

CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-00582-DLC-RLE

Rice, et al v. N.Y.D.O.C., et al
Assigned to: Judge Denise L. Cote
Referred to: Magistrate Judge Ronald L. Ellis
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/27/2003
Date Terminated: 08/26/2004
Jury Demand: Both
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Jonathan Rice
8250003733

represented by **Jonathan Rice**
09-09 Hazen Street (GRVC), NY 11370
PRO SE

Sarah Netburn

Emery Celli Brinckerhoff & Abady, LLP
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LEAD ATTORNEY

Plaintiff

Gilberto Vargas

Plaintiff

Michael B. Joseph

V.

Defendant

Captain Gregory Angrums

Defendant

Correction Officer Ernest Wray

represented by **Alan M. Nelson**
3000 Marcus Avenue
Suite 1E5
New York, NY 11042
(516) 328-6200
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Correction Officer Maxwell Benston**

represented by **Alan M. Nelson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant**William J. Fraser****Cross Defendant****Chief Robert Devoren****Cross Defendant****Captain Merrill**

represented by **Kanika Juneja**
New York City Law Department
100 Church Street
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant**Captin G.R.V.C. Angrum****Cross Defendant****Captain Belifore**
Shield #574

represented by **Fredrick Richman**
Solomon Richman Greenberg, P.C.
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Lake Success, NY 11042
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ATTORNEY TO BE NOTICED

Cross Defendant**Melendez**

represented by **Kanika Juneja**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant**Captain Cariello**

represented by **Fredrick Richman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant**Miller**
Shield #767

Cross Defendant

C.O. McGrath
shield #15975

represented by **Kanika Juneja**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

C.O. Clark
shield #17586

Cross Defendant

Correction Officer Gervasi
shield #1578

Cross Defendant

Correctional Officer Turrisi
shield #2860

Cross Defendant

Correction Officer Echeverra
shield #15670

Cross Defendant

C.O. Henry
shield #15683

Cross Defendant

C.O. Lopez
shield #3724

Cross Defendant

Jane/John Does
#1-10

Defendant

City of NY

represented by **Jason A. Nagi**
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LEAD ATTORNEY

Kanika Juneja
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LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Defendant****William J. Fraser**

represented by **Jason A. Nagi**
(See above for address)
LEAD ATTORNEY

Kanika Juneja

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

Defendant**Chief Robert Davoren**

represented by **Jason A. Nagi**
(See above for address)
LEAD ATTORNEY

Kanika Juneja

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

Defendant**Warden Roger Slattery**

represented by **Jason A. Nagi**
(See above for address)
LEAD ATTORNEY

Kanika Juneja

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

Defendant**Shield #282**

represented by **Jason A. Nagi**
(See above for address)
LEAD ATTORNEY

Defendant**Capt. Angerum****Defendant****Shield #574****Defendant****Shield #570**

represented by **Jason A. Nagi**
(See above for address)
LEAD ATTORNEY

Defendant

Shield #15975

represented by **Jason A. Nagi**
(See above for address)
LEAD ATTORNEY

Defendant

C.O. Clark

Defendant

Garvasi

Defendant

C.O. Givarsi

Defendant

James R. Turrisi

Defendant

C.O. Wray

Defendant

Lloyd Bentson

Defendant

John/Jane Does 1-10

Defendant

Captain Joseph Russo
Shield # 1072

Defendant

Captain Cariello
Shield #536

represented by **Fredrick Richman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Captain Miller
Shield #767

Defendant

Eric Echeverria
Shield #15670

Defendant

Correctional Officer Machado
Shield #6485

Defendant

Correction Officer Howell*Shield #9870***Defendant****Correction Officer Leon Taylor***Shield #2805***Defendant****Correction Officer Hawkins***Shield #13488***Defendant****Correction Officer Lawson***Shield #15804***Defendant****Correction Officer Henry***Shield #15683***Defendant****Correction Officer Adrian Council***Shield #15559***Defendant****Correction Officer Blackwell***Shield #12555***Defendant****Correction Officer Lopez***Shield #3724***Cross Claimant****Correction Officer Maxwell Benston****Cross Claimant****Correction Officer Ernest Wray**

V.

