

CLOSED, ECF, LEAD, RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:11-cv-01300-LAP**

Barley v. The City of New York et al
Assigned to: Judge Loretta A. Preska
Member case: ([View Member Case](#))

Related Cases: [1:11-cv-02150-LAP](#)
[1:11-cv-02149-LAP](#)
[1:11-cv-02697-LAP](#)
[1:12-cv-01103-LAP](#)
[1:11-cv-01301-LAP](#)

Date Filed: 02/24/2011
Date Terminated: 03/29/2012
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Case in other court: State Court-Supreme, 301151-11
Cause: 28:1441 Notice of Removal

Plaintiff

Robert Barley

represented by **Seth A. Harris**
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ATTORNEY TO BE NOTICED

V.

Consolidated Plaintiff

Ralph Raia

Consolidated Plaintiff

Maria Nee

Consolidated Plaintiff

John Paccione

Consolidated Plaintiff

Madeline Paccione

Consolidated Plaintiff

Damarie Aquino

represented by **Christopher James Donadio**
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Consolidated Plaintiff

Marva Harrison

represented by **Christopher James Donadio**
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ATTORNEY TO BE NOTICED

V.

Defendant

The City of New York

represented by **Noe Ramon Noel Ilano**
Corporation Counsel Office City of New
York
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Defendant

**New York City Department of
Corrections**

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Defendant

Bernard B. Kerik

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Defendant

Gary M. Lanigan

represented by **Noe Ramon Noel Ilano**
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Defendant

William J. Fraser

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Defendant

Martin F. Horn

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Defendant**John J. Antonelli**

represented by **Noe Ramon Noel Ilano**
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ATTORNEY TO BE NOTICED

Scot C. Gleason
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Defendant**Dora B. Schriro**

represented by **Noe Ramon Noel Ilano**
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ATTORNEY TO BE NOTICED

Scot C. Gleason
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ATTORNEY TO BE NOTICED

Defendant**City of New York Department of Health and Mental Hygiene**

represented by **Noe Ramon Noel Ilano**
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Scot C. Gleason
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Date Filed	#	Docket Text
02/24/2011	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of Bronx. Case Number: 301151-11. (Filing Fee \$ 350.00, Receipt Number 301151-11). Document filed by Gary M. Lanigan, William J. Fraser, John J. Antonelli, Martin F. Horn, Dora B. Schriro, Bernard B. Kerik.(rdz) (ama). (Entered: 02/25/2011)
02/24/2011		Magistrate Judge Michael H. Dolinger is so designated. (rdz) (Entered: 02/25/2011)
02/24/2011		Case Designated ECF. (rdz) (Entered: 02/25/2011)
03/01/2011	<u>2</u>	AFFIDAVIT OF SERVICE of Notice of Removal served on Robert Barley on 2/25/2011. Service was made by Mail. Document filed by City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York. (Ilano, Noe Ramon) (Entered: 03/01/2011)
03/16/2011	<u>3</u>	DEMAND for Trial by Jury. Document filed by Robert Barley(Harris, Seth) (Entered: 03/16/2011)
03/16/2011	<u>4</u>	ANSWER to Complaint. Document filed by John J. Antonelli, Robert Barley, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York.(Ilano, Noe Ramon) (