

CLOSED, CONSENT

**U.S. District Court**  
**Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.3] (Binghamton)**  
**CIVIL DOCKET FOR CASE #: 3:91-cv-01328-RWS**

Wachtler, et al v. West Winfield, et al  
Assigned to: Magistrate Judge Ralph W. Smith, Jr  
Demand: \$9,999,000  
Case in other court: 93-09135  
USDC Dist of Columbi, 91-01977  
Cause: 42:1983 Civil Rights Act

Date Filed: 11/18/1991  
Date Terminated: 01/27/1995  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Stephen J. Wachtler**

represented by **Stephen J. Wachtler**  
263 Miller Street  
Gowanda, NY 14070  
PRO SE

V.

**Defendant**

**West Winfield, Village of**  
*TERMINATED: 01/08/1993*

**Defendant**

**County of Herkimer**

represented by **Carrie McLoughlin Noll**  
Pennock, Breedlove Law Firm  
1407 Route 9, Nine North  
Building 4, 2nd Floor  
Clifton Park, NY 12065  
518-383-9400  
Fax: 518-383-1959  
Email: cnoll@nycap.rr.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Francis Hubert Foley**  
Office of Francis Hubert Foley  
515 King Street  
Site 450  
Alexandria, VA 22314  
703-549-8897  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
Pennock, Breedlove Law Firm  
1407 Route 9, Nine North  
Building 4, 2nd Floor  
Clifton Park, NY 12065

518-383-9400  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
Horigan, Horigan Law Firm  
P.O. Box 520  
49 East Main Street  
Amsterdam, NY 12010  
518-843-0043  
Fax: 518-843-0339  
Email: th414@horiganlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Gary L. Greene**  
*Trooper*  
*TERMINATED: 09/30/1993*

represented by **Terrence X. Tracy**  
Office of Attorney General  
State of New York  
The Capitol  
Albany, NY 12224-0341  
518-474-8370 (Main)  
Fax: 518-486-9718  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Harry C. Schlesier**  
*Trooper*  
*TERMINATED: 09/30/1993*

represented by **Terrence X. Tracy**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Panko, Sgt.**  
*TERMINATED: 09/30/1993*

represented by **Carrie McLoughlin Noll**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Nancy Jones**  
*TERMINATED: 05/27/1992*

represented by **Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*TERMINATED: 05/27/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*TERMINATED: 05/27/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Corporal House**  
*TERMINATED: 09/30/1993*

represented by **Carrie McLoughlin Noll**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Deputy Allan**  
*TERMINATED: 09/30/1993*

represented by **Carrie McLoughlin Noll**  
(See above for address)

*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Francis Hubert Foley**  
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*TERMINATED: 03/13/1992*  
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**Timothy Horigan**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Deputy Epps**  
*TERMINATED: 09/30/1993*

represented by **Carrie McLoughlin Noll**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Francis Hubert Foley**  
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*TERMINATED: 03/13/1992*  
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*TERMINATED: 09/30/1993*  
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*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Chuck's Towing & Collision Service**  
*TERMINATED: 09/30/1993*

represented by **Frank A. Bersani**  
Office of Frank A. Bersani  
224 Harrison Street  
308 Syracuse Building  
Syracuse, NY 13202  
315-478-0560

Fax: 315-478-0204  
Email: fbersanijr@aol.com  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John F. Klucsik**  
Devorsetz, Stinziano Law Firm  
555 East Genesee Street  
Syracuse, NY 13202-2159  
315-442-0100  
Fax: FAX: 315-442-0106  
*TERMINATED: 02/04/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John P. Sidd**  
Riehlman, Shafer Law Firm  
P.O. Box 430  
397 Route 281  
Tully, NY 13159-0430  
315-696-8918  
Fax: Fax 315-696-6851  
Email: jsidd@riehlmanshafer.com  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Columbia, Town of**  
*TERMINATED: 01/08/1993*

**Defendant**

**Mary Roe, VII**  
*TERMINATED: 01/08/1993*

**Defendant**

**Charles Furner**  
*TERMINATED: 09/30/1993*

represented by **Frank A. Bersani**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John P. Sidd**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Town of West Winfield**  
*TERMINATED: 01/08/1993*

represented by **Francis E. Lehner**  
Office of Francis E. Lehner  
P.O. Box 1690  
20 Corporate Woods Boulevard

Albany, NY 12201  
518-447-9698  
*TERMINATED: 01/08/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Daniel B. Reardon**  
*TERMINATED: 01/08/1993*

represented by **John H. Pennock**  
(See above for address)  
*TERMINATED: 01/08/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Herkimer County Sheriff's Department**  
*TERMINATED: 01/08/1993*

represented by **John H. Pennock**  
(See above for address)  
*TERMINATED: 01/08/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Doe**  
*7 John Does and/or Mary Does*  
*TERMINATED: 09/30/1993*

**Defendant**

**James W. Smith**  
*Town Justice for the Town of Winfield*  
*TERMINATED: 09/30/1993*

**Defendant**

**Jacquelyn M. Asnoe**  
*Assistant District Attorney for the County of Herkimer*  
*TERMINATED: 09/30/1993*

represented by **Carrie McLoughlin Noll**  
(See above for address)  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John F. Skinner**  
*Town Justice for the Town of Columbia*  
*TERMINATED: 09/30/1993*

represented by **Bart M. Carrig**  
Blumberg, Carrig Law Firm  
P.O. Box 1049  
37 North Ann Street  
Little Falls, NY 13365  
315-823-2331  
Fax: Fax 315-823-2729  
Email: stompand@verizon.net  
*TERMINATED: 09/30/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Chuck's Towing & Collision Service**  
*TERMINATED: 11/19/1991*

**Counter Claimant**

**Charles Furner**  
*TERMINATED: 11/19/1991*

**Counter Claimant**

**Chuck's Towing & Collision Service**

**Counter Claimant**

**Charles Furner**

V.

**Counter Defendant**

**Stephen J. Wachtler**

represented by **Stephen J. Wachtler**  
(See above for address)  
PRO SE

**Cross Claimant**

**Town of West Winfield**

represented by **Francis E. Lehner**  
(See above for address)  
*TERMINATED: 04/05/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Cross Defendant**

**West Winfield, Village of**

**Cross Defendant**

**County of Herkimer**

represented by **Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant**

**Gary L. Greene**

represented by **Terrence X. Tracy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant****Harry C. Schlesier**

represented by **Terrence X. Tracy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant****Panko, Sgt.**

represented by **Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant****Nancy Jones***TERMINATED: 05/27/1992*

represented by **Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*TERMINATED: 05/27/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*TERMINATED: 05/27/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant****Corporal House**

represented by **Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



**Timothy Horigan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant**

**Deputy Allan**

represented by **Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant**

**Deputy Epps**

*TERMINATED: 09/14/1993*

represented by **Francis Hubert Foley**  
(See above for address)  
*TERMINATED: 03/13/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John H. Pennock**  
(See above for address)  
*TERMINATED: 09/14/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Timothy Horigan**  
(See above for address)  
*TERMINATED: 09/14/1993*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant**