Cross Defendant**Captain Gregory Angrums****Cross Defendant****Lloyd Bentson****Cross Defendant**

Correction Officer Blackwell
Shield #12555

represented by **Leslie Haim Ben-Zvi**
Queller, Fisher, Dienst, Serrins, Washor &
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ATTORNEY TO BE NOTICED

Cross Defendant

C.O. Clark

Cross Defendant

C.O. Givarsi

Cross Defendant

C.O. Wray

Cross Defendant

Capt. Angerum

Cross Defendant

Captain Carielleo
Shield #536

represented by **Fredrick Richman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Defendant

City of NY

Cross Defendant

Correction Officer Adrian Council
Shield #15559

represented by **Leslie Haim Ben-Zvi**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Defendant

Chief Robert Davoren

Cross Defendant

Eric Echeverria
Shield #15670

Cross Defendant

William J. Fraser

Cross Defendant

Garvasi

Cross Defendant

Correction Officer Hawkins
Shield #13488

represented by **Leslie Haim Ben-Zvi**
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ATTORNEY TO BE NOTICED

Cross Defendant

Correction Officer Henry
Shield #15683

represented by **Leslie Haim Ben-Zvi**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Defendant

Correction Officer Howell
Shield #9870

represented by **Leslie Haim Ben-Zvi**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Defendant

John/Jane Does 1-10

Cross Defendant

Correction Officer Lawson
Shield #15804

represented by **Leslie Haim Ben-Zvi**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Defendant

Correction Officer Lopez
Shield #3724

represented by **Leslie Haim Ben-Zvi**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Defendant

Correctional Officer Machado
Shield #6485

Cross Defendant

Captain Miller
Shield #767

Cross Defendant

Captain Joseph Russo
Shield # 1072

Cross Defendant

Shield #15975

Cross Defendant

Shield #282

Cross Defendant

Shield #570**Cross Defendant****Shield #574****Cross Defendant****Warden Roger Slattery****Cross Defendant****Correction Officer Leon Taylor**
*Shield #2805*represented by **Leslie Haim Ben-Zvi**
(See above for address)
ATTORNEY TO BE NOTICED**Cross Defendant****James R. Turrisi****Cross Claimant****Captain Cariello**
Shield #536

V.

Cross Defendant**City of NY****Cross Claimant****C.O. Clark**
*shield #17586*represented by **Mathew Paulose, Jr**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Cross Claimant****Eric Echeverria**
*Shield #15670*represented by **Mathew Paulose, Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Cross Claimant****Garvasi**represented by **Mathew Paulose, Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant**Correctional Officer Machado**
*Shield #6485*represented by **Mathew Paulose, Jr**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Cross Claimant****James R. Turrisi**represented by **Mathew Paulose, Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant**City of NY****Cross Claimant****Captain Gregory Angrums**represented by **James G. Frankie**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant**City of NY****Cross Claimant****Captain Miller**
*Shield #767*represented by **John V. Decolator**
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Mineola, NY 11501
(516) 742-6575
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Cross Claimant****Captain Joseph Russo**
*Shield # 1072*represented by **John V. Decolator**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Captain Gregory Angrums

Cross Defendant

Correction Officer Maxwell Benston

Cross Defendant

Lloyd Bentson

Cross Defendant

Correction Officer Blackwell

Shield #12555

Cross Defendant

C.O. Clark

Cross Defendant

C.O. Givarsi

Cross Defendant

C.O. Wray

Cross Defendant

Capt. Angerum

Cross Defendant

Captain Carielleo

Shield #536

Cross Defendant

City of NY

Cross Defendant

Chief Robert Davoren

Cross Defendant

Eric Echeverria

Shield #15670

Cross Defendant

William J. Fraser

Cross Defendant

Garvasi

Cross Defendant

Correction Officer Hawkins*Shield #13488***Cross Defendant****Correction Officer Henry***Shield #15683***Cross Defendant****Correction Officer Howell***Shield #9870***Cross Defendant****Correction Officer Lawson***Shield #15804***Cross Defendant****Correction Officer Lopez***Shield #3724***Cross Defendant****Correctional Officer Machado***Shield #6485***Cross Defendant****Shield #15975****Cross Defendant****Shield #282****Cross Defendant****Shield #570****Cross Defendant****Shield #574****Cross Defendant****Warden Roger Slattery****Cross Defendant****Correction Officer Leon Taylor***Shield #2805***Cross Defendant****James R. Turrisi****Cross Defendant****Correction Officer Ernest Wray**

Cross Claimant

Correction Officer Blackwell
Shield #12555

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Correction Officer Adrian Council
Shield #15559

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Correction Officer Hawkins
Shield #13488

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Correction Officer Henry
Shield #15683

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Correction Officer Howell
Shield #9870

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Correction Officer Lawson
Shield #15804

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Correction Officer Lopez
Shield #3724

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Correction Officer Leon Taylor
Shield #2805

represented by **Leslie Haim Ben-Zvi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

City of NY

Cross Claimant

Captain Belifore

Shield #574

V.

