Frank Bigger . (sv) (Entered: 02/01/2002)
02/11/2002	44	ANSWER TO THE AMENDED COMPLAINT by City of Newburgh (Attorney David L. Posner from the Firm: McCabe & Mack LLP). (sv) (Entered: 02/13/2002)
02/11/2002	45	ANSWER TO THE AMENDED COMPLAINT by Frank Bigger (Attorney James M. Fedorchak from the Firm: Gellert & Quartararo, P.C.). (ll) (Entered: 02/20/2002)
02/21/2002	46	ANSWER to Amended Complaint by County of Orange (Attorney George F. Roesch III from the Firm: MacVean, Lewis, Sherman) . (ll) (Entered: 02/21/2002)
02/25/2002	49	AFFIDAVIT OF SERVICE of Amd. S&C as to Frank Bigger by David A. Bacharach on 1/29/02 . Answer due on 2/19/02 for Frank Bigger . (ll) (Entered: 03/05/2002)
02/28/2002	47	ANSWER TO THE AMENDED COMPLAINT by John Perez (Attorney Richard B. Golden from the Firm: Burke, Miele & Golden, LLP). (sv) (Entered: 02/28/2002)
02/28/2002	48	ANSWER TO THE AMENDED COMPLAINT by Frank Bigger (Attorney James M- Fedorchak from the Firm: Gellert & Quartararo, P.C.). (ll) (Entered: 03/05/2002)
04/16/2002	50	Memo-Endorsement on letter addressed to Judge McMahon from Edward H. Gersowitz, dated 03/27/02. Re: Request for leave to file and serve - on a expedited schedule - Motions seeking Summary Judgment as to liability and removal of certain defenses from the amended answers of deft's. ENDORSED: I have held on to this awaiting to reopen from the County Attorney, but as none is forthcoming, I grant the request. Motion to be filed by 04/23/02. (signed by Judge Colleen McMahon); Copies mailed. (dc) (Entered: 04/17/2002)
04/23/2002	51	NOTICE OF MOTION by Jaime Murcia Pursuant to FRCP 56 for PARTIAL summary judgment as against dfts County of Orange and Sheriff Frank Bigger , and Pursuant to FRCP 12 striking certain Affirmative Defenses lacking support in either law or facts as raised by dfts, County of orange and Sheriff Frank Bigger . Return date 5/23/02 at 9:30. (pf) (Entered: 04/24/2002)
04/23/2002	52	MEMORANDUM OF LAW by Jaime Murcia in support of [51-1] motion Pursuant to FRCP 56 for PARTIAL summary judgment as against dfts County of Orange and Sheriff Frank Bigger, [51-2] motion Pursuant to FRCP 12 striking certain Affirmative Defenses lacking support in either law or facts as raised by dfts, County of orange and

		Sheriff Frank Bigger . (pf) (Entered: 04/24/2002)
05/08/2002	53	Memo-Endorsement on letter addressed to USDJ McMahon from James Fedorchak, dated 5/7/02. Re: request an extension of the time to oppose the motion for partial summary jgmnt filed by the plntff...ENDORSEMENT: Granted. So ordered: (signed by Judge Colleen McMahon); Copies mailed. (pf) (Entered: 05/08/2002)
05/16/2002	54	NOTICE OF SUBSTITUTION OF ATTORNEY for County of Orange . (Terminated attorney George F. Roesch III for County of Orange) Added attorney Catherine M. Bartlett. (sv) (Entered: 05/20/2002)
05/28/2002	55	Memo-Endorsement on letter addressed to Judge McMahon from Christina M. Sanabria, dated 05/24/02. Re: Request that your Honor grant the deft's County of Orange and H. Frank Bigger a two week ajournment of the existing deadlilne for service of said deft's opposition papers. ENDORSED: This case is going to trial as soon as I can schedule same. You can have your two weeks, but I do not know whether I will reach the Motion prior to trial. We were supposed to try this case bakc in November! (signed by Judge Colleen McMahon); Copies mailed. (dc) (Entered: 05/31/2002)