**Chuck's Towing & Collision Service**

represented by **Frank A. Bersani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John F. Klucsik**  
(See above for address)  
*TERMINATED: 02/04/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant****Columbia, Town of****Cross Defendant****Mary Roe, VII***TERMINATED: 09/14/1993***Cross Defendant****Charles Furner****Cross Defendant****Daniel B. Reardon**

represented by **John H. Pennock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Cross Defendant****Herkimer County Sheriff's Department**

represented by **John H. Pennock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant****Chuck's Towing & Collision Service**

represented by **Frank A. Bersani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John F. Klucsik**  
(See above for address)  
*TERMINATED: 02/04/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant****Charles Furner**

represented by **Frank A. Bersani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant****Stephen J. Wachtler**

represented by **Stephen J. Wachtler**  
(See above for address)  
PRO SE

**Counter Claimant****Chuck's Towing & Collision Service**

represented by **Frank A. Bersani**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John F. Klucsik**  
 (See above for address)  
*TERMINATED: 02/04/1992*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John P. Sidd**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Charles Furner**

represented by **Frank A. Bersani**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John P. Sidd**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**Stephen J. Wachtler**

represented by **Stephen J. Wachtler**  
 (See above for address)  
 PRO SE

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/18/1991		Case transferred in from USDC District of Columbia (bjw) (Entered: 11/18/1991)
11/18/1991	1	COMPLAINT filed; (filed w/USDC/District of Columbia 8-06-91) ; Service deadline 1/17/92 for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield (pta) (Entered: 11/19/1991)
11/18/1991	2	CERTIFICATE OF SERVICE by Stephen J. Wachtler of Complaint by mail on 9-17-91 and personally upon Atty General of State of NY 9-17-91 (pta) (Entered: 11/19/1991)
11/18/1991	3	DEFTS MOTION by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps to Transfer Case to USDC ND/NY and Memorandum (Motion made w/USDC District of Columbia and heard) (pta) (Entered: 11/19/1991)
11/18/1991	4	ANSWER to Complaint by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps (Attorney Francis H. Foley) (filed w/USDC District of Columbia 10-11-91) (pta) (Entered: 11/19/1991)
11/18/1991	5	ANSWER to Complaint and COUNTERCLAIM by Chuck's Towing, Charles Furner (Attorney John F. Klucsik, Esq. ) against Stephen J. Wachtler (filed w/USDC

		District of Columbia on 10-15-91) (pta) (Entered: 11/19/1991)
11/18/1991	6	ORDER, to Show Cause for 10-29-91 ( USDC Michael Boudin, USDC District of Columbia dd 10-16-91) (pta) (Entered: 11/19/1991)
11/18/1991	7	DEFTS NOTICE of Change of Address of Francis H. Foley, Esq. for Defts County of Herkimer, Panko, Jones, House, Allan and Epps (filed w/USDC District of Columbia 10-29-91) (pta) (Entered: 11/19/1991)
11/18/1991	8	ORDER ; granting [3-1] motion to Transfer Case to USDC ND/NY ( dd 10-31-91 of UDSC Judge Michael Boudin, USDC District of Columbia) (pta) (Entered: 11/19/1991)
11/18/1991	9	COPY DOCKET SHEET OF USDC DISTRICT OF COLUMBIA DD 11-13-91 (pta) (Entered: 11/19/1991)
01/31/1992	10	COURT NOTICE requesting Rule 16 Stipulation be filed no later than 2-17-92 [sent Rule 16 packet] (pta) (Entered: 01/31/1992)
01/31/1992		Deadline updated; reset Proposed Rule 16 Stipulation Deadline to 2/17/92 for Charles Furner, for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield (pta) (Entered: 01/31/1992)
02/04/1992	11	DEFT LETTER NOTICE dd 2-03-92 of attorney appearance for Chuck's Towing, Charles Furner by Frank A. Bersani in place of John f. Klucsik (pta) (Entered: 02/04/1992)
02/04/1992	12	COURT NOTICE to Pro Se Pltf to request Entry of Default as to Defts West Winfield, Greene, Schlesier & Tw Columbia - ONLY and need proof of service upon Mary Roe, VII (pta) (Entered: 02/04/1992)
02/07/1992	13	ORDER REFERRING CASE to Magistrate Judge Ralph W. Smith for All PT Purposes (dd 2-07-92 signed by Judge Thomas J. McAvoy ) (pta) (Entered: 02/07/1992)
02/27/1992	14	Scheduling Notice: set Rule 16 Conference for 11:00 3/9/92 Atty Bersani would prefer to appear by telephone, he is to advise chambers. (rzh) (Entered: 02/28/1992)
03/09/1992	15	REQUEST of Pltf for Leave to file an amended complaint (rzh) (Entered: 03/10/1992)
03/09/1992	16	ORDER granting [15-1] Pltf's Request for Leave to file an Amended Complaint (signed by Judge Ralph W. Smith) (rzh) (Entered: 03/10/1992)
03/09/1992	17	AMENDED COMPLAINT by Stephen J. Wachtler , Answer due 3/19/92 for John Doe, for Herkimer Sheriff, for Daniel B. Reardon, for Charles Furner, for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield , Service deadline 5/8/92 for John Doe, for Herkimer Sheriff, for Daniel B. Reardon, for Charles Furner, for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield , amends [1-1] complaint (rzh) (Entered: 03/10/1992)
03/09/1992		Rule 16 Conference held; agreed that Pltf. be granted an opportunity to file an amended complaint. Pre-Trial Order will be issued after service of answers to the