Cross Defendant

Captain Gregory Angrums

Cross Defendant

Correction Officer Maxwell Benston

Cross Defendant

Lloyd Bentson

Cross Defendant

Correction Officer Blackwell

Shield #12555

Cross Defendant

C.O. Clark

Cross Defendant

C.O. Givarsi

Cross Defendant

C.O. Wray

Cross Defendant

Capt. Angerum

Cross Defendant

Captain Carielleo

Shield #536

Cross Defendant

City of NY

Cross Defendant

Correction Officer Adrian Council

Shield #15559

Cross Defendant

Chief Robert Davoren

Cross Defendant

Eric Echeverria

Shield #15670

Cross Defendant

William J. Fraser

Cross Defendant

Garvasi

Cross Defendant

Correction Officer Hawkins

Shield #13488

Cross Defendant

Correction Officer Henry

Shield #15683

Cross Defendant

Correction Officer Howell

Shield #9870

Cross Defendant

John/Jane Does 1-10

Cross Defendant

Correction Officer Lawson

Shield #15804

Cross Defendant

Correction Officer Lopez

Shield #3724

Cross Defendant

Correctional Officer Machado

Shield #6485

Cross Defendant

Captain Miller

Shield #767

Cross Defendant

Captain Joseph Russo

Shield # 1072

Cross Defendant**Shield #15975****Cross Defendant****Shield #282****Cross Defendant****Shield #570****Cross Defendant****Shield #574****Cross Defendant****Warden Roger Slattery****Cross Defendant****Correction Officer Leon Taylor***Shield #2805***Cross Defendant****James R. Turrisi****Cross Defendant****Correction Officer Ernest Wray**

Date Filed	#	Docket Text
01/27/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). . (laq) (Entered: 02/03/2003)
01/27/2003	2	APPLICATION by Jonathan Rice for the Court to request counsel . (laq) (Entered: 02/03/2003)
01/27/2003	3	Order endorsed on declaration in support of request to proceed in forma pauperis; I.F.P. request is granted. (signed by Chief Judge Michael B. Mukasey) (laq) (Entered: 02/03/2003)
01/27/2003		Magistrate Judge Ronald M. Ellis is so designated. (laq) (Entered: 02/03/2003)
03/24/2003	4	ORDER: plttfs [2-1] motion for the Court to request counsel is GRANTED. Further Ordered, that the Pro Se Office of this Court seek Pro Bono counsel for this plttf. (signed by Judge Denise L. Cote); Copies Mailed by Chambers. Copy sent to Pro Se Clerk. (db) Modified on 03/25/2003 (Entered: 03/25/2003)
05/19/2003	5	NOTICE OF INITIAL PRETRIAL CONFERENCE: That a pretrial conference will be held for 4:00 p.m. on 6/20/03, in Courtroom 11B, 500 Pearl Street, New York, New York 10007. (signed by Judge Denise L. Cote); Copies mailed by Chambers. (tp) (Entered: 05/21/2003)