06/14/2002	56	MEMORANDUM OF LAW by County of Orange, Frank Bigger in opposition to [51-1] motion Pursuant to FRCP 56 for PARTIAL summary judgment as against dfts County of Orange and Sheriff Frank Bigger, [51-2] motion Pursuant to FRCP 12 striking certain Affirmative Defenses lacking support in either law or facts as raised by dfts, County of orange and Sheriff Frank Bigger . (pf) (Entered: 06/14/2002)
06/14/2002	57	RULE 56.1 STATEMENT filed by County of Orange, Frank Bigger (pf) (Entered: 06/14/2002)
06/14/2002	58	AFFIDAVIT of Sgt. Michael Zappolo by County of Orange, Frank Bigger in further opposition to [51-1] motion Pursuant to FRCP 56 for PARTIAL summary judgment as against dfts County of Orange and Sheriff Frank Bigger, [51-2] motion Pursuant to FRCP 12 striking certain Affirmative Defenses lacking support in either law or facts as raised by dfts, County of orange and Sheriff Frank Bigger . (pf) (Entered: 06/14/2002)
06/14/2002	59	AFFIDAVIT of James Fedorchak by Frank Bigger in opposition to [51-1] motion Pursuant to FRCP 56 for PARTIAL summary judgment as against dfts County of Orange and Sheriff Frank Bigger . (pf) (Entered: 06/14/2002)
06/14/2002	60	CERITIFICATION of Domenic Dimarco by County of Orange Re: . (pf) (Entered: 06/14/2002)
06/24/2002	61	Memo-Endorsement on letter addressed to Judge McMahon from Andrew L. Libo, dated 6/21/02. Re: request that this Court grant Plaintiff an extension of three business days-from 6/21/02 until 6/26/02.....request is Plaintiff's first request for an extension of time regarding the pending motion.....(CM) GRANTED.. (signed by Judge

		Colleen McMahon); Copies mailed. (jma) (Entered: 06/25/2002)
06/28/2002	62	REPLY MEMORANDUM by Jaime Murcia in further support re: [51-1] motion Pursuant to FRCP 56 for PARTIAL summary judgment as against dfts County of Orange and Sheriff Frank Bigger, [51-2] motion Pursuant to FRCP 12 striking certain Affirmative Defenses lacking support in either law or facts as raised by dfts, County of orange and Sheriff Frank Bigger . (pf) (Entered: 06/28/2002)
09/13/2002	63	Letter filed addressed to All counsel from Judge Colleen McMahon, dated September 13, 2002, re: Cross-Motion for Summary Judgment. I am granting the request of defts Orange County and Sheriff Bigger, made by letter on July 12, 2002, that the Court consider their opposition to plaintiff's summary judgment motion as a cross-motion for summary judgment (or at least for partial summary judgment). Since, when a motion for summary judgment is made, a court can search the record and grant summary judgment to any party who is entitled to it, it is fitting that I grant this request.....Plaintiff has ten days to respond to defts' cross-motion for summary judgment, limited to teh issues described above. Plaintiff has already had an opportunity to be heard on all other issues. I will not extend this deadline for any reason. (signed Judge Colleen McMahon) (sv) (Entered: 09/17/2002)
09/17/2002	64	Letter filed addressed to All Counsel from Judge McMahon, dated 09/18/02, re: Pending Motions for Summary Judgment. (dc) (Entered: 09/20/2002)
09/24/2002	65	MEMORANDUM OF LAW by Jaime Murcia IN FURTHER REPLY on the necessity of granting sumamry jgmnt where clearly established law prohibited the use of visual body cavity searches in the absence of particularized suspicion . (pf) (Entered: 09/25/2002)
