

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:97-cv-06748-VM

Betancourt, et al v. Giuliani, et al
Assigned to: Judge Victor Marrero
Demand: \$0
Case in other court: 01-07145.
Cause: 42:1983 Civil Rights Act

Date Filed: 09/11/1997
Date Terminated: 10/22/2003
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Augustine Betancourt
individually and on behalf of all persons similarly situated

represented by **Daniel J. Leffell**
Paul, Weiss, Rifkind, Wharton & Garrison
LLP (NY)
1285 Avenue of the Americas
New York , NY 10019
(212) 373-3218
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LEAD ATTORNEY

Douglas Howard Lasdon
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123 William Street
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LEAD ATTORNEY

Plaintiff

Lambert Watson
individually and on behalf of all persons similarly situated
TERMINATED: 12/26/2000

represented by **Daniel J. Leffell**
(See above for address)
TERMINATED: 12/26/2000
LEAD ATTORNEY

Douglas Howard Lasdon
(See above for address)
TERMINATED: 12/26/2000
LEAD ATTORNEY

V.

Defendant

Rudolph W. Giuliani
in his official capacity as Mayor of the City of New York

represented by **Albert Fredericks**
Paul A Crotty
Corporation Counsel for the City of NY
100 Church St., Room 5-165
New York , NY 10007
(212) 788-0817
LEAD ATTORNEY

Defendant

Howard New York City Police Commissioner
in his official capacity as Police Commissioner of the City of New York

represented by **Albert Fredericks**
(See above for address)
LEAD ATTORNEY

Defendant**The City of New York**represented by **Albert Fredericks**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
09/11/1997	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 150.00 RECEIPT # 296728 (em) (Entered: 09/12/1997)
09/11/1997		Magistrate Judge Grubin is so Designated. (em) (Entered: 09/12/1997)
09/11/1997	2	RETURN OF SERVICE executed as to Howard Safir, c/o NYCPD, Legal Bureau and as to The City of New York & Rudolph W. Giuliani c/o Corporation Counsel on 9/11/97. Answer due on 10/1/97 for Howard Safir, for The City of New York, for Rudolph W. Giuliani. (lam) Modified on 09/25/1997 (Entered: 09/15/1997)
09/11/1997	6	NOTICE OF MOTION by Augustine Betancourt, Lambert Watson preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces . Return date 10/3/97 @9:30. (received for docketing on 10/30/97) (lam) Modified on 10/30/1997 (Entered: 10/30/1997)
09/11/1997	9	MEMORANDUM by Augustine Betancourt, Lambert Watson in support of [6-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces (received for docketing on 10/30/97) (lam) (Entered: 10/30/1997)
09/11/1997	10	AFFIDAVIT of Augustine Betancourt (received for docketing on 10/30/97) (lam) Modified on 10/30/1997 (Entered: 10/30/1997)
09/11/1997	11	AFFIDAVIT of Lambert Watson (received for docketing on 10/30/97) (lam) (Entered: 10/30/1997)
09/11/1997	12	AFFIDAVIT of Austin Wilkinson, law clerk for counsel for Augustine Betancourt, Lambert Watson (received for docketing on 10/30/97) (lam) (Entered: 10/30/1997)
09/11/1997	13	AFFIDAVIT of Doug Lasdon, Exec. Dir. of the Urban Justice Center by Augustine Betancourt, Lambert Watson (received for docketing on 10/30/97) (lam) (Entered: 10/30/1997)
09/17/1997	3	Affidavit of service as to Rudolph W. Giuliani, The City of New York by Joan Daniels, clerical assistant, on 9/11/97. Answer due on 10/1/97 for Rudolph W. Giuliani, for The City of New York (sac) (Entered: 09/23/1997)
09/17/1997	3	Affidavit of service as to Howard Safir by Katherine Harper, receptionist, on 9/11/97. Answer due on 10/1/97 for Howard Safir (sac) (Entered: 09/23/1997)
10/06/1997	4	Notice of reassignment due to a Judge's Recusal to Judge John E. Sprizzo. Copy of notice and judge's rules mailed to Attorney(s) of Daniel J. Leffell, Douglas Lasdon (bm) (Entered: 10/08/1997)
10/09/1997	5	ANSWER to Complaint by Rudolph W. Giuliani, Howard Safir, The City of New York (Attorney Albert Fredericks), ; Firm of: Corp Counsel by attorney Albert Fredericks for defts (cd) (Entered: 10/09/1997)
10/09/1997		(corrected copy) Statement Of Interest Of The United States *; by the United States of America; * orig. doc. fld. in case no. 97 civ 3912 (LAK) (ls) (Entered: 10/09/1997)
10/24/1997		Pre-trial conference held before Judge Sprizzo. (lam) (Entered: 11/13/1997)
10/29/1997	7	AMENDED NOTICE OF MOTION by Augustine Betancourt, Lambert Watson preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces. Return date not indicated. (lam) (Entered: 10/30/1997)