06/06/2003	6	NOTICE of attorney appearance for Jonathan Rice by Sarah Netburn. (djc) (Entered: 06/12/2003)
06/13/2003	7	ORDER; a pretrial conference has will be held for 2:00 p.m. on 7/24/03 . (signed by Judge Denise L. Cote); Copies mailed by Chambers. (jco) Modified on 06/16/2003 (Entered: 06/16/2003)
07/21/2003	8	AMENDED COMPLAINT by Jonathan Rice, Gilberto Vargas, Michael B. Joseph (Answer due 7/31/03 for Echevera) amending [1-1] complaint against City of NY, William J. Fraser, Robert Davoren, Roger Slattery, Capt. Merrill, Capt. Angerum, Capt. Belifore, Capt. Melendez, C.O. Mcgrath, C.O. Clark, C.O. Givarsi, C.O. Givarsi, C.O. Teresi, C.O. Wray, C.O. Bentsen, John/Jane Does 1-27; Summons issued. (djc) (Entered: 07/24/2003)
07/23/2003	9	AFFIDAVIT OF SERVICE of summons and amended complaint as to City of NY by Linda Lawyer on 7/21/03 . Answer due on 8/11/03 for City of NY . (yv) (Entered: 07/24/2003)
07/28/2003	10	AFFIDAVIT OF SERVICE of amended summons & complaint as to Robert Davoren by Von Braunsberg on 7/25/03 . Answer due on 8/14/03 for Robert Davoren . (db) (Entered: 07/30/2003)
07/29/2003	12	SCHEDULING ORDER: All fact discovery must be completed by 12/19/03; All expert discovery must be completed by 3/26/04; The joint pretrial order must be filed by 4/30/04 , the parties shall comply with their Rule 26(a)(1) FRCP, initial disclosure obligations by 8/22/03; the parties are instructed to contact the chambers of Magistrate Judge Ellis prior to 10/31/03 in order to pursue settlement discussions under his supervision; plaintiffs' identification of experts and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), FRCP, must occur by 1/30/04. Defendant's identification of experts and disclosure of expert testimony must occur by 2/27/04 . (signed by Judge Denise L. Cote); Copies sent by Chambers. (yv) (Entered: 07/31/2003)
07/30/2003	11	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for settlement. Referred to Magistrate Judge Ronald L. Ellis. (signed by Judge Denise L. Cote) (kw) (Entered: 07/31/2003)
08/01/2003	13	AFFIDAVIT OF SERVICE of summons and complaint as to Gervasi by Captain Daniels (Shield #1081) on 7/30/03. Answer due on 8/19/03 for Gervasi. (jco) (Entered: 08/06/2003)
08/01/2003	14	AFFIDAVIT OF SERVICE of summons and complaint as to Capt. Melendez by Captain Daniels (Shield #1081) on 7/30/03. Answer due on 8/19/03 for Capt. Melendez. (jco) (Entered: 08/06/2003)
08/01/2003	15	AFFIDAVIT OF SERVICE of summons and complaint as to Roger Slattery by Captain Daniels (Shield #1081) on 7/30/03. Answer due on 8/19/03 for Roger Slattery. (jco) (Entered: 08/06/2003)
08/01/2003	16	AFFIDAVIT OF SERVICE of summons and complaint as to C.O. Mcgrath by Captain Daniels (Shield #1081) on 7/30/03. Answer due on 8/19/03 for C.O. Mcgrath. (jco) (Entered: 08/06/2003)
08/01/2003	17	AFFIDAVIT OF SERVICE of summons and complaint as to Capt. Merrill by Captain Daniels (Shield #1081) on 7/30/03. Answer due on 8/19/03 for Capt.

		Merrill. (jco) (Entered: 08/06/2003)
08/27/2003	18	AFFIDAVIT OF SERVICE of Amended S&C as to William J. Fraser by Correction Officer P. Jones/Co on 8/26/03 . Answer due on 9/15/03 for William J. Fraser . (ae) (Entered: 09/02/2003)
09/02/2003	19	Memo-Endorsement on letter addressed to Judge Cote from Jason A. Nagi, dated 8/28/03; reset answer to complaint due for 9/19/03 for City of NY . (signed by Judge Denise L. Cote); (ae) (Entered: 09/08/2003)
09/19/2003	20	ANSWER by City of NY, William J. Fraser, Robert Davoren, Roger Slattery, Capt. Merrill, Capt. Melendez, C.O. Mcgrath to [8-1] amended complaint . (Attorney Jason A. Nagy from the Firm: Corp. Counsel of NYC). (moc) (Entered: 09/23/2003)
09/24/2003	22	Memo-Endorsement on letter addressed to Judge Cote from Sarah Netburn, dated 9/19/03. Counsel for plaintiffs request that the Court not grant defendant Gervasi an extension of time to respond to the complaint. Extension for defendant Gervasi alone, until 10/8/03 is granted. (signed by Judge Denise L. Cote); Copies mailed by Chambers. (sb) (Entered: 09/29/2003)
09/24/2003	23	AFFIDAVIT OF SERVICE of amended summons and complaint as to Capt. Angerum by Captain Meeks on 9/19/03 . Answer due on 10/9/03 for Capt. Angerum . (sb) (Entered: 09/29/2003)
09/24/2003	24	AFFIDAVIT OF SERVICE of amended summons and complaint as to Echevera by K. Carty on 9/19/03 . Answer due on 10/9/03 for Echevera. (sb) (Entered: 09/29/2003)
09/24/2003	25	AFFIDAVIT OF SERVICE of amended summons and complaint as to C.O. Teresi by Captain Parker on 9/23/03 . Answer due on 10/13/03 for C.O. Teresi . (sb) (Entered: 09/29/2003)
09/25/2003	21	ORDER, that a conference will be held in this case by the Judge on 10/20/03, at 2:30 p.m. in Courtroom 20A, 500 Pearl Street . (signed by Magistrate Judge Ronald L. Ellis). (tp) (Entered: 09/26/2003)
10/09/2003	27	SECOND AMENDED COMPLAINT by Jonathan Rice, Gilberto Vargas, Michael B. Joseph (Answer due 10/20/03 for John/Jane Does 1-27, for C.O. Bentsen, for C.O. Wray, for C.O. Teresi, for C.O. Givarsi, for C.O. Clark, for C.O. Mcgrath, for Capt. Melendez, for Capt. Belifore, for Capt. Angerum, for Capt. Merrill, for Roger Slattery, for Robert Davoren, for William J. Fraser, for City of NY) amending [8-1] amended complaint against Joseph Russo, Carielleo, Miller, Echeverria, Machado, Howell, Leon Taylor, Hawkins, Lawson, Henry, Adrian Council, Blackwell, Lopez. Summons issued. (jco) (Entered: 10/15/2003)
10/10/2003	26	STIPULATION and ORDER, pursuant to FRCP 15(a) plaintiffs are granted leave to file and serve the second amended complaint as further set forth in this Stipulation . (signed by Judge Denise L. Cote) (yv) (Entered: 10/15/2003)
10/17/2003	28	SETTLEMENT CONFERENCE ORDER, that a conference will be held in this case by the Judge on 11/18/03 at 11:00 a.m. in Courtroom 20 A, 500 Pearl Street, New York, NY 10007 . (signed by Magistrate Judge Ronald L. Ellis). (tp) (Entered: 10/21/2003)

