

ADR, CLOSED, LEAD

U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.5] (Albany)
CIVIL DOCKET FOR CASE #: 1:03-cv-01324-TJM-DRH

Kahler v. Rensselaer County, et al
Assigned to: Senior Judge Thomas J. McAvoy
Referred to: Magistrate Judge David R. Homer
Demand: \$5,000,000
Cause: 42:1983 Civil Rights Act

Date Filed: 10/31/2003
Date Terminated: 09/24/2004
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Paul Adam Kahler**

*both individually and on behalf of a class
of others similarly situated*

represented by **Elmer R. Keach, III**
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Consol Plaintiff

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Consol Plaintiff

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Consol Plaintiff

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Consol Plaintiff

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Consol Plaintiff**Jeffrey M. Rockefeller**

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Consol Plaintiff**Peter Rupp**

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V.

Defendant**County of Rensselaer**

represented by **Thomas J. O'Connor**
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Defendant**Daniel Keating**

*both individually and in his official
capacity as Sheriff of the County of
Rensselaer*

represented by **Thomas J. O'Connor**
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Defendant**Larry Walraed***both individually and as Undersheriff of
the County of Rensselaer*represented by **Thomas J. O'Connor**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Defendant****Robert Loveridge***both individually and as Colonel in the
Rensselaer County Sheriff's Department.*represented by **Thomas J. O'Connor**
(See above for address)
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ATTORNEY TO BE NOTICED**Defendant****Harold Smith***both individually and as Lieutenant in the
Rensselaer County Sheriff's Department*represented by **Thomas J. O'Connor**
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ATTORNEY TO BE NOTICED**Defendant****Kathleen Jimino***both individually and as County Executive
of the County of Rensselaer.*represented by **Thomas J. O'Connor**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Consol Defendant****Gregory Buell****Consol Defendant****Salvatore Greico****Consol Defendant****Keith Hancock****Consol Defendant****Thomas Job****Consol Defendant****Patrick Kane****Consol Defendant****Ronald LaFontaine****Consol Defendant****Anthony Lazaro****Consol Defendant****Barry McDonald**

Consol Defendant**Dana Miles****Consol Defendant****Timothy Moran****Consol Defendant****Michael Patrick****Consol Defendant****Robert Patrick****Consol Defendant****Walter Ryan, Jr.****Consol Defendant****James Simon**

Date Filed	#	Docket Text
10/31/2003	<u>1</u>	COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 70745; Service deadline 12/30/03 for Kathleen Jimino, for Harold Smith, for Robert Loveridge, for Larry Walraed, for Daniel Keating, for Rensselaer County (jel) Additional attachment(s) added on 7/2/2004 (tm,). (Entered: 10/31/2003)
10/31/2003		SUMMONS(ES) issued for Rensselaer County, Daniel Keating, Larry Walraed, Robert Loveridge, Harold Smith, Kathleen Jimino (jel) (Entered: 10/31/2003)
10/31/2003		General Order 25 Filing Order Issued; Conference set before Magistrate Judge David R. Homer in Albany, Status Conference at 9:30 a.m. on 1/28/04, Deadline for filing Case Management Plan, 1/14/04, ADR Track Case. (jel) (Entered: 10/31/2003)
02/27/2004	<u>2</u>	SUMMONS Returned Executed by Paul Adam Kahler. Kathleen Jimino served on 2/27/2004, answer due 3/18/2004; Daniel Keating served on 2/27/2004, answer due 3/18/2004; Robert Loveridge served on 2/27/2004, answer due 3/18/2004; Harold Smith served on 2/27/2004, answer due 3/18/2004; The County of Rensselaer served on 2/27/2004, answer due 3/18/2004; Larry Walraed served on 2/27/2004, answer due 3/18/2004. (Keach, Elmer) (Entered: 02/27/2004)
02/27/2004	<u>3</u>	Letter from Elmer Keach for Paul Adam Kahler requesting Provision of Extension of Time for Defendants to Answer. (Keach, Elmer) (Entered: 02/27/2004)
03/01/2004	<u>4</u>	LETTER REQUEST & ORDER, Answer due date updated for Kathleen Jimino answer due 5/1/2004; Daniel Keating answer due 5/1/2004; Robert Loveridge answer due 5/1/2004; Harold Smith answer due 5/1/2004; The County of Rensselaer answer due 5/1/2004; Larry Walraed answer due 5/1/2004. Signed by