10/29/1997	8	SECOND AMENDED NOTICE OF MOTION by Augustine Betancourt, Lambert Watson preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces. Return date 5/1/98. (lam) (Entered: 10/30/1997)
10/30/1997	14	DECLARATION in opposition by Rudolph W. Giuliani, Howard Safir, The City of New York [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces. (lam) (Entered: 10/30/1997)
10/30/1997	15	MEMORANDUM by Rudolph W. Giuliani, Howard Safir, The City of New York in opposition to [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces. (lam) (Entered: 10/30/1997)
11/06/1997	16	ORDER; set discovery due for 2/27/98 ; plttfs' reply to response to motion, of no more than five pages, reset to 2/27/98 for [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs Section 16-122 of the Administrative Code of the City of York, for existing in public spaces ; that defts' may file a surreply, of no more than five pages, to plttfs' reply on or before 3/27/97 ; set oral argument for 1:30 p.m. on 5/1/98 ; (signed by Judge John E. Sprizzo); copies mailed (ls) (Entered: 11/07/1997)
11/07/1997	17	AFFIDAVIT in support of Jodi A. Danzig, of the Law Paul Weiss Rifkind et al, counsel for Augustine Betancourt, Lambert Watson Re: [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public (lam) (Entered: 11/10/1997)
11/07/1997	18	REPLY MEMORANDUM by Augustine Betancourt, Lambert Watson re: in support of [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces. (lam) (Entered: 11/10/1997)
11/12/1997	19	ORDER, set discovery due for 2/27/98 ; plttfs' Reply, of no more than 5 pages to defts' Response to Motion reset to 2/27/98 for [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs Section 16-122 of the Administrative Code of the City of York, for existing in public spaces ; defts may file a surreply, of no more than 5 pages, to plttfs' reply by 3/27/98 ; set oral argument set for 5/1/98 (signed by Judge John E. Sprizzo); Copies mailed (lam) Modified on 11/17/1997 (Entered: 11/13/1997)
11/24/1997	20	MEMORANDUM by Rudolph W. Giuliani, Howard Safir, The City of New York in opposition to [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces. (lam) (Entered: 11/28/1997)
12/22/1997	21	Statement of plaintiff as to Corporate Existence in Continuity of Jugobanka A.D. Belgrade (djc) (Entered: 12/29/1997)
03/02/1998	22	STIPULATION and ORDER, reset discovery due for 4/17/98 (signed by Judge John E. Sprizzo). (lam) (Entered: 03/03/1998)
04/17/1998	23	STIPULATION and ORDER, reset discovery due for 5/29/98 (signed by Judge John E. Sprizzo). (ae) (Entered: 04/20/1998)
04/22/1998	24	ORDER, that plttfs may file supplemental exhibits by 4/28/98; defts may file supplemental exhibits by 5/12/98 ; reset oral argument for 1:00 5/21/98 (signed by Judge John E. Sprizzo); Copies mailed (lam) (Entered: 04/23/1998)
04/28/1998	25	AFFIDAVIT in support of Jodi A. Danzig, atty for Augustine Betancourt, Lambert Watson Re: [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122