10/24/2003	29	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Carielleo by Correction Officer Sauage on 10/21/03 . due on 11/10/03 for Carielleo . (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	30	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Lloyd Bentson by Captain Daniels on 10/21/03. Answer due on 11/10/03 for Lloyd Bentson. (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	31	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to C.O. Clark by Captain Glass on 10/21/03 . Answer due on 11/10/03 for C.O. Clark . (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	32	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Lawson by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Lawson . (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	33	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Hawkins by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Hawkins . (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	34	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Leon Taylor by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Leon Taylor . (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	35	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Howell by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Howell . (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	36	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Machado by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Machado . (db) Modified on 10/28/2003 (Entered: 10/28/2003)
10/24/2003	37	AFFIDAVIT OF SERVICE of amended summons & complaint as to Miller by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Miller . (db) (Entered: 10/28/2003)
10/24/2003	38	AFFIDAVIT OF SERVICE of amended summons & complaint as to Joseph Russo by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Joseph Russo . (db) (Entered: 10/28/2003)
10/24/2003	39	AFFIDAVIT OF SERVICE of amended summons & complaint as to Lopez by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Lopez . (db) (Entered: 10/28/2003)
10/24/2003	40	AFFIDAVIT OF SERVICE of amended summons & 2nd amended complaint as to Henry by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Henry . (db) (Entered: 10/28/2003)
10/24/2003	41	AFFIDAVIT OF SERVICE of amended summons & complaint as to Adrian Council by Captain Daniels on 10/21/03 . Answer due on 11/10/03 for Adrian Council . (db) (Entered: 10/28/2003)
11/06/2003	42	AFFIDAVIT OF SERVICE of amended summons and amended complaint as to Lopez by Lorraine Hyslop/Section Superv on 11/5/03. Answer due on 11/25/03 for Lopez. (kw) (Entered: 11/09/2003)