		amended complaint (fce) (Entered: 03/13/1992)
03/13/1992	18	ORDER, to Substitute Attorney terminated attorney Francis Hubert Foley for Epps, attorney Francis Hubert Foley for Allan, attorney Francis Hubert Foley for House, attorney Francis Hubert Foley for Nancy Jones, attorney Francis Hubert Foley for Panko, Sgt., attorney Francis Hubert Foley for Herkimer,County of Added Timothy Horigan ( signed by Magistrate Judge Ralph W. Smith ) (fce) (Entered: 03/13/1992)
03/26/1992	19	ANSWER to Complaint by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Herkimer Sheriff (Attorney John Pennock), (plp) (Entered: 03/26/1992)
04/06/1992	20	ANSWER by Gary L. Greene, Harry C. Schlesier (Attorney Terrence X. Tracy) to amended complaint (pta) (Entered: 04/07/1992)
04/07/1992	21	MOTION by West Winfield to Dismiss , for Sanctions , Hearing set for 9:30 5/7/92 , Response Deadline 4/23/92 , Reply to Response Deadline 4/30/92; Supporting Affidavit (rzh) (Entered: 04/08/1992)
04/07/1992	22	ANSWER to complaint and CROSSCLAIM by Town/West Winfield (Attorney Francis E. Lehner) against West Winfield, Herkimer,County of, Gary L. Greene, Harry C. Schlesier, Panko, Sgt., Nancy Jones, House, Allan, Epps, Chuck's Towing, Columbia, Town of, Mary Roe VII, Charles Furner, Daniel B. Reardon, Herkimer Sheriff (cbm) (Entered: 04/09/1992)
04/07/1992	23	INTERROGATORIES propounded by Town/West Winfield to Stephen J. Wachtler (cbm) (Entered: 04/09/1992)
04/07/1992	24	REQUEST for Production of Documents by Town/West Winfield (cbm) (Entered: 04/09/1992)
04/13/1992	25	AMENDED ANSWER to Complaint and COUNTERCLAIM by Chuck's Towing, Charles Furner (Attorney Frank A. Bersani) against J. Wachtler dd 4-09-92 (pta) (Entered: 04/13/1992)
05/20/1992	26	LETTER to Mag Smith from Stephen Wachtler re: dismissing Deputy Jones from case (fce) (Entered: 05/20/1992)
05/27/1992	27	ORDER; granting [21-1] motion to Dismiss [21-2] motion for Sanctions under advisement, set Discovery deadline to 10/30/92 , and set Motion Filing deadline to 11/30/92 Action is dismissed as to deft NANCY JONES ( signed by Magistrate Judge Ralph W. Smith ) [Sanctions Motion - moot see terms of Order #27] (fce) Modified on 09/30/1993 (Entered: 05/27/1992)
06/30/1992	28	Atty Applegate ltr to court dd 6/26/92 inquiring as to status of this action (plp) (Entered: 07/02/1992)
07/10/1992	29	Uniform Pretrial Order; Trial Ready by: 4/2/93; Length of Trial 1 days; Trial Location: Albany; Joining of Parties Deadline 8/3/92 ; Amending of Pleadings Deadline 8/3/92 ; Discovery Deadline 12/2/92 ; Motion Filing Deadline 2/2/93 ; Jury Trial Deadline 9:30 4/13/93 ; ( Signed by: Magistrate Judge Ralph W. Smith ) (fce) (Entered: 07/10/1992)
07/27/1992	30	INTERROGATORIES propounded by Stephen J. Wachtler and exhibits (fce) (Entered: 07/29/1992)
08/10/1992	31	Confirmation of Original Deposition Papers by Stephen Wachtler (fce) (Entered: 08/10/1992)

08/27/1992	32	DEFTS MOTION by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Herkimer Sheriff Judgment on the Pleadings , or in alternative for Summary Judgment , Affidavit John H. Pennock, Jr., Esq.; Hearing set for 10:00 a.m. TUESDAY, 10/13/92 , in Albany NY; Response Deadline 9/29/92 , Reply to Response Deadline 10/6/92 (pta) (Entered: 08/28/1992)
08/27/1992	33	DEFTS MEMORANDUM by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Herkimer Sheriff in support of [32-1] motion , or in alternative, [32-2] motion , Affidavit John H. Pennock, Jr., Esq.; Hearing set for 10:00 a.m. TUESDAY, 10/13/92 , in Albany NY; Response Deadline 9/29/92 , Reply to Response Deadline 10/6/92 (pta) (Entered: 08/28/1992)
08/27/1992	34	DEFTS Rule 10J Statement in Support of [32-1] motion , or in alternative, [32-2] motion , Affidavit John H. Pennock, Jr., Esq.; Hearing set for 10:00 a.m. TUESDAY, 10/13/92 , in Albany NY; Response Deadline 9/29/92 , Reply to Response Deadline 10/6/92 filed by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Sheriff w/PROPOSED ORDER (pta) (Entered: 08/28/1992)
08/27/1992	35	DEFTS Exhibit list w/C to I in support of Motion for Judgment on Pleadings and/or S.J. by Herkimer, County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Herkimer Sheriff (pta) (Entered: 08/28/1992)
08/27/1992	36	COURT NOTICE placing Defts Motion for Judgment on Pleadings and/or S.J. on 10-13-92 MC [noticed for 10-12-92 HOLIDAY] (pta) (Entered: 08/28/1992)
09/16/1992	37	MEMORANDUM and Proposed Order by Stephen J. Wachtler in opposition to [32-1] motion , or in alternative, [32-2] motion , Affidavit John H. Pennock, Jr., Esq.; Hearing set for 10:00 a.m. TUESDAY, 10/13/92 , in Albany NY; Response Deadline 9/29/92 , Reply to Response Deadline 10/6/92 (wbl) (Entered: 09/16/1992)
09/16/1992	37	AFFIDAVIT by Stephen J. Wachtler Re: [32-1] motion , or in alternative, [32-2] motion , Affidavit John H. Pennock, Jr., Esq.; Hearing set for 10:00 a.m. TUESDAY, 10/13/92 , in Albany NY; Response Deadline 9/29/92 , Reply to Response Deadline 10/6/92, and Statement of Uncontroverted Facts by Stephen J. Wachtler. (wbl) Modified on 09/16/1992 (Entered: 09/16/1992)
09/16/1992	38	DEFTS MOTION by Chuck's Towing, Charles Furner for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56 , Affidavit John P. Sidd (Exhibit A); Exhibits B to D; Hearing set for 10:00 a.m. in Albany NY on Tuesday, 10/13/92 , Response Deadline 9/28/92 , Reply to Response Deadline 10/5/92 (pta) (Entered: 09/16/1992)
09/16/1992	39	DEFTS MEMORANDUM by Chuck's Towing, Charles Furner in support of [38-1] motion for Judgment on the Pleadings FRCP 12(c) or alternative for S.J. FRCP 56 (pta) (Entered: 09/16/1992)
09/16/1992	40	DEFTS RULE 10(C) STATEMENT (AFFIDAVIT) by Chuck's Towing, Charles Furner Re: [38-1] motion for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56 (pta) (Entered: 09/16/1992)
09/30/1992	41	DEFTS AFFIDAVIT (RESPONSE) Carrie McLoughlin by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Herkimer Sheriff in opposition to Pltf Cross Motion for S.J. and request for sanctions (pta) (Entered: 09/30/1992)
09/30/1992	42	DEFTS MEMORANDUM and Proposed Order by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Herkimer Sheriff in