		of the Administrative Code of the City of New York, for existing in public spaces. (lam) (Entered: 05/01/1998)
05/12/1998	26	DECLARATION of Amy J. Weinblatt, Asst Corp Counsel for defts in further opposition to plttf's [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces, and in response to the arrirmation of Jodi Danzig re [25-1]. (lam) (Entered: 05/14/1998)
05/21/1998		Oral argument held before Judge Sprizzo (lam) (Entered: 06/04/1998)
06/03/1998	27	ORDER denying [8-1] motion preliminarily enjoining defts, and all persons acting in concert or participation with them, from arresting individuals, purs to Section 16-122 of the Administrative Code of the City of New York, for existing in public spaces. (signed by Judge John E. Sprizzo); Copies mailed (lam) (Entered: 06/04/1998)
06/03/1998	28	STIPULATION and ORDER, reset discovery due for 6/19/98 (signed by Judge John E. Sprizzo). (lam) (Entered: 06/04/1998)
06/26/1998	29	STIPULATION and ORDER, reset discovery due for 8/7/98 ; set pretrial conference for 9/25/98 (signed by Judge John E. Sprizzo). (lam) (Entered: 06/26/1998)
07/13/1998	30	Transcript of record of proceedings filed for dates of 5/21/98 @2:30 before Judge Sprizzo. (lam) (Entered: 07/13/1998)
09/24/1998	31	Notice of reassignment to Judge Kimba M. Wood Copy of notice and judge's rules mailed to Attorney(s) of record: Albert Fredericks, Daniel J. Leffell, Douglas Lasdon . (bm) (Entered: 09/24/1998)
09/25/1998	32	Notice of reassignment to Judge John S. Martin. Copy of notice and judge's rules mailed to Attorney(s) of record: Albert Fredericks, Daniel J. Leffell and Douglas Lasdon. (em) (Entered: 09/30/1998)
11/12/1998		Pre-trial conference held and concluded before Judge Kaplan. (jp) (Entered: 11/16/1998)
12/16/1998		Letter addressed to Judge Kaplan filed by Jugobanks A.D. Belgrade, dated 12/14/98; Re: counsel is in receipt of a letter dated 12/9/98 from the attys for the deft/counter-claimants in this consolidated action regarding discovery. (orig. entry filed in 97 Civ. 3912, doc. #44) (sac) (Entered: 12/17/1998)
11/18/1999	33	Memo-Endorsement on letter addressed to Judge Martin, Jr. from Eric Twiste, dated 11/17/99; the parties jointly agree to a briefing schedule for the forthcoming motions for summary judgment and class certification; plaintiffs will file their motions for summary judgment and class certification on 11/19/99; defendants will cross-move for summary judgment and oppose plaintiffs' motions on January 7; plaintiffs will reply to defendants' opposition and oppose defendants' motion on January 28, 2000; and defendants will reply to plaintiffs' opposition on February 14 ; the parties also request Your Honor's permission to file an oversized summary judgment brief; application granted . (signed by Judge John S. Martin); Copies mailed. (pl) (Entered: 11/19/1999)
11/18/1999		Deadline(s) updated: reset defendants cross motions due for 1/7/2000 . (pl) (Entered: 11/19/1999)
11/22/1999	34	NOTICE OF MOTION by Augustine Betancourt; for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class ; for an Order granting summary judgment in favor of the proposed class ; for an Order granting a permanent injunction , Return date not indicated. Rule 56.1 statement in support of motion attached. (jp) (Entered: 11/23/1999)
11/22/1999	35	MEMORANDUM OF LAW by Augustine Betancourt in support of [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class (jp) (Entered: 11/23/1999)
11/22/1999	36	MEMORANDUM OF LAW by Augustine Betancourt in support of [34-2] motion for an Order granting summary judgment in favor of the proposed class, [34-3] motion for an Order granting a permanent injunction (jp) (Entered: 11/23/1999)