10/04/2002	66	ORDER granting in part, denying in part [51-1] motion Pursuant to FRCP 56 for PARTIAL summary judgment as against dfts County of Orange and Sheriff Frank Bigger, denying [51-2] motion Pursuant to FRCP 12 striking certain Affirmative Defenses lacking support in either law or facts as raised by dfts, County of orange and Sheriff Frank Bigger SO ORDERED: (signed by Judge Colleen McMahon); Copies Mailed By the Clerk's Office. (dc) (Entered: 10/07/2002)
10/22/2002	67	MEMORANDUM OF LAW ON THE NECESSITY FOR RECONSIDERATION OF A PRIOR ORDER GRANTING QUALIFIED IMMUNITY TO A GOVERNMENT OFFICIAL WHO MAINTAINED AN UNCONSTITUTIONAL POLICY THAT VIOLATED ESTABLISHED RIGHTS by Jaime Murcia. (pf) (Entered: 10/23/2002)
10/22/2002	68	NOTICE OF MOTION by Jaime Murcia for reconsideration of [66-1] order , and reargument .No Return Date (sv) (Entered: 10/24/2002)
11/04/2002	69	NOTICE OF APPEAL by Jaime Murcia from [66-1] order Paid \$105.00 fee receipt 455063 . Copies of notice of appeal mailed to Attorney(s) of Record: James M. Fedorchak, George F. Roesch III, Richard B. Golden,

		Marilyn D. Berson, David L. Posner, Catherine M. Bartlett, Edward H. Gersowitz . Appeal record due on 12/4/02 . (ll) (Entered: 11/06/2002)
11/06/2002		Sent to USCA for the Second Circuit a certified copy of docket sheet and copy of Notice of Appeal this date. (ll) (Entered: 11/06/2002)
11/07/2002	70	ORDER; The Orange County Defts are directed to respond to the Plt's motion for reargument by November 22. Plt shall reply by December 6. In view of th eimportance of the issues, and the frequency with which they keep appearing ont is court's docket, i would ask the parties to address teh appropriateness (or lack thereof) of certification of both the underlying question If law and the issue of qualified immunity to the United STates Court of Appeals for the Second Circuit. So Ordered . (signed by Judge Colleen McMahon);ch/fax/cyps. (sv) (Entered: 11/12/2002)
11/18/2002	71	Memo-Endorsement on letter addressed to Judge McMahon from Christina M. Sanabria, dated 11/15/02. Re: Request that the deft's time to respond to Plaintiff's Motion for reconsideration be extended to December 6, 2002. ENDORSED: So Sorry, Ms. Sanabria! Granted. (signed by Judge Colleen McMahon); (dc) (Entered: 11/21/2002)
12/16/2002	72	Letter filed addressed to Counsel from Judge McMahon, dated December 14, 2002, re: letters from counsel. (sv) (Entered: 12/23/2002)
12/23/2002	73	MEMORANDUM OF LAW by County of Orange in opposition to [68-1] motion for reconsideration of [66-1] order . (ll) (Entered: 12/23/2002)
01/07/2003	74	REPLY MEMORANDUM by Jaime Murcia in support re: [68-1] motion for reconsideration of [66-1] order, [68-2] motion reargument . (pf) (Entered: 01/08/2003)
01/13/2003	75	Memorandum to Docket Clerk: date: 01/10/03; telephone conference; motion for leave to amend the complaint will be filed. (jma) (Entered: 01/17/2003)
03/13/2003	76	MANDATE OF USCA (certified copy) Re: [69-1] appeal by Jaime Murcia...It is hereby Stipulated and Agreed by and between h eundersigned counsel fo the respective parties hereto tha the docketed appeal in this matter, bearing docket number 02-9341, is voluntarily withdrawn. It is further Stipulated and Agreed by and between the undersigned counsel for the respective parties hereto that any fees due to the Court shall be paid by Plntff-Appellant and that each party hereto shall bear their own costs in relation to the within appeal. (CERTIFIED: 3/10/03) Copies mailed by Clerk's Office (pf) (Entered: 03/17/2003)