		opposition to Pltf Cross Moton for Summary Judgment and Sanctions (pta) (Entered: 09/30/1992)
10/05/1992	43	COURT Scheduling Notice:, Motion Hearing re-set for 10:00 a.m. in Albany NY on 11/9/92 re: [38-1] motion for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56.; re: [32-1] motion , or in alternative, re: [32-2] motion , Affidavit John H. Pennock, Jr., Esq.; [Adj fr 10-13 MC, no opposition papers] (pta) (Entered: 10/06/1992)
10/06/1992	44	MEMORANDUM(Amended) by Stephen J. Wachtler in support of [37-1] opposition memorandum (wbl) (Entered: 10/06/1992)
10/15/1992	45	MOTION by Town/West Winfield to Dismiss pursuant FRCP 12(c) , Affidavit Francis E. Lehner; Hearing set for 10:00 a.m. in Albany NY on 11/9/92 , Response Deadline 10/26/92 , Reply to Response Deadline 11/2/92 (pta) (Entered: 10/16/1992)
10/15/1992	46	DEFT MEMORANDUM by Town/West Winfield in support of [45-1] Town/West Winfield motion to Dismiss pursuant FRCP 12(c) w/PROPOSED ORDER (pta) (Entered: 10/16/1992)
10/15/1992	49	MINUTES OF 10/13/92 MOTION CALENDAR: No Appearances; Defts Motion for Judgment on Pleadings in Favor of Defts or alternatively for Summary Judgment in Favor of Defts [31-1, 31-2] -- ADJOURNED TO 11/9/92 IN ALBANY DUE TO LACK OF OPPOSITION , Defts Furner & Chuck's Towing Motion for an order granting Judgment on Pleadings in Favor of Defts; or alternatively for Summary Judgment in favor of Defts [38-1] -- ADJOURNED TO 11/9/92 IN ALBANY DUE TO LACK OF OPPOSITION (plp) Modified on 09/30/1993 (Entered: 10/22/1992)
10/19/1992	47	DEFTS RESPONSE by Herkimer,County of, Panko, Sgt., Nancy Jones, House, Allan, Epps, Daniel B. Reardon, Herkimer Sheriff re: no opposition to [38-1] Defts Furner and Chuck's Towing motion for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56 (pta) (Entered: 10/19/1992)
10/20/1992	48	DEFTS LETTER RESPONSE dd 10-19-92 by Chuck's Towing, Charles Furner re: do not oppose the [32-2] motion for S.J.; Hearing set for 10:00 a.m. TUESDAY, 10/13/92 , in Albany NY; Response Deadline 9/29/92 , Reply to Response Deadline 10/6/92 (pta) (Entered: 10/20/1992)
11/04/1992	50	RESPONSE by Stephen J. Wachtler to [45-1] motion to Dismiss pursuant FRCP 12 (c) (fce) (Entered: 11/05/1992)
11/05/1992	51	DEFT LETTER RESPONSE dd 11-02-92 by Town/West Winfield to [38-1] Deft Chuck's Towing & Furner motion for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56, [32-2] County of Herkimer, etc. motion ; Hearing re-set for 10:00 a.m. 11-09 MC in Albany NY - (Request be taken on SUBMIT) (pta) (Entered: 11/05/1992)
11/09/1992		Motion hearing 11-09-92 re: [45-1] motion to Dismiss pursuant FRCP 12(c) , [38-1] motion for Judgment on Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56 , [32-1] motion , or in alternative (pta) (Entered: 11/19/1992)
11/16/1992	52	ATTY McLAUGHLIN Letter dd 11-13-92 re: decision on Motions held 11-09-92 w/PROPOSED ORDER (pta) (Entered: 11/17/1992)
11/18/1992	53	Minute entry:, MOTION CALENDAR Held 11-09-92 Albany NY Appearances: M. Lomonaco, CR; Stephen J. Wachtler, Pro Se Pltf; Carrie McLaughlin for Defts Cty of Herkimer, Sgt Panko, House, Allans, Epps, Reardon & Herkimer Sheriff; John

		Sidd for Defts Chuck's Towing & Furner; David Winans for Deft Town of Winfield 1) Defts Motion for Judgment on Pleadings FRCP 12c in favor of Defts [32-1]; or alternatively for S.J. in favor of Defts FRCP 56b [32-2] - GRANTED w/o prej. 2) Defts Furner & Chucks Towing Motion for an Order FRCP 12c granting Judgment on Pleadings in favor of Defts or alternatively, for S.J. FRCP 56 in favor of Defts [38-1] - GRANTED w/o prej. 3) Deft Town of Winfield (Town of W. Winfield) Motion to Dismiss FRCP 12c [45-1] - GRANTED w/o prej. *Court treats all 12(c) motions as motions pursuant to 12(b). Pltf is granted leave to replead his complaint w/specificity within 60 days (to include state law claims). Cross motions by Pltf were not addressed because they did not comply w/rules of the Court and , after Court's decision, there was'nt anything left to move against. (pta) (Entered: 11/19/1992)
11/20/1992	54	ORDER; that Defts Motions pursuant FRCP 12(c) will be treated by Court as Motions pursuant FRCP 12(b)(6); AND that Pltf Complaint is dismissed w/o prej. against said Defts AND that Pltf shall have 60 days from date of Order for leave to amend said complaint ( granting [45-1] motion to Dismiss pursuant FRCP 12(c) granting [38-1] motion for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56 granting [32-1] motion , or in alternative granting [32-2] motion , Affidavit John H. Pennock, Jr., Esq.; (dd 11-17-92 signed by Judge Thomas J. McAvoy ) (pta) Modified on 01/28/1993 (Entered: 11/20/1992)
01/08/1993	55	AMENDED COMPLAINT by Stephen J. Wachtler , Answer due 1/19/93 for John Doe, for Herkimer Sheriff, for Daniel B. Reardon, for Town/West Winfield, for Charles Furner, for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield , Service deadline 3/9/93 for John Doe, for Herkimer Sheriff, for Daniel B. Reardon, for Town/West Winfield, for Charles Furner, for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield , amends [17-1] amended complaint (fce) (Entered: 01/21/1993)
01/08/1993	56	MEMORANDUM by Stephen J. Wachtler in support of [55-1] amended complaint, [54-1] order, [53-1] miscellaneous MOTION CALENDAR Held 11-09-92 Albany NY, [53-2] miscellaneous, [52-1] remark, [0-0] motion hearing, [51-1] motion response, [50-1] motion response, [0-0] deadline terminate, [48-1] motion response, [47-1] motion response, [49-1] miscellaneous Defts Motion for Judgment on Pleadings in Favor of Defts or alternatively for Summary Judgment in Favor of Defts [31-1, 31-2] -- ADJOURNED TO 11/9/92 IN ALBANY DUE TO LACK OF OPPOSITION, [49-2] miscellaneous Defts Furner & Chuck's Towing Motion for an order granting Judgment on Pleadings in Favor of Defts; or alternatively for Summary Judgment in favor of Defts [38-1] -- ADJOURNED TO 11/9/92 IN ALBANY DUE TO LACK OF OPPOSITION, [49-3] miscellaneous, [46-1] support memorandum, [45-1] motion to Dismiss pursuant FRCP 12(c), [44-1] support memorandum, [43-1] notice Motion Hearing re-set for 10:00 a.m. in Albany NY on 11/9/92 re: [38-1] motion for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56,; re: [32-1] motion , or in alternative, re: [32-2] motion , Affidavit John H. Pennock, Jr., Esq.,; [43-2] relief, [42-1] opposition memorandum, [41-1] opposition response, [40-1] affidavit, [39-1] support memorandum, [38-1] motion for Judgment on the Pleadings FRCP 12(c) or in alternative for S.J. FRCP 56, [37-1] affidavit, [37-1] opposition memorandum, [36-1] notice, [35-1] exhibits list, [34-1], [33-1] support memorandum, [32-1] motion , or in alternative, [32-2] motion , Affidavit John H. Pennock, Jr., Esq.; Hearing set for 10:00 a.m. TUESDAY, 10/13/92 , in Albany NY; Response Deadline 9/29/92 , Reply to