11/22/1999	37	AFFIDAVIT of Rachel Geman by Augustine Betancourt in support of: [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class, [34-2] motion for an Order granting summary judgment in favor of the proposed class, [34-3] motion for an Order granting a permanent injunction . (jp) (Entered: 11/23/1999)
01/07/2000	38	NOTICE OF CROSS MOTION by Rudolph W. Giuliani, Howard Safir, The City of New York for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment . No return date indicated. Declaration of Ave Maria Brennan in support attached. (sn) (Entered: 01/11/2000)
01/07/2000	39	MEMORANDUM OF LAW by Rudolph W. Giuliani, Howard Safir, The City of New York in support of [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment, and in opposition to [34-2] motion for an Order granting summary judgment in favor of the proposed class, and in opposition to [34-3] motion for an Order granting a permanent injunction. (sn) (Entered: 01/11/2000)
01/07/2000	40	MEMORANDUM OF LAW by Rudolph W. Giuliani, Howard Safir, The City of New York in opposition to [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class. (sn) (Entered: 01/11/2000)
01/07/2000	41	RULE 56.1 STATEMENT filed by Rudolph W. Giuliani, Howard Safir, The City of New York. (sn) (Entered: 01/11/2000)
01/07/2000	42	COUNTER STATEMENT TO RULE 56.1 filed by Rudolph W. Giuliani, Howard Safir, The City of New York. (sn) (Entered: 01/11/2000)
01/27/2000	43	Memo-Endorsement on letter addressed to Judge Martin from Eric Twiste, dated 01/26/00; Re: the following briefing schedule is approved: plaintiff's Reply to Response to Motion reset to 2/14/00 for [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class, reset to 2/14/00 for [34-2] motion for an Order granting summary judgment in favor of the proposed class, reset to 2/14/00 for [34-3] motion for an Order granting a permanent injunction ; plaintiffs' Response to motion reset to 2/14/00 for [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment ; Defendant's Reply to Response to Motion reset to 3/10/00 for [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment ; (signed by Judge John S. Martin); Copies mailed. (djc) (Entered: 01/28/2000)
02/16/2000	44	Memo-Endorsement on letter addressed to Judge Martin from Eric Twiste, dated 2/10/00; plttfs' reply to response to motion reset to 3/8/00 for [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class; reset to 3/8/00 for [34-2] motion for an Order granting summary judgment in favor of the proposed class; reset to 3/8/00 for [34-3] motion for an Order granting a permanent injunction ; plttfs' response to motion reset to 3/8/00 for [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment ; defts' reply to response to motion reset to 4/7/00 for [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment ; (signed by Judge John S. Martin); Copies mailed. (ls) (Entered: 02/16/2000)
03/09/2000	45	REPLY MEMORANDUM by Augustine Betancourt, Lambert Watson in support of re: [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class, [34-2] motion for an Order granting summary judgment in favor of the proposed class, [34-3] motion for an Order granting a permanent injunction; in opposition to [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment (sac) Modified on 03/13/2000 (Entered: 03/13/2000)
03/09/2000	46	AFFIDAVIT of Eric Twiste by Augustine Betancourt, Lambert Watson in support of Re: [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class, [34-2] motion for an Order granting summary judgment in favor of the proposed class, [34-3] motion for an Order granting a permanent injunction; in opposition to [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment. (sac) (Entered: 03/13/2000)

03/09/2000	47	COUNTER STATEMENT TO RULE 56.1 filed by Augustine Betancourt, Lambert Watson (sac) (Entered: 03/13/2000)
03/09/2000	48	REPLY MEMORANDUM by Augustine Betancourt in further support of re: [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class, [34-2] motion for an Order granting summary judgment in favor of the proposed class, [34-3] motion for an Order granting a permanent injunction (sac) (Entered: 03/13/2000)
04/06/2000	49	Memo-Endorsement on letter addressed to Judge Martin from Ave Maria Brennan, dated 4/4/00; defts reply to response motion reset to 5/5/00 for [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment ; (signed by Judge John S. Martin); copies mailed (ls) (Entered: 04/07/2000)
05/04/2000	50	REPLY MEMORANDUM of LAW by Rudolph W. Giuliani, Howard Safir, The City of New York in support of [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment (djc) (Entered: 05/08/2000)
05/04/2000	51	REPLY Declaration by Rudolph W. Giuliani, Howard Safir, The City of New York in Further Support of [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P., granting defts partial summary judgment (djc) (Entered: 05/08/2000)
12/26/2000	52	MEMORANDUM OPINION AND ORDER #84965, granting in part, denying in part [34-2] motion for an Order granting summary judgment favor of the proposed class; denying [34-1] motion for an Order, purs. to Rules 23 and 56 of the FRCP certifying the proposed class; granting in part, denying in part [38-1] cross motion for an order and judgment purs. to Rule 56(b), F.R.C.P. granting defts partial summary judgment. (by Judge John S. Martin); Copies mailed. (ae) (Entered: 12/27/2000)
01/24/2001	53	NOTICE OF APPEAL by Augustine Betancourt ; from [52-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Michael D. Hess, Esq, and Ave Maria Brennan, Esq. \$105.00 Appeal filing fee paid 1/24/01 on receipt E # 395517. (dt) (Entered: 01/25/2001)
01/25/2001		Notice of appeal and certified copy of docket to USCA: [53-1] appeal by Augustine Betancourt ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 01/25/2001)
02/14/2001	54	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [53-1] appeal by Augustine Betancourt. (dt) (Entered: 02/14/2001)
04/05/2001		USCA Case Number Re: [53-1] appeal by Augustine Betancourt USCA NUMBER: 01-7145. (dt) (Entered: 04/05/2001)
12/28/2001	55	Memo-Endorsement on letter addressed to Judge Martin from Eric Twiste, dated 12/20/01; approving parties' proposal that parties submit another status letter in 30 days to update Your Honor on the progress of the negotiations ; (signed by Judge John S. Martin); Copies mailed. (djc) (Entered: 01/02/2002)
03/05/2002	56	Memo-Endorsement on letter addressed to Judge Martin from Eric Twiste, dated 3/1/02. Granting plaintiff's request to submit status letter in 30 days to update the Court on the progress of the settlement negotiations . (signed by Judge John S. Martin); Copies mailed. (kw) (Entered: 03/11/2002)
03/13/2002	57	MANDATE OF USCA (certified copy) Re: Dismiss [53-1] appeal by Augustine Betancourt. On consideration whereof, it is ordered, adjudged, and decreed that appeal be and it hereby is dismissed for lack of appellate jurisdiction. Issued as mandate: 3/4/02, 01-7145 Roseann B. MacKechnie, Clerk, U.S.C.A. (rmo) (Entered: 03/14/2002)
08/08/2002	58	Order of discontinuance of action without costs to either party and without prejudice to restore the action to the calendar of the undersigned if the settlement is not effectuated within ninety days; (signed by Judge John S. Martin) (djc) Modified on 08/09/2002 (Entered: 08/09/2002)
08/08/2002		Case closed. (djc) (Entered: 08/09/2002)