03/27/2003	77	Letter filed by addressed to To all counsel, from Judge McMahon, dated 03/27/03, re: Amended Complaint (dcr) (Entered: 03/28/2003)
04/01/2003	78	Letter filed by Jaime Murcia addressed to Judge McMahon from Jaime Murica, dated 03/31/03, re: Second Amended Complaint. (dcr) (Entered: 04/01/2003)
04/08/2003	79	NOTICE OF MOTION by Jaime Murcia to amend his complaint to to

		name Orange County Officer Michael Zappolo as a defendant , and to amend his complaint to delineate specific causes of action against defendants . Return Date 5/8/03 at 9:30. (sv) (Entered: 04/09/2003)
04/28/2003	80	MEMORANDUM OF LAW by County of Orange in partial opposition to [79-1] motion to amend his complaint to to name Orange County Officer Michael Zappolo as a defendant, [79-2] motion to amend his complaint to delineate specific causes of action against defendants . (dh) (Entered: 04/28/2003)
04/28/2003	81	AFFIDAVIT of Christina M. Sanabria by County of Orange in partial opposition to [79-1] motion to amend his complaint to to name Orange County Officer Michael Zappolo as a defendant, [79-2] motion to amend his complaint to delineate specific causes of action against defendants . (dh) (Entered: 04/28/2003)
05/06/2003	82	REPLY AFFIRMATION IN FURTHER SUPPORT OF Re: [79-1] motion to amend his complaint to to name Orange County Officer Michael Zappolo as a defendant, [79-2] motion to amend his complaint to delineate specific causes of action against defendants. (dcr) (Entered: 05/07/2003)
05/07/2003	83	AFFIDAVIT of Michael Burke by John Perez in PARTIAL opposition to [79-1] motion to amend his complaint to to name Orange County Officer Michael Zappolo as a defendant, [79-2] motion to amend his complaint to delineate specific causes of action against defendants . (pf) (Entered: 05/08/2003)
05/07/2003	84	MEMORANDUM OF LAW by John Perez, PO's currently unk. in PARTIAL opposition to [79-1] motion to amend his complaint to to name Orange County Officer Michael Zappolo as a defendant, [79-2] motion to amend his complaint to delineate specific causes of action against defendants . (pf) (Entered: 05/08/2003)
06/04/2003	85	AFFIDAVIT of James M. Fedorchak by Frank Bigger in opposition to [79-1] motion to amend his complaint to to name Orange County Officer Michael Zappolo as a defendant, [79-2] motion to amend his complaint to delineate specific causes of action against defendants . (ll) (Entered: 06/04/2003)
10/09/2003		See order, doc #76 filed in 02-769 (dh) (Entered: 10/10/2003)
06/30/2004	86	CALENDAR NOTICE ORDER Pretrial Conference set for 8/6/2004 10:30 AM before Judge Colleen McMahan. (Signed by Judge Colleen McMahan on 06/30/04) Copies mailed by Clerk's Office.(fk,) (Entered: 07/08/2004)
07/26/2004	87	CALENDAR NOTICE: Counsel: Please take notice that the above captioned actions have been rescheduled for conference before the Honorable Colleen McMahan, 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 McMahan, USDJ) (dcr,) (Entered: 08/03/2004)

09/14/2004		Minute Entry for proceedings held before Judge Colleen McMahon : Interim Pretrial Conference held on 9/14/2004. Plaintiff's claim against Newburgh will be severed for trial purposes from the County of Orange claims. The Orange County claims will be consolidated for trial purposes with the "strip search" claims against the County in dockets 2cv769 and 2cv8451. (Court Reporter Angela O'Donnell) (dh,) (Entered: 09/15/2004)