		Judge David R. Homer on 3/1/04. (ban) (Entered: 03/02/2004)
03/17/2004	5	AMENDED COMPLAINT against Kathleen Jimino, Daniel Keating, Robert Loveridge, Harold Smith, The County of Rensselaer, Larry Walraed, filed by Paul Adam Kahler.(Keach, Elmer) (Entered: 03/17/2004)
03/17/2004	6	STIPULATION <i>consenting to filing of Amended Complaint</i> by Paul Adam Kahler. (Keach, Elmer) (Entered: 03/17/2004)
03/18/2004	7	MOTION to Certify Class <i>and for preliminary approval of class action settlement</i> Motion Hearing set for 4/23/2004 10:00 AM in Binghamton before Judge Thomas J. McAvoy. Response to Motion due by 4/6/2004 Reply to Response to Motion due by 4/12/2004. Motion Hearing set for 4/23/2004 10:00 AM in Binghamton before Judge Thomas J. McAvoy. Response to Motion due by 4/6/2004 Reply to Response to Motion due by 4/12/2004. by Paul Adam Kahler. (Attachments: # 1 Memorandum of Law in support of motion for preliminary approval of class action settlement and provision certification of settlement class# 2 Affidavit of Elmer Keach in support of motion for preliminary approval# 3 settlement agreement# 4 Proposed Order/Judgment)(Keach, Elmer) (Entered: 03/18/2004)
04/15/2004	8	Court NOTICE to parties advising that the pending motions for 4/23/04 are on for ORAL argument at 10:00 AM in Binghamton bef. Judge McAvoy. (sfp,) (Entered: 04/15/2004)
04/23/2004	9	Minute Entry: MOTION CALENDAR held 4/23/04 bef Judge McAvoy in Binghamton, NY: APP: Elmer Keach, III & Charles Schneider, Esqs. for Pltfs; Eugene Napierski & Dwight Davis (admitted pro hac vice), Esqs. for Defpts; CR: V. Theleman; LC/SE; CRD/mp. Pltfs' 7 MOTION for provisional Class Certification & for preliminary approval of class settlement - GRANTED; Court directs that related action Bruce vs. County/Rensselaer, 1:02-CV-847 be consolidated as member case. Parties advised that Court will not approve proposed settlement unless issues identified by the Court are resolved. [10:00a - 10:45a] (cml) (Entered: 04/26/2004)
04/23/2004		ORAL ORDER consolidating this case with 1:02-cv-847 being the member case and 1:03-cv-1324 being the lead case. Stated by Judge Thomas J. McAvoy at 4/23/04 motion calendar. (amt,) (Entered: 04/26/2004)
04/26/2004	10	NOTICE by Paul Adam Kahler <i>Long Form Notice for Court Approval</i> (Attachments: # 1 Summary Notice for Court Approval# 2 Claim Form for Court Approval)(Keach, Elmer) (Entered: 04/26/2004)
04/27/2004	11	NOTICE by Paul Adam Kahler <i>of Letter to Lawrence Baerman, Clerk regarding</i> (Attachments: # 1 Proposed Order/Judgment # 2 Exhibit A - Long Form Notice# 3 Exhibit B - Summary Notice)(Keach, Elmer) (Entered: 04/27/2004)
04/28/2004	12	ORDER FOR PRELIMINARY APPROVAL OF SETTLEMENT granting 7 Motion to Certify Class . Signed by Judge Thomas J. McAvoy on 4/28/04. (sfp,) (Entered: 04/28/2004)
06/09/2004	13	Letter from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, William Garrity, Dana Halloran, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp

		requesting Discovery Conference with the Court. (Keach, Elmer) (Entered: 06/09/2004)
07/15/2004	14	Letter from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, William Garrity, Dana Halloran, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp requesting Letter to Woodburne Correctional Facility regarding Opt-Out David Sousa. (Keach, Elmer) (Entered: 07/15/2004)
07/15/2004	15	Letter from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, William Garrity, Dana Halloran, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp requesting Letter to Opt-Out David Sousa, cc to Court. (Keach, Elmer) (Entered: 07/15/2004)
08/13/2004	16	MOTION to Certify Class <i>and For Final Approval of Class Action Settlement</i> Motion Hearing set for 9/13/2004 10:00 AM in Albany before Judge Thomas J. McAvoy. Response to Motion due by 8/27/2004 Reply to Response to Motion due by 9/2/2004. Motion Hearing set for 9/13/2004 10:00 AM in Albany before Judge Thomas J. McAvoy. Response to Motion due by 8/27/2004 Reply to Response to Motion due by 9/2/2004. by Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp. (Attachments: # 1 Affidavit Affirmation of Elmer Robert Keach, III, in Support of Motion# 2 Affidavit Affidavit of Kim Ness in Support of Motion# 3 Exhibit A to Ness Affidavit -- Summary Notice# 4 Exhibit B to Ness Affidavit -- Class Notice# 5 Exhibit C to Ness Affidavit -- Reminder Postcard# 6 Exhibit D to Ness Affidavit -- List of Opt Outs and Copies of Exclusion Requests# 7 Memorandum of Law In Support of Final Approval# 8 Proposed Final Approval Order)(Keach, Elmer) (Entered: 08/13/2004)
08/16/2004	17	Supplemental MOTION to Certify Class , <i>For Final Approval of Class Action Settlement, and Award of Attorneys' Fees and Costs, corrected to include exhibits to affirmation of Elmer Keach</i> Motion Hearing set for 9/13/2004 10:00 AM in Albany before Judge Thomas J. McAvoy. Response to Motion due by 8/27/2004 Reply to Response to Motion due by 9/2/2004. Motion Hearing set for 9/13/2004 10:00 AM in Albany before Judge Thomas J. McAvoy. Response to Motion due by 8/27/2004 Reply to Response to Motion due by 9/2/2004. by Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp. (Attachments: # 1 affirmation of elmer keach in support of motion for final approval and attorneys' fees# 2 Keach Ex. A -- website pages# 3 Keach Ex. B -- Ness Affidavit, without attachments# 4 Keach Ex. C -- website statistics# 5 Keach Ex. D -- Order from Judge Homer compelling production of social services records# 6 Keach Ex. E -- Short form notice from Schenectady Gazette# 7 Keach Ex. F -- List of Opt-Outs# 8 Keach Ex. G -- Doan v. Watson Decision# 9 Keach Ex. H -- Findings in Eddleman v. Jefferson County# 10 Keach Ex. I -- affidavit of gregory belzley, counsel in eddleman# 11 Keach Ex. J -- affidavit from Howard Freidmant, counsel in mack v. suffolk county# 12 Keach Ex. K -- Affidavit of Daniel Duckett, counsel in Moser v. Anderson# 13 Keach Ex. L -- Spinner v. City of New York decision# 14 Keach Ex. M -- order decertifying class in spinner v. city of new york# 15 Keach Ex. N -- New York

		Times Article about Spinner v. City of New York# 16 Keach Ex. O -- Augustin v. Jablonsky decision# 17 Keach Ex. P -- New York Times Article re: Sorenstam v. City of New York# 18 Keach Ex. Q -- Dodge v. County of Orange decision# 19 Keach Ex. R -- New RCJ Strip Search Policy# 20 Keach Ex. S -- Fee affidavit of Elmer Keach# 21 Keach Ex. T -- Fee Affidavit of Bruce Menken# 22 Keach Ex. U -- Fee Affidavit of Charles Schneider# 23 Keach Ex. V -- Independent Energy decision# 24 Keach Ex. W -- Chipcom decision# 25 Keach Ex. X -- Bruce v. County of Rensselaer Decision# 26 Keach Ex. Y -- Whittum v. Saginaw County decision# 27 Keach Ex. Z -- Duncan v. Unity Life Decision# 28 Keach Ex. AA -- Arakis Energy Decision# 29 Keach Ex. BB -- Dreyfus Growth Decision# 30 Keach Ex. CC -- Lloyd's growth fund decision# 31 Keach Ex. DD -- Baffa v. Donaldson, Lufkin & Jenrette decision# 32 Keach Ex. EE -- Varljen v. H. J. Meyers decision# 33 Keach Ex. FF -- Fine Host Corp. decision# 34 Keach Ex. GG -- Lo Re v. Chase Manhattan decision# 35 Keach Ex. HH -- portion of testimony, corrections officer Jamie Kosowski# 36 Keach Ex. II -- Rensselaer County Budget Address, 2004# 37 Affidavit of Kim Ness, Third Party Administrator# 38 Ness Ex. A -- Published Summary Notice# 39 Ness Ex. B -- Long Form Notice, mailed to Class Members# 40 Ness Ex. C -- Reminder Postcard# 41 Ness Ex. D -- List of Opt-Outs and Copies of Exclusion requests# 42 Memorandum of Law in Support of Motion for Final Approval and Award of Fees and Expenses# 43 Proposed Final Approval Order)(Keach, Elmer) (Entered: 08/16/2004)
08/18/2004	18	NOTICE by Paul Adam Kahler of <i>Errata</i> (Keach, Elmer) (Entered: 08/18/2004)
08/25/2004	19	Letter from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp requesting Supplementing Motion Papers for Final Approval and Award of Attorneys' Fees. (Attachments: # 1 Time Records -- Elmer Keach# 2 Time Records -- Jason Rozger# 3 Time Records -- Mason Law Firm# 4 Time Records --- Bruce Menken)(Keach, Elmer) (Entered: 08/26/2004)
09/02/2004	20	Court NOTICE to parties advising that the pending motions for 9/13/04 are on for Oral Argument in Albany at 10:00 bef. Judge McAvoy. (sfp,) (Entered: 09/02/2004)
09/08/2004	21	SEALED DOCUMENT - maintained in Clerk's Office and not available for electronic viewing (ban) (Entered: 09/08/2004)
09/10/2004	22	Letter from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, William Garrity, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp requesting Supplementing Plaintiffs' Submission regarding Final Approval. (Attachments: # 1 Affidavit of Ralph White# 2 letter to unverified class members)(Keach, Elmer) (Entered: 09/10/2004)
09/10/2004	23	Letter from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, William Garrity, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp requesting Permanent Admission Ceremony for Gary Mason on Monday, September 13, 2004. (Keach, Elmer) (Entered: 09/10/2004)