12/08/2003	43	ENDORSED LETTER addressed to Judge Cote from Sarah Netburn dated 12/3/2003 re: counsel for the plttfs write to request an extension of time to complete discovery. Application granted. The parties shall submit a revised order for the Court to sign. (Signed by Judge Denise L. Cote on 12/4/2003) (Pecorino, Joseph) (Entered: 12/19/2003)
12/23/2003	44	SCHEDULING ORDER:All fact Discovery due by 3/18/2004, and all expert discovery due 6/28/04. Pretrial Order due by 7/30/2004. (Signed by Judge Denise L. Cote on 12/23/03) (cd,) (Entered: 01/13/2004)
12/30/2003	49	ENDORSED LETTER addressed to Judge Denise L. Cote from Heidi Grossman dated 12/23/03 re: At this time, the Office of the Corporation Counsel is unable to represent the remaining defendants who have not yet filed an answer. Request an enlargement of time to respond to the Second Amended Complaint on behalf of defendants Council, Henry, Lopez, Russo, Miller, Machado, Howell, Taylor, Hawkins, Lawson, Clark, Bentson, Carielleo, Turrisi, Echevarria, Gervasi and Angrum from December 22, 2003 to January 30, 2004 so that they may have an opportunity to obtain other counsel. Plaintiffs' counsel, Sarah Netburn, Esq., consents to this request. (Signed by Judge Denise L. Cote on 12/29/03) (dfe,) (Entered: 01/16/2004)
12/30/2003		Set Answer Due Date purs. to [49] Endorsed Letter,, as to Gregory Angrums answer due on 1/30/2004; Lloyd Bentson answer due on 1/30/2004; Clark answer due on 1/30/2004; Carielleo answer due on 1/30/2004; Adrian Council answer due on 1/30/2004; Garvasi answer due on 1/30/2004; Hawkins answer due on 1/30/2004; Henry answer due on 1/30/2004; Howell answer due on 1/30/2004; Lawson answer due on 1/30/2004; Lopez answer due on 1/30/2004; Machado answer due on 1/30/2004; Miller answer due on 1/30/2004; Joseph Russo answer due on 1/30/2004; Leon Taylor answer due on 1/30/2004; James R. Turrisi answer due on 1/30/2004. (dfe,) (Entered: 01/16/2004)
01/09/2004	45	AFFIDAVIT OF SERVICE of Summons and Amended Complaint. Eric Echeverria served on 1/8/2004, answer due 1/28/2004. Service was accepted by Captain Wright. (sac,) (Entered: 01/13/2004)
01/09/2004	47	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,,. Lloyd Bentson served on 1/8/2004, answer due 1/28/2004; Blackwell served on 1/8/2004, answer due 1/28/2004; C.O. Clark served on 1/8/2004, answer due 1/28/2004; C.O. Givarsi served on 1/8/2004, answer due 1/28/2004; C.O. Wray served on 1/8/2004, answer due 1/28/2004; Capt. Angerum served on 1/8/2004, answer due 1/28/2004; Carielleo served on 1/8/2004, answer due 1/28/2004; City of NY served on 1/8/2004, answer due 1/28/2004; Adrian Council served on 1/8/2004, answer due 1/28/2004; Robert Davoren served on 1/8/2004, answer due 1/28/2004; Eric Echeverria served on 1/8/2004, answer due 1/28/2004; William J. Fraser served on 1/8/2004, answer due 1/28/2004; Garvasi served on 1/8/2004, answer due 1/28/2004; Hawkins served on 1/8/2004, answer due 1/28/2004; Henry served on 1/8/2004, answer due 1/28/2004; Howell served on 1/8/2004, answer due 1/28/2004; John/Jane Does 1-10 served on 1/8/2004, answer due 1/28/2004; Lawson served on 1/8/2004, answer due 1/28/2004; Lopez served on 1/8/2004, answer due 1/28/2004; Machado served on 1/8/2004, answer due 1/28/2004; Miller served on 1/8/2004, answer due 1/28/2004; Joseph Russo served on 1/8/2004, answer due 1/28/2004; Shield #15975 served on