		Response Deadline 10/6/92, [31-1] remark, [30-1] interrogatory(s) requested, [29-1] order uniform pretrial, [28-1] remark, [0-0] party terminate, [0-0] party terminate, [27-1] order set Discovery deadline to 10/30/92, [27-2] relief set Motion Filing deadline to 11/30/92, [27-3] relief, [26-1] remark, [25-1] answer, [25-2] counter claim, [0-0] deadline terminate, [21-1] motion to Dismiss, [21-2] motion for Sanctions, [24-1] produce requested, [23-1] interrogatory(s) requested, [22-1] answer, [22-2] cross claim, [20-1] complaint answer, [19-1] answer, [18-1] order to Substitute Attorney terminated attorney Francis Hubert Foley for Epps, attorney Francis Hubert Foley for Allan, attorney Francis Hubert Foley for House, attorney Francis Hubert Foley for Nancy Jones, attorney Francis Hubert Foley for Panko, Sgt., attorney Francis Hubert Foley for Herkimer,County of Added Timothy Horigan, [18-2] relief, [17-1] amended complaint, [0-0] party add, [16-1] order, [15-1] remark, [0-0] status conference, [14-1] relief set Rule 16 Conference for 11:00 3/9/92, [13-1] referral/referred order, [12-1] notice, [0-0] attorney terminate, [11-1] appear/appearance notice, [0-0] relief reset Proposed Rule 16 Stipulation Deadline to 2/17/92 for Charles Furner, for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield, [10-1] notice, [0-0] attorney add, [0-0] attorney add, [0-0] deadline terminate, [0-0] party terminate, [0-0] remark, [9-1] remark, [8-1] order, [7-1] notice, [6-1] order to Show Cause for 10-29-91, [6-2] relief, [5-1] answer, [5-2] counter claim, [0-0] party add, [4-1] answer, [3-1] motion to Transfer Case to USDC ND/NY, [2-1] service certificate, [1-1] complaint (fce) (Entered: 01/21/1993)
01/20/1993	57	ACKNOWLEDGEMENT OF SERVICE as to West Winfield, Herkimer,County of, Gary L. Greene, Harry C. Schlesier, Panko, Sgt., Nancy Jones, House, Allan, Epps, Chuck's Towing, Columbia, Town of, Mary Roe VII, Charles Furner, Town/West Winfield, Daniel B. Reardon, Herkimer Sheriff, John Doe on 1/8/93 : Answer due on 1/28/93 for John Doe, for Herkimer Sheriff, for Daniel B. Reardon, for Town/West Winfield, for Charles Furner, for Mary Roe VII, for Columbia, Town of, for Chuck's Towing, for Epps, for Allan, for House, for Nancy Jones, for Panko, Sgt., for Harry C. Schlesier, for Gary L. Greene, for Herkimer,County of, for West Winfield (fce) (Entered: 01/25/1993)
01/27/1993	61	ANSWER by John F. Skinner to amended complaint (fce) (Entered: 02/05/1993)
01/28/1993	58	ATTY McLoughlin Letter dd 1-26-93 w/request Court reconsider previous Motion to Dismiss [counsel advised to submit new motion, per Chambers/JC] (pta) (Entered: 01/28/1993)
01/28/1993	59	ANSWER to Amended Complaint by County of Herkimer, Jacquelyn M. Asnoe, Sgt. Panko, Cpl. House, Deputy Allan, and Deputy Epps (Attorney Carrie McLoughlin); Reply Affidavit in support of Complaint; Reply to Brief/Affidavit in support of Complaint (pta) Modified on 02/19/1993 (Entered: 01/28/1993)
02/01/1993	60	ANSWER to Complaint and COUNTERCLAIM by Chuck's Towing, Charles Furner (Attorney John P. Sidd) against Stephen J. Wachtler (pta) (Entered: 02/01/1993)
02/19/1993	62	ANSWER by Gary L. Greene, Harry C. Schlesier (Attorney, Terrence X. Tracy, AAG ) to amended complaint (pta) (Entered: 02/19/1993)
03/03/1993	63	ANSWER by Stephen J. Wachtler to [60-2] counter claim of Chuck's Towing & Collision Service and Charles Furner (pta) (Entered: 03/03/1993)
03/22/1993	64	ATTY McLOUGHLIN Letter Request dd 3-18-93 that a new Uniform Pretrial Scheduling Order be issues [prev issued 7-09-92] [On 3/24/93, CRD Ligas notified

		atty to submit prop. stip and good cause shown affidavit ASAP and that trial remains scheduled for 4/13/93 unless advised otherwise by the Court](pta) Modified on 03/24/1993 (Entered: 03/22/1993)
03/26/1993	65	DEFTS AFFIDAVIT Carrie McLoughlin, Esq. by Herkimer,County of, Panko, Sgt., House, Allan, Epps, Jacquelyn M. Asnoe Re: in support of Stipulation to extend dates (pta) (Entered: 03/26/1993)
03/26/1993	66	Rule 16 Scheduling Order Issued. Ready for trial by 9/07/93, Joining of Parties Deadline 4/30/93 ; Amending of Pleadings Deadline 4/30/93 ; Discovery Deadline 5/28/93 ; Motion Filing Deadline 6/30/93 ( Signed by Judge Thomas J. McAvoy dd 3-26-93 ) (pta) (Entered: 03/26/1993)
03/29/1993	67	AMENDED Uniform Pretrial Order; Trial Ready by: 9/07/93; Length of Trial 1 days; Trial Location: Albany NY; Joining of Parties Deadline 4/30/93 ; Amending of Pleadings Deadline 4/30/93 ; Discovery Deadline 5/28/93 ; Motion Filing Deadline 6/30/93 ; Jury Trial Deadline 9:30 9/14/93 (dd 3-29-93 Signed by: Judge Thomas J. McAvoy ) (pta) (Entered: 03/30/1993)
04/05/1993	68	DEFT NOTICE of Dismissal by West Winfield by 11-17-92 Order and to remove Lehner Law Firm from docket (pta) (Entered: 04/05/1993)
04/05/1993	69	AFFIDAVIT by Herkimer,County of, Panko, Sgt., House, Allan, Epps, Jacquelyn M. Asnoe Re: in support of co-Defts Stipulation to Amend PT Order (pta) Modified on 09/30/1993 (Entered: 04/05/1993)
04/21/1993	70	ATTY McLoughlin Noll Letter Request to adjourn 9-14-93 trial for the following week, due to their trial schedule dd 4-19-93 (pta) (Entered: 04/21/1993)
04/23/1993	71	ORDER ; denying Atty McLoughlin Noll Request to adjourn 9-14-93 Trial Date - [70-1] remark (dd 4-23-93 signed by Judge Thomas J. McAvoy ) (pta) (Entered: 04/23/1993)
06/30/1993	72	DEFTS MOTION by County of Herkimer, Sgt. Panko, House, Allan, Epps, Jacquelyn M. Asnoe by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) due that amended complaint fails to state a claim against these Defts , or alternative by County, Panko, House, Allan, Epps, Asnoe for Summary Judgment FRCP 56 in favor of said Defts , Hearing set for 10:00 8/9/93 , Response Deadline 7/26/93 , Reply to Response Deadline 8/2/93 Motion returnable before Judge/Mag. Judge: McAvoy (pta) (Entered: 06/30/1993)
06/30/1993	73	DEFTS Rule 10J Statement in Support of [72-1] motion by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) due that amended complaint fails to state a claim against these Defts, [72-2] motion for Summary Judgment FRCP 56 in favor of said Defts w/PROPOSED ORDER (pta) (Entered: 06/30/1993)
06/30/1993	74	DEFTS Exhibit List w/ AFFIDAVIT by Carrie McLoughlin Noll, Esq. (Exhibit A); Memorandum of Law (Exhibit B); Exhibits C to K; in support of Re: [72-1] motion by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) due that amended complaint fails to state a claim against these Defts, [72-2] motion for Summary Judgment FRCP 56 in favor of said Defts (pta) (Entered: 06/30/1993)
06/30/1993	75	DEFTS MOTION by Chuck's Towing, Charles Furner by Chuck's and Furner for Judgment on the Pleadings FRCP 12(b)(6) , alternative by Chuck's and Furner for Summary Judgment FRCP 56 , Affidavit John P. Sidd (Exhibit A); Exhibits B to D; set for 10:00 a.m. in Albany NY on 8/9/93 , Response Deadline 7/26/93 , Reply to Response Deadline 8/2/93 Motion returnable before Judge/Mag. Judge: McAvoy (pta) (Entered: 06/30/1993)