08/23/2002	59	Memo–Endorsement on letter addressed to Judge Martin from Eric Twiste, dated 8/20/02. Re: plaintiff writes regarding his intention to file a motion for attorneys fees and costs and is concerned that the Court's order of 8/7/02 may prevent him from doing so. This costs is restored to the active docket of the Court . (signed by Judge John S. Martin); Copies mailed. (kw) (Entered: 08/28/2002)
08/23/2002		Case reopened. (kw) (Entered: 08/28/2002)
03/24/2003	60	ORDER; this action is closed on the active docket report without prejudice of either side to reopen the case should the settlement not be consummated. (signed by Judge John S. Martin); Copies mailed by Chamber (sac) (Entered: 03/25/2003)
03/24/2003		Case closed. (sac) (Entered: 03/25/2003)
04/03/2003	61	Memo–Endorsement on letter addressed to Judge Martin, Jr. from Eric Twiste, dated 4/1/03; granting plaintiffs requests that the Court restore this case to active docket until the settlement has been finally consummated . (by Judge John S. Martin); (pl) (Entered: 04/07/2003)
04/03/2003		Case reopened. (pl) (Entered: 04/07/2003)
07/23/2003	62	Notice of Case Reassignment to Judge Lewis A. Kaplan . Copy of notice and judge's rules mailed to Attorney(s) of record: Albert Fredericks, Daniel J. Leffell, Douglas Lasdon . (gmo) (Entered: 08/04/2003)
09/22/2003	63	Notice of Case Reassignment to Judge Victor Marrero . Copy of notice and judge's rules mailed to Attorney(s) of record: Albert Fredericks, Daniel J. Leffell, Douglas Lasdon . (jjm) (Entered: 09/26/2003)
09/30/2003		PRETRIAL CONFERENCE set at 5:00 10/10/03 before Judge Victor Marrero . (cd) (Entered: 10/03/2003)
10/09/2003	64	Memo–Endorsement on letter addressed to Judge Marrero from Eric Twiste, dated 10/8/03; the next status conference herein is rescheduled to 10/24/03 at 10:00 a.m. (signed by Judge Victor Marrero); Copies faxed by Chamber (sac) (Entered: 10/10/2003)
10/22/2003	65	Conditional Order of discontinuance without prejudice and without costs; provided, however, that within forty–five (45) days of the date of this Order, counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by such time the settlement is not consummated. Upon such notification the Court shall promptly restore the action to its active docket and the parties shall be directed to appear before the Court to schedule remaining pre–trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time. It is provided further, that this Order shall not be construed as a final order for the purposes of entry of judgment under FRCP 54 and 58. The conference scheduled for 10/24/03 is cancelled. The Clerk of Court is directed to close this case for statistical purposes. (signed by Judge Victor Marrero); Copies faxed by Chambers. (tp) (Entered: 10/24/2003)
10/22/2003		Case closed. (tp) (Entered: 10/24/2003)
02/02/2004	66	STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE The Strip Search Claim (and only that Claim) is hereby dismissed, with prejudice. Defendant the City of New York hereby agrees to pay Batancourt the sum of Fifteen Thousand Dollars (\$15,000.00) in full satisfaction of the Strip Search Claim. A single check in this amount, made out to Augustine Betancourt and the law firm of Paul, Weiss, Rifkind, Wharton &Garrison, attorneys for Betancourt, shall be drawn. The Clerk of Court is directed to enter final judgment consistent with this Order and to close this case without prejudice to the timely filing of any requests for attorneys fees. (Signed by Judge Victor Marrero on 1/30/04) "Copies Faxed by Chambers".(jco,) (Entered: 02/04/2004)
02/17/2004	67	CLERK'S JUDGMENT that the strip search claim is dismissed; that defendant NYC agrees to pay Betancourt \$15,000 in full satisfaction; in consideration of this payment Betancourt agrees to dismiss all claims and to release any past or present employee of NYC from any liability; Betancourt will deliver all necessary documents to the City in