		1/8/2004, answer due 1/28/2004; Shield #282 served on 1/8/2004, answer due 1/28/2004; Shield #570 served on 1/8/2004, answer due 1/28/2004; Shield #574 served on 1/8/2004, answer due 1/28/2004; Roger Slattery served on 1/8/2004, answer due 1/28/2004; Leon Taylor served on 1/8/2004, answer due 1/28/2004; James R. Turrisi served on 1/8/2004, answer due 1/28/2004. Service was accepted by Captain Officer James Turrisi. Document filed by Michael B. Joseph ; Jonathan Rice ; Gilberto Vargas. (pl,) (Entered: 01/14/2004)
01/09/2004	48	AFFIDAVIT OF SERVICE of Amended Summons and Amended Complaint. Gregory Angrums (shield #296) served on 1/8/2004, answer due 1/28/2004. Service was accepted by Captain Albury. Document filed by Michael B. Joseph; Jonathan Rice. (djc,) (Entered: 01/14/2004)
01/13/2004	46	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,,. Garvasi served on 1/8/2004, answer due 1/28/2004. Service was accepted by Capt Albury. Document filed by Michael B. Joseph ; Jonathan Rice ; Gilberto Vargas. (cd,) (Entered: 01/13/2004)
01/22/2004	50	SCHEDULING ORDER: Pretrial Conference set for 1/30/2004 03:00 PM before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 1/21/2004) Copies mailed by Chambers.(jsa,) (Entered: 01/29/2004)
02/02/2004	51	PRETRIAL SCHEDULING ORDER: Pretrial conference held on 1/30/2004. The next Pretrial Conference set for 3/5/2004 02:30 PM before Judge Denise L. Cote. All defendants shall answer the complaint by 3/5/2004. (Signed by Judge Denise L. Cote on 1/30/2004) Copies mailed by Chambers.(jsa,) Modified on 2/5/2004 (jsa,). (Entered: 02/05/2004)
02/02/2004		Set Answer Due Date purs. to [51] Scheduling Order as to Gregory Angrums answer due on 3/5/2004; Lloyd Bentson answer due on 3/5/2004; Blackwell answer due on 3/5/2004; C.O. Clark answer due on 3/5/2004; C.O. Givarsi answer due on 3/5/2004; C.O. Wray answer due on 3/5/2004; Capt. Angerum answer due on 3/5/2004; Carielleo answer due on 3/5/2004; City of NY answer due on 3/5/2004; Adrian Council answer due on 3/5/2004; Robert Davoren answer due on 3/5/2004; Eric Echeverria answer due on 3/5/2004; William J. Fraser answer due on 3/5/2004; Garvasi answer due on 3/5/2004; Hawkins answer due on 3/5/2004; Henry answer due on 3/5/2004; Howell answer due on 3/5/2004; John/Jane Does 1-10 answer due on 3/5/2004. (jsa,) (Entered: 02/05/2004)
02/17/2004	52	NOTICE of Appearance by Alan M. Nelson on behalf of Ernest Wray, Maxwell Benston (dle,) (Entered: 02/19/2004)
02/17/2004	53	ANSWER to Complaint., CROSSCLAIM against Gregory Angrums, Lloyd Bentson, Blackwell, C.O. Clark, C.O. Givarsi, C.O. Wray, Capt. Angerum, Carielleo, City of NY, Adrian Council, Robert Davoren, Eric Echeverria, William J. Fraser, Garvasi, Hawkins, Henry, Howell, John/Jane Does 1-10, Lawson, Lopez, Machado, Miller, Joseph Russo, Shield #15975, Shield #282, Shield #570, Shield #574, Roger Slattery, Leon Taylor, James R. Turrisi. Jury Trial Demanded. Document filed by Maxwell Benston, Ernest Wray.(dle,) (Entered: 02/19/2004)

02/19/2004	54	NOTICE of Appearance by Fredrick Richman on behalf of Carielleo, Cariello (dle,) (Entered: 02/24/2004)
02/19/2004	55	ANSWER to Crossclaim with Jury Demand., CROSSCLAIM against City of NY. Document filed by Carielleo.(dle,) (Entered: 02/24/2004)
02/20/2004	56	Letter addressed to Judge Cote from Kanika Juneja dated 2/20/04 re to bifurcate Monell discovery and trial. Document filed by City of NY, Roger Slattery et al.(cd,) (Entered: 02/24/2004)
02/26/2004	57	ANSWER to Amended Complaint, CROSSCLAIM against City of NY. Document filed by Clark, Eric Echeverria, Garvasi, Machado, James R. Turrisi. Related document: [27] Amended Complaint,, filed by Michael B. Joseph, Gilberto Vargas, Jonathan Rice.(jco,) (Entered: 03/01/2004)
03/01/2004	58	ANSWER to Second Amended Complaint., CROSSCLAIM against City of NY. Document filed by Gregory Angrums.(cd,) (Entered: 03/03/2004)
03/04/2004	64	ANSWER to Second Amended Complaint. Document filed by City of NY, Robert Davoren, William J. Fraser, McGrath, Melendez, Merrill, Roger Slattery. Related document: [27] Amended Complaint,, filed by Michael B. Joseph, Gilberto Vargas, Jonathan Rice.(db,) (Entered: 03/15/2004)
03/05/2004	60	ANSWER to Second Amended Complaint, CROSSCLAIM against Gregory Angrums, Maxwell Benston, Lloyd Bentson, Blackwell, C.O. Clark, C.O. Givarsi, C.O. Wray, Capt. Angerum, Carielleo, City of NY, Robert Davoren, Eric Echeverria, William J. Fraser, Garvasi, Hawkins, Henry, Howell, Lawson, Lopez, Machado, Shield #15975, Shield #282, Shield #570, Shield #574, Roger Slattery, Leon Taylor, James R. Turrisi, Ernest Wray. Document filed by Miller, Joseph Russo. Related document: [27] Amended Complaint,, filed by Michael B. Joseph, Gilberto Vargas, Jonathan Rice.(jco,) (Entered: 03/09/2004)
03/05/2004	61	ENDORSED LETTER addressed to Judge Cote from Sarah Netburn dated 2/27/04; the request made in the 2/13 letter is denied given the pendency of the investigations. The Monell claims are bifurcated. The parties shall meet and confer regarding the issues in Sec V of this letter. (Signed by Judge Denise L. Cote on 3/4/04) (cd,) (Entered: 03/10/2004)
03/08/2004	59	PROTECTIVE ORDER; regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Denise L. Cote on 3/5/2004) (jp,) (Entered: 03/09/2004)
03/08/2004	63	PRETRIAL SCHEDULING ORDER: All fact discovery must be completed by 7/30/04. All expert discovery must be completed by 10/1/04. Any motion for summary judgment, motion served by 8/20/04, opposition served by 9/17/04, and reply served by 9/24/04. The joint pretrial order must be filed by 10/22/04. The trial will begin at 9:30 a.m. on 11/15/04. Other deadlines set forth on this scheduling order. (Signed by Judge Denise L. Cote on 3/8/04) Copies Mailed By Chambers.(sb,) (Entered: 03/11/2004)
03/09/2004	62	ANSWER to Amended Complaint. CROSSCLAIM against City of NY. Document filed by Blackwell, Adrian Council, Hawkins, Henry, Howell, Lawson, Lopez, Leon Taylor. Related document: [27] Amended Complaint, filed by Michael B. Joseph, Gilberto Vargas, Jonathan Rice.(sb,) (Entered:

		03/10/2004)
03/16/2004	65	SETTLEMENT CONFERENCE ORDER; Settlement Conference set for 4/15/2004 at 10:30 AM before Magistrate Judge Ronald L. Ellis. (Signed by Judge Ronald L. Ellis on 3/12/04) (sb,) (Entered: 03/19/2004)
03/23/2004	66	ORDER; the City of New York is Ordered to release the last known address of former employee, Officer Clarice Blackwell, to plttfs counsel. (Signed by Judge Denise L. Cote on 3/22/2004) (jp,) (Entered: 03/25/2004)
04/08/2004	67	AFFIDAVIT OF SERVICE of Summons and Amended Complaint,. Belifore served on 4/2/2004, answer due 4/22/2004. Service was accepted by Mr. Robert Belifore. Document filed by Michael B. Joseph ; Jonathan Rice ; Gilberto Vargas. (db,) (Entered: 04/09/2004)
04/13/2004	68	ANSWER to CROSS-CLAIM of defendant Belifore. Document filed by Blackwell, Adrian Council, Hawkins, Henry, Howell, Lawson, Lopez, Leon Taylor.(db,) (Entered: 04/14/2004)
04/20/2004	69	NOTICE of Appearance by Fredrick Richman on behalf of Robert A. Belifore. (jco,) (Entered: 04/21/2004)
04/20/2004	70	ANSWER to Complaint with JURY DEMAND; CROSSCLAIM against Gregory Angrums, Maxwell Benston, Lloyd Bentson, Blackwell, C.O. Clark, C.O. Givarsi, C.O. Wray, Capt. Angerum, Carielleo, City of NY, Adrian Council, Robert Davoren, Eric Echeverria, William J. Fraser, Garvasi, Hawkins, Henry, Howell, John/Jane Does 1-10, Lawson, Lopez, Machado, Miller, Joseph Russo, Shield #15975, Shield #282, Shield #570, Shield #574, Roger Slattery, Leon Taylor, James R. Turrisi, Ernest Wray. Document filed by Belifore.(jco,) (Entered: 04/21/2004)
04/28/2004	71	AFFIDAVIT OF SERVICE of Summons and Amended Complaint. Blackwell served on 4/6/2004, answer due 4/26/2004. Service was made by AFFIXING TO DOOR. Document filed by Michael B. Joseph ; Jonathan Rice ; Gilberto Vargas. (jco,) (Entered: 04/29/2004)
05/10/2004	72	ENDORSED LETTER addressed to Judge Denise L. Cote from Kanika Juneja dated 5/6/04; Based on the representations made herein, the plaintiffs' 8/5 request is denied. (Signed by Judge Denise L. Cote on 5/6/04) (sac,) (Entered: 05/11/2004)
08/26/2004	73	STIPULATION AND ORDER of Settlement and Discontinuance (Signed by Judge Ronald L. Ellis on 8/25/2004) (jsa,) (Entered: 08/27/2004)
08/30/2004	74	STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE, the above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fess in excess of the amount specified in paragraph "2". (Signed by Judge Ronald L. Ellis on 8/25/04) (dt,) (Entered: 08/31/2004)

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