09/10/2004	24	Letter from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, William Garrity, Paul Adam Kahler, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp requesting Detailing for Court the Total Costs of Notice Program and Settlement Administration. (Attachments: # 1 Invoices from Kinsella and Rust)(Keach, Elmer) (Entered: 09/10/2004)
09/13/2004	25	Minute Entry: MOTION CALENDAR held 9/13/04 bef Judge McAvoy in Albany, NY: APP: Elmer Keach, Esq. for Pltfs; Bruce Menken, Esq. for Consolidated Pltfs; Gary Mason & Thomas O'Connor, Esqs. for Consolidated Pltfs; CR: B. Buckley; LC/SE; CRD/mp. Pltfs' 16/17 MOTION to Certify Class & For Final Approval of Class Settlement - GRANTED IN PART / DENIED IN PART; Court to issue order. [10:00a - 11:00a] (cml) (Entered: 09/20/2004)
09/23/2004	26	ORDER granting 16 and 17 Motion to Certify Class, and granting in part and denying in part 16 and 17 Motion for final approval of class settlement. Signed by Judge Thomas J. McAvoy on 9/23/04. (amt,) (Entered: 09/23/2004)
09/24/2004	27	JUDGMENT in accordance with Judge McAvoy's Order filed on 9/23/04 (amt,) (Entered: 09/24/2004)
11/01/2004	28	TRANSCRIPT of Proceedings held on 9/13/04 (decision) before Judge McAvoy. Court Reporter: B. Buckley. (wjg,) (Entered: 11/02/2004)
11/17/2004	29	LETTER BRIEF <i>Regarding waiver of liens in settlement agreement and issues of child support owed</i> by The County of Rensselaer. (Attachments: # 1 Exhibit Exhibit A: 9-23-04 Order# 2 Exhibit Exhibit B: 9-23-04 Judgment# 3 Exhibit Exhibit C: Child Support Owed)(O'Connor, Thomas) (Entered: 11/17/2004)
12/08/2004	30	MEMORANDUM-DECISION & ORDER granting in part, denying in part pltfs' motion for an order denying County's request to seize settlement payments to satisfy child support liens of class members. Signed by Judge David R. Homer on 12/7/04. (wjg,) (Entered: 12/08/2004)
01/21/2005	31	Letter from Andre Akins to Clerk dd 1/14/05 asking what can be done to exercise right of settlement. (wjg,) (Entered: 01/21/2005)
02/02/2005	32	DOCUMENT REJECTION ORDER returning letter request regarding settlement from Anthony Rucker. Signed by Judge David R. Homer on 2/2/05. (ban) (Entered: 02/03/2005)
07/01/2005	33	LETTER BRIEF by County of Rensselaer. (Attachments: # 1 Exhibit(s) 1# 2 Exhibit(s) 2)(O'Connor, Thomas) [Atty O'Connor contacted and directed to re-file breif in the 02-cv-847 case since all documents relating to this issue are filed in the 847 case] Modified on 7/5/2005 (amt,). (Entered: 07/01/2005)
08/17/2005	34	MEMORANDUM-DECISION & ORDER granting in part, denying in part parties' motion and cross-motion. Signed by Judge David R. Homer on 8/17/05. (wjg,) (Entered: 08/17/2005)
02/27/2006	35	Letter Motion from Elmer Keach for Harold Bonesteel, T'Shad Bradley, Nathaniel Bruce, Wayne E. Conine, William Garrity, Dana Halloran, Mark La Belle, Charles Linen, Natika Miller, Jeffrey M. Rockefeller, Peter Rupp, Paul Adam Kahler requesting Conference With Court to Discuss Conclusion of Settlement submitted to Judge David R. Homer. (Keach, Elmer) (Entered: 02/27/2006)

		02/27/2006)
03/01/2006	36	NOTICE of Hearing: In Chambers Conference re: settlement agreement issues set for 3/28/2006 09:00 AM in Albany before Magistrate Judge David R. Homer. (wjg,) (Entered: 03/02/2006)
06/27/2007	37	ORDER terminating case. Signed by Judge David R. Homer on 6/27/07. (tab) (Entered: 06/27/2007)

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