06/30/1993	76	DEFTS MEMORANDUM by Chuck's Towing, Charles Furner in support of [75-1] for Judgment on the Pleadings FRCP 12(b)(6), [75-2] and for Summary Judgment FRCP 56 w/PROPOSED ORDER (pta) (Entered: 06/30/1993)
06/30/1993	77	DEFTS Rule 10J Statement in Support of [75-1] motion by Chuck's and Furner for Judgment on the Pleadings FRCP 12(b)(6), [75-2] for Summary Judgment FRCP 56 filed by Chuck's Towing, Charles Furner (pta) (Entered: 06/30/1993)
06/30/1993	79	MOTION by Gary L. Greene, Harry C. Schlesier for Summary Judgment , Hearing set for 8/9/93 , Response Deadline 7/26/93 , Reply to Response Deadline 8/2/93 Motion returnable before Judge/Mag. Judge: McAvoy (fce) (Entered: 07/06/1993)
06/30/1993	79	Rule 10J Statement in Support of [79-1] motion for Summary Judgment filed by Gary L. Greene, Harry C. Schlesier (fce) (Entered: 07/06/1993)
06/30/1993	79	AFFIDAVIT by Terrence X. Tracy for Gary L. Greene, Harry C. Schlesier Re: [79-1] motion for Summary Judgment (fce) (Entered: 07/06/1993)
07/01/1993	80	MEMORANDUM by Gary L. Greene, Harry C. Schlesier in support of [79-1] motion for Summary Judgment (fce) (Entered: 07/06/1993)
07/02/1993	78	ORDER REFERRING CASE to Magistrate Judge Daniel Scanlon Jr. for discovery/settlement (dd 7-02-93 signed by Chief Judge Thomas J. McAvoy ) (pta) (Entered: 07/02/1993)
07/23/1993	81	MEMORANDUM by Stephen J. Wachtler in opposition to [72-1] motion by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) due that amended complaint fails to state a claim against these Defts (fce) (Entered: 07/26/1993)
07/23/1993	81	AFFIDAVIT by Stephen J. Wachtler Re: [72-1] motion by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) due that amended complaint fails to state a claim against these Defts (fce) (Entered: 07/26/1993)
07/23/1993	81	Rule 10J Statement in Support of [72-1] motion by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) due that amended complaint fails to state a claim against these Defts filed by Stephen J. Wachtler (fce) (Entered: 07/26/1993)
07/27/1993	82	COURT Scheduling Notice:, Motion Hearing re-set for 10:00 a.m. in Albany NY before Judge McAvoy on 9/13/93 re: [75-1] motion by Chuck's and Furner for Judgment on the Pleadings FRCP 12(b)(6), re: [75-2] motion by Chuck's and Furner for Summary Judgment FRCP 56, re: [72-1] motion by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) due that amended complaint fails to state a claim against these Defts, re: [72-2] motion by County, Panko, House, Allan, Epps, Asnoe for Summary Judgment FRCP 56 in favor of said Defts, re: [79-1] motion for Summary Judgment , Response to Motion reset to 8/30/93 , Reply to Response to Motion reset to 9/7/93 - FINAL ADJOURNMENT [adj fr 8-09-93 MC] (pta) (Entered: 07/28/1993)
07/28/1993	83	VILLAGE OF WEST WINFIELD Atty Applegate Letter dd 7-26-93 requesting it is no longer necessary to provide him w/copies of documents (pta) Modified on 09/30/1993 (Entered: 07/28/1993)
08/02/1993	84	DEFTS AFFIDAVIT by Carrie McLoughlin Noll, Esq. on behalf of Herkimer,County of, Panko, Sgt., House, Allan, Epps, Jacquelyn M. Asnoe as opposition to Re: Pltf Cross-motion for summary judgment and sanctions (pta) (Entered: 08/02/1993)