		order to effect the settlement; nothing contained herein shall be considered an admission of the City that they violated Betancourt's rights. (Signed by J. Michael McMahon, Clerk on 02/17/04) copies mailed by clerk's office.(jf,) (Entered: 02/18/2004)
02/18/2004	68	NOTICE OF APPEAL from 52 Memorandum & Opinion,, 67 Clerk's Judgment,, Document filed by Augustine Betancourt. Filing fee \$ 255.00, receipt number E 500212. Copies of Notice of Appeal mailed to Attorney(s) of Record: AVE MARIA BRENNAN. (pr,) (Entered: 02/19/2004)
02/18/2004		Transmission of Notice of Appeal to the District Judge re: 68 Notice of Appeal,. (pr,) (Entered: 02/19/2004)
02/18/2004		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 68 Notice of Appeal,. (pr,) (Entered: 02/19/2004)
03/02/2004	69	MOTION for an order pursuant to 42 USC 1988 and the inherent power of the court granting Betancourt an award of attorney's fees, costs and related expenses. Document filed by Augustine Betancourt. (dle,) (Entered: 03/04/2004)
03/02/2004	70	MEMORANDUM OF LAW in Support re: 69 MOTION for Attorney Fees. (nite dep. box). Document filed by Augustine Betancourt. (pa,) (Entered: 03/05/2004)
03/02/2004	71	DECLARATION of Eric Twiste in Support re: 69 MOTION for Attorney Fees.(nite dep. box). Document filed by Augustine Betancourt. (pa,) (Entered: 03/05/2004)
03/16/2004	72	ENDORSED LETTER addressed to Judge Marrero from Ave Maria Brennan dated 3/12/04 re: Counsel requests an extension of the motion schedule for the motion for attorney's fees. Request granted. The briefing schedule with regard to the motion for attorney's fees is extended so that responses are due by 4/19/04 and reply due by 4/26/04. (Signed by Judge Victor Marrero on 3/12/04) Copies Faxed By Chambers.(sb,) (Entered: 03/19/2004)
04/14/2004		USCA SCHEDULING ORDER as to 68 Notice of Appeal, filed by Augustine Betancourt USCA Case Number 04-0926-cv. Roseann B. MacKechnie, Clerk USCA. Certified: 3/31/04. Appeal Record due by 5/5/2004. Appellant Brief due by 5/12/2004. Appellee Brief due by 6/11/2004. (tp,) (Entered: 04/14/2004)
04/15/2004	73	ENDORSED LETTER addressed to Magistrate Judge Thomas P. Griesa from Ave Maria Brennan dated 4/13/04 re: request for an extension of time until 5/3/04 to respond to plaintiffs motion for attorneys fees, and 5/26/04 for plaintiffs to reply. Application GRANTED. (Signed by Judge Thomas P. Griesa on 4/14/04) Copies Faxed by Chambers.(db,) (Entered: 04/19/2004)
04/15/2004		Set/Reset Deadlines as to 69 MOTION for Attorney Fees. Responses due by 5/3/2004 Replies due by 5/26/2004. (db,) (Entered: 04/19/2004)
04/21/2004	74	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for 68 Notice of Appeal, filed by Augustine Betancourt USCA Case Number 04-0926-cv, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp,) (Entered: 04/21/2004)
05/03/2004	75	RESPONSE to Motion re: 69 MOTION for Attorney Fees. (nite dep. box.) Document filed by Rudolph W. Giuliani. Howard Safir and the City of New York (pa,) Modified on 5/4/2004 (pa,). (Entered: 05/04/2004)
05/03/2004	76	MEMORANDUM OF LAW in (response) Opposition re: 69 MOTION for Attorney Fees. (nite dep. box). Document filed by Rudolph W. Giuliani, Howard New York City Police Commissioner, The City of New York. (pa,) (Entered: 05/04/2004)
05/21/2004	77	ENDORSED LETTER addressed to Judge Marrero from Eric Twiste dated 5/20/04 re: Request GRANTED. The date for filing plaintiff's reply papers to his attorney's fees applications herein is extended to 6/9/04. (Signed by Judge Victor Marrero on 5/21/04) Copies Faxed By Chambers.(tp,) (Entered: 05/25/2004)
05/21/2004		Set/Reset Deadlines: Replies due by 6/9/2004. (tp,) (Entered: 05/25/2004)
06/08/2004	78	ENDORSED LETTER addressed to Judge Marrero from Eric Twiste dated 6/7/04 re: granting plaintiffs request; the time for plaintiff to file reply papers in connection with