09/16/2004	88	DECISION AND ORDER re: [79] Motion to Amend/Correct filed by Jaime Murcia...I grant the motion to the extent of allowing Plaintiff leave to amend his complaint to delineate specific causes of action against the existing defendants, but (2) deny the request to add Zappolo as a defendant... (Signed by Judge Colleen McMahon on 09/16/2004) The Clerk's Office Has Mailed Copies.(mov,) (Entered: 09/20/2004)
09/16/2004	89	DECISION AND ORDER...denying plaintiff's motion for reconsideration and reargument... re: [68] Motion for Reconsideration Motion for Miscellaneous Relief filed by Jaime Murcia (Signed by Judge Colleen McMahon on 09/16/2004) (mov,) (Entered: 09/21/2004)
02/22/2005	90	ENDORSED LETTER addressed to Judge McMahon from Edward H. Gersowitz dated 02/18/05 re: Request for the Court to extend time for compliance with any applicable deadlines that may be relevant to documents 88 and 89 in this matter. ENDORSED: Well, I don't know why you didn't get them, but if you checked the docket every few weeks you would have seen that I decided the motions! (Signed by Judge Colleen McMahon on 02/22/05) Clerk's Office Mailed Copies..(dcr,) (Entered: 02/23/2005)
03/15/2005	91	ENDORSED LETTER addressed to Judge Colleen McMahon from Richard B. Golden dated 3/14/05 re: Defendant requests a two week extension of time to submit a Joint Pre-Trial Order to be submitted on 3/28/05. (Signed by Judge Colleen McMahon on 3/15/05) "Copies Mailed By Chambers".(ae,) (Entered: 03/16/2005)
03/28/2005	92	JOINT PRETRIAL ORDER (UNSIGNED) (pf,) (Entered: 03/30/2005)
11/15/2005	93	CALENDAR NOTICE:...Final Pretrial Conference set for 1/6/2006 02:00 PM before Judge Colleen McMahon. Jury Trial set for 1/30/2006 09:30 AM before Judge Colleen McMahon.... So Ordered. (Signed by Judge Colleen McMahon on 11/15/05) The Clerk's Office Has Mailed Copies.(fk,) (Entered: 11/16/2005)
02/15/2006	94	TRIAL NOTICE: Please take notice that the above captioned action has been scheduled for jury selection and trial before the Hon. Colleen McMahon, USDJ, on Monday, May 22, 2006 at 9:30 am in courtroom 521, U.S. District Court, 300 Quarropas Street, White Plains, NY 10601. SO ORDERED: (Signed by Judge Colleen McMahon on 02/27/06) Clerk's Office Mailed Copies..(dcr,) (Entered: 02/27/2006)
03/06/2006	95	TRANSCRIPT of proceedings held on 01/06/2006 before Judge Colleen McMahon. Court Reporter: Mary Staten, CSR, RPR, RMR. (gco,)

		(Entered: 03/06/2006)
05/02/2006	96	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Jury Selection - 05/22/06 at 9:00 am. Referred to Magistrate Judge Mark D. Fox. SO ORDERED: (Signed by Judge Colleen McMahon on 05/01/06) Clerk's Office Mailed Copies..(dcr,) (Entered: 05/02/2006)
05/15/2006	97	ORDER OF DISCONTINUANCE with prejudice... without costs; provided, however, that if settlement is not consummated within 30-days of the date of this order....see document for more details..... (Signed by Judge Colleen McMahon on 05/12/2006) "The Clerk's Office Has Mailed Copies".(jma,) (Entered: 05/15/2006)
07/11/2006	98	STIPULATION AND ORDER OF DISMISSAL with prejudice... without costs... So Ordered. (Signed by Judge Colleen McMahon on 7/10/06) (fk,) (Entered: 07/11/2006)
09/06/2006	99	STIPULATION DISCONTINUING ACTION....with prejudice, without costs to either party as against the other. This Stipulation may be filed without further notice with the Clerk of the Court. SO ORDERED. (Signed by Judge Colleen McMahon on 09/02/2006) The Clerk's Office Has Mailed Copies".(jma,) (Entered: 09/06/2006)

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