08/04/1993		Pro Se Wachtler called clerk re: 8/9/93 motion adjournment to 9/13/93; advised motion adjourn due to Courts full calendar only. (fce) (Entered: 08/04/1993)
08/11/1993	85	Minute entry:, MOTION CALENDAR HELD 8-09-93 ALBANY NY Appearances: Court Reporter/ECRO: V. Theleman; No Counsel. 1) Deft Furner & Chuck's Motion for Judgment on Pleadings or for S.J. [75-1 & 75-2] 2) Defts Herkimer County, Panko, House, Allen, Epps & Asnoe Motion to Dismiss or for S.J. [72-1 & 72-2] 3) Deft Schlesier Motion for S.J. [79-1] ADJOURNED UNTIL 9-13-93 IN ALBANY NY (pta) (Entered: 08/11/1993)
08/26/1993	86	MOTION by John F. Skinner to Dismiss , or for Summary Judgment Motion returnable before Judge/Mag. Judge: McAvoy (tjm) (Entered: 08/26/1993)
08/26/1993	87	MEMORANDUM by John F. Skinner in support of [86-1] motion to Dismiss (tjm) (Entered: 08/26/1993)
08/26/1993	88	Scheduling Notice: set Motion Hearing set for 10:00 9/13/93 in Albany re: [86-1] motion to Dismiss, set for 10:00 9/13/93 in Albany re: [86-2] motion for Summary Judgment , Response to reset to 8/30/93 for [86-1] motion to Dismiss, reset to 8/30/93 for [86-2] motion for Summary Judgment , Reply to Response to Motion reset to 9/7/93 for [86-1] motion to Dismiss, reset to 9/7/93 for [86-2] motion for Summary Judgment (tjm) (Entered: 08/26/1993)
08/27/1993	89	RESPONSE and CROSS-MOTION with Proposed Order by Stephen J. Wachtler, by Wachtler for Summary Judgment Nunc Pro Tunc FRCP 56 , Affirmation Stephen J. Wachtler; AND will rely on previous submitted Affirmation/Rule 10j /Exhibits / Memorandum dd 7-23-93; Response Deadline 9-07-93 re: Defts Motion to Dismiss or Summary Judgment. (pta) (Entered: 08/27/1993)
09/03/1993	90	County of Herkimer Atty McLoughlin ltr/RESPONSE to Pltf [89-2] motion (plp) (Entered: 09/03/1993)
09/09/1993	91	Letter MOTION of AAG Tracy dd 9-08-93 on behalf of Troopers Gary L. Greene, Harry C. Schlesier by Greene & Schlesier for Adjournment of 9-14-93 Jury Trial Date , Hearing set for at 9/13/93 at 10:00 a.m. (pta) (Entered: 09/09/1993)
09/10/1993	92	ATTY McLoughlin Noll Letter dd 9-08-93 re: qualified immunity issue pending on 9-13-93 MC and not submitting PT papers (pta) (Entered: 09/10/1993)
09/13/1993		Motion hearing re: [89-2] motion, [86-1] motion to Dismiss [86-2] motion for Summary Judgment [75-1] motion by Chuck's and Furner for Judgment on the Pleadings FRCP 12(b)(6) [75-2] motion by Chuck's and Furner for Summary Judgment FRCP 56 [72-1] motion by County, Panko, House, Allan, Epps, Asnoe to Dismiss FRCP 12(b)(6) [72-2] motion by County, Panko, House, Allan, Epps, Asnoe for Summary Judgment FRCP 56 in favor of said Defts [79-1] motion for Summary Judgment (pta) (Entered: 09/17/1993)
09/14/1993	93	Minute entry: MOTION CALENDAR HELD 9-13-93 ALBANY NY Appearances: Court Reporter/ECRO: H. Santspre; LC/K. Kelly; Stephen J. Wachtler, Pro Se Pltf; Boty McDonald for Defts Furner and Chuck Towing; Carrie McLoughlin Noll for Defts Herkimer County, Panko, House, Allen, Epps & Asnoe; Bart M. Carrig for Deft Skinner; Terrance X. Tracy AAG for all State Defts. 1) Defts Furner & Chuck Towing Motion for Judgment on Pleadings [75-1] Or S.J. [75-2] - GRANTED AS S.J. 2) Defts Herkimer County, Panko, House, Allen, Epps & Asnoe Motion to Dismiss [72-1] or S.J. [72-2] - GRANTED AS S.J. 3) Deft Schlesier Motion for S.J. [79-1] - GRANTED 4) Deft Skinner Motion to Dismiss [86-1] - GRANTED 5) Pltf Motion for S.J. or alter. either extension to file Amended Complaint or Dismiss w/o

		prej. [89-1] - MOOT; Court dismisses claims against Defts Doe and Roe. (pta) (Entered: 09/17/1993)
09/28/1993		RECEIVED Proposed Order from Atty McLoughlin Noll re: 9-13 MC decision (pta) (Entered: 09/28/1993)
09/30/1993	<a href="#">94</a>	ORDER; denying [91-1] motion by Greene & Schlesier for Adjournment of 9-14-93 Jury Trial Date (previously decided); that Pltf Cross Motion for S.J. or alternative leave to amend complaint is denied [89-1, 89-2]; that S.J. is granted in favor of Defts James Smith and John F. Skinner FRCP 56 on basis of absolute judicial immunity [86-1]; that S.J. is granted in favor of Defts Chuck's Towing & Collision Service & Charles Furner FRCP 56 [75-1,75-2] ; that action be dismissed w/prej. against County of Herkimer for failing to state a claim [72-2]; and that S.J. granted in favor of Defts Panko, House, Allen & Epps on basis of qualified immunity [72-1]; granting S.J. in favor Deft Greene on basis of qualified immunity [79-1] ; that action dismissed w/prej. against Deft Schleiser FRCP 56 on basis of qualified immunity [79-1] ; that S.J. granted in favor of Deft Jacquelyn Asnoe FRCP 56 on basis of absolute prosecutorial immunity [72-1,72-2];; mootng [21-2] motion by West Winfield Sanctions (see Order #27); and that action dismissed w/prej. against Defts, 7 John Does and/or Mary Roes in their private and/or official capacity FRCP 12(b) (6) for failing to state a cliam (dd 9-29-93 signed by Chief Judge Thomas J. McAvoy ) (pta) Additional attachment(s) added on 11/10/2005 (ban, ). (Entered: 09/30/1993)
10/01/1993	95	JUDGMENT dismissing defendants as in accordance with Order dated 9-30-93 and by previous Orders for West Winfield, Herkimer,County of, Gary L. Greene, Harry C. Schlesier, Panko, Sgt., Nancy Jones, Allan, Epps, Chuck's Towing, Charles Furner, Columbia, Town of, John Doe VII, Mary Roe VII, Charles Furner, Town/West Winfield, Daniel B. Reardon, Herkimer Sheriff, John Doe, James W. Smith, Jacquelyn M. Asnoe, John F. Skinner Stephen J. Wachtler (pta) (Entered: 10/01/1993)
10/01/1993		RECEIVED Pltf Proposed IFP Application [forward to Chambers w/Proposed CJA 24 request for transcripts (pta) (Entered: 10/01/1993)
10/01/1993		Case closed (pta) (Entered: 10/01/1993)
10/20/1993	96	NOTICE OF APPEAL by Stephen J. Wachtler . FILING FEE \$ 105 RECEIPT # 10035 Appeal record due on 11/19/93 (plp) (Entered: 10/21/1993)
10/21/1993		Notice of appeal, certified copy of docket & certified copies of [94-1] Order & [95-1] Final Judgment sent to USCA re: [96-1] appeal by Stephen J. Wachtler (parties served 10/21/93) (plp) (Entered: 10/21/1993)
10/21/1993	97	Pltf's REQUEST and ORDER DENYING AS MOOT leave to Proceed in Forma Pauperis on appeal ( signed by pro se staff atty per direction of Chief Judge Thomas J. McAvoy ) [served] (cbm) (Entered: 10/22/1993)
11/15/1993	98	Court of Appeals Scheduling Order, re: [96-1] appeal by Stephen J. Wachtler ; Appeal record due on 11/29/93 (cbm) (Entered: 11/18/1993)
11/15/1993		USCA Case Number Re: [96-1] appeal by Stephen J. Wachtler USCA NUMBER: 93-9135 (cbm) (Entered: 11/18/1993)
11/23/1993		Certified and transmitted record on appeal (ENTIRE FILE) to U.S. Court of Appeals: (re: [96-1] appeal by Stephen J. Wachtler) (plp) (Entered: 11/23/1993)
12/09/1993	99	Court ltr to Pltf/Appellant dd 12/9/93 advising that CJA 24 Form re: Transcripts was