		the application for atty. fees herein is extended to 6/23/04. (Signed by Judge Victor Marrero on 6/7/04) Copies Faxed By Chambers.(pl,) (Entered: 06/10/2004)
06/08/2004		Set/Reset Scheduling Order Deadlines: Replies to motion for attorney fees due by 6/23/2004. (pl,) (Entered: 06/10/2004)
06/23/2004	79	REPLY MEMORANDUM OF LAW in Support re: 69 MOTION for Attorney Fees.. Document filed by Augustine Betancourt. (djc,) (Entered: 06/25/2004)
07/14/2004	80	ORDER granting 69 Motion for Attorney Fees and the defendant City of New York is found liable to Betancourt in the amount of \$55,976.19. The Clerk of Court is directed to enter judgment accordingly and close this case. (sent to judgment clerk on 7/15/2004).. (Signed by Judge Victor Marrero on 7/13/2004) (jsa,) (Entered: 07/15/2004)
07/16/2004	81	JUDGMENT # 04,1340 on Attorney Fees. Fees awarded to Augustine Betancourt against The City of NY in the amount of \$ 55,976.19. (Signed by J. Michael McMahon, clerk on 7/16/04) (ml,) (Entered: 07/16/2004)
07/26/2004		Mailed notice of Right to Appeal to Attorney(s) of Record: Albert Fredericks, Douglas Lasdon, Daniel J. Leffell. (snu,) (Entered: 07/29/2004)
04/25/2005		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for 68 Notice of Appeal, filed by Augustine Betancourt, USCA Case Number 04-0926, were transmitted to the U.S. Court of Appeals to the attention of Vincenza Mathias on 4/26/05. (tp,) (Entered: 04/25/2005)
06/23/2006	82	MANDATE of USCA (Certified Copy) as to 68 Notice of Appeal, filed by Augustine Betancourt, USCA Case Number 04-0926. Ordered, Adjudged and Decreed that the judgment of the District Court is AFFIRMED in accordance with the opinion of this court. Roseann B. MacKechnie, Clerk USCA. Issued As Mandate: 6/8/2006. (nd,) (Entered: 06/26/2006)
06/26/2006		Transmission of USCA Mandate/Order to the District Judge re: 82 USCA Mandate,. (nd,) (Entered: 06/26/2006)
08/11/2006		Appeal Record Returned. Indexed record on Appeal Files for 68 Notice of Appeal, filed by Augustine Betancourt, USCA Case Number 04-0926, returned from the U.S. Court of Appeals. (nd,) (Entered: 08/17/2006)