		not signed by Judge McAvoy; directing that if transcripts are still desired, procedure is to make motion directly to 2CCA [served 12/9/93] (plp) (Entered: 12/09/1993)
12/15/1993	100	TRANSCRIPT filed Proceeding before Judge McAvoy for dates of 9/13/93 (pta) (Entered: 12/15/1993)
12/20/1993		Transmitted supplemental record on appeal: [96-1] appeal by Stephen J. Wachtler (plp) (Entered: 12/20/1993)
01/03/1994	101	Certified copy from CCA of Supplemental Index (fce) (Entered: 01/04/1994)
10/19/1994	102	JUDGMENT OF USCA (certified copy) Re: [96-1] appeal by Stephen J. Wachtler; Judgment of District Court is AFFIRMED except as to County of Herkimer; REVERSED as to County of Herkimer re: issue of illegal strip-search (plp) (Entered: 10/19/1994)
10/19/1994		Case reopened - due to CCA Mandate (pta) (Entered: 10/24/1994)
10/21/1994	103	COURT Scheduling Notice: resetting Jury Trial for 9:30 A.M. on 11/9/94 in Albany, N.Y. before Chief Judge McAvoy. Pretrial submissions are due 11/01/94; w/attached copy of UPSO. Parties directed to confirm trial commencement at least (24) hours in advance (cml) (Entered: 10/21/1994)
11/02/1994	104	TRIAL Witness list by County of Herkimer (pta) (Entered: 11/02/1994)
11/02/1994	104	TRIAL Exhibit list by County of Herkimer (pta) (Entered: 11/02/1994)
11/02/1994	105	Jury instructions by County of Herkimer (pta) (Entered: 11/02/1994)
11/02/1994	106	Voir dire questions by County of Herkimer (pta) (Entered: 11/02/1994)
11/02/1994	107	TRIAL BRIEF by County of Herkimer (pta) (Entered: 11/02/1994)
11/02/1994	108	Court Trial Voir Dire Attachment by County of Herkimer (pta) (Entered: 11/02/1994)
11/07/1994	109	COURT LETTER/ORDER granting pltf pro se request dtd 11/04/94 to adjourn 11/09/94 jury trial and change trial venue to Binghamton, N.Y. ; and, resetting Jury Trial for 9:30 A.M. on 1/3/95 in Binghamton, N.Y. (signed by Chief Judge Thomas J. McAvoy dtd 11/07/94) (cml) (Entered: 11/07/1994)
12/15/1994	110	TRIAL BRIEF by Stephen J. Wachtler (pta) (Entered: 12/15/1994)
12/15/1994	111	PROPOSED Witness list and Exhibit List by Stephen J. Wachtler (pta) (Entered: 12/15/1994)
12/15/1994	112	REQUEST TO CHARGE (Proposed Jury instructions) by Stephen J. Wachtler (pta) (Entered: 12/15/1994)
12/15/1994	113	PROPOSED Voir dire questions by Stephen J. Wachtler (pta) (Entered: 12/15/1994)
12/19/1994	114	PLTF COURT Ordered Voir Dire Attachment (1) by Stephen J. Wachtler w/attachments (pta) (Entered: 12/19/1994)
12/19/1994		RECEIVED Pltf (5) Trial Subpoenas - contact Mr. Wachtler to submit appl. for waiver of fees and direct USM to serve (pta) (Entered: 12/19/1994)
12/21/1994	115	COURT NOTICE re: #1 Backup Civil Jury Trial scheduled 1-03-95 at 9:30 a.m. in Binghamton NY HAS CHANGED LOCATION ONLY TO Albany NY. (pta) (Entered: 12/22/1994)

12/27/1994	116	Deft Herkimer County Amended Proposed Witness list & Exhibit List (plp) (Entered: 12/28/1994)
12/27/1994	116	Deft Herkimer County Amended Proposed Exhibit list (plp) (Entered: 12/28/1994)
01/03/1995		Jury trial begun - jury selection only (cml) (Entered: 01/03/1995)
01/11/1995	117	ORDER signed by Chief Judge Thomas J. McAvoy Referring Case on Consent to proceed before Magistrate Judge Ralph W. Smith (fce) (Entered: 01/11/1995)
01/11/1995	118	Minute entry: Jury Trial commences: Court excuses one Juror, and gives preliminary charge to the Jury. Plaintiff and Atty. Pennock give opening statements to the Jury. Witnesses for Plaintiff: Michael A. Livecche, Alexander S. Jess, Gary Greene, Harry C. Schlester, Jr., Ronald W. House, Thomas R. Panko, Scott E. Epps, Marion Noone and Plaintiff Steven Wachtler. Jury is excused from Courtroom. Attorney Pennock moves for dismissal of action; Court reserves decision. 3:41 p.m. Jury is present. Plaintiff rests on the record. Court rules that Defendant's Motion to Dismiss is granted and the case is dismissed. The Jury is thanked by the Court, and directs Clerk to enter Judgment accordingly. 3:46 p.m. Recess. Appearances: Stephen J. Wachtler, Pro Se Pltf. and John Pennock, Esq., for Deft. Clerks: Cynthia Mezoff and Sandra S. Haker Court Reporter: Cheryl Moore (fce) (Entered: 01/11/1995)
01/11/1995	119	Exhibit list of Plaintiff's Trial Exhibits, and marked that Exhibits 1, 2, 3 and 4 In Evidence are returned to Plaintiff at conclusion of trial today. (fce) (Entered: 01/11/1995)
01/17/1995	120	Minute entry: JURY SELECTION HELD 1/03/95 BEFORE CHIEF JUDGE MCAVOY IN ALBANY: Appearances: Stephen J. Wachtler, Pro Se Pltf; John Pennock for Deft County/Herkimer. Parties meet in Chambers. Evidentiary issues addressed. Jury selection commences. Jury is sworn. Court stands adjourned until 1/11/95 at 9:30 A.M. (cml) (Entered: 01/17/1995)
01/21/1995	121	ORDER, reimbursement of witness fees of \$1011.50 (dd 1-21-95 signed by Chief Judge Thomas J. McAvoy ) (pta) (Entered: 01/25/1995)
01/23/1995	122	ORDER, for reimbursement of witness fees in amt. \$107.50 (dd 1-23-95 signed by Chief Judge Thomas J. McAvoy ) (pta) (Entered: 01/25/1995)
01/26/1995	123	JUDGMENT for Herkimer,County of against Stephen J. Wachtler (fce) (Entered: 01/27/1995)
01/27/1995		Case closed (fce) (Entered: 01/27/1995)
10/24/2000		CASE NO LONGER REFERRED TO (fce) Modified on 10/22/2001 (Entered: 10/24/2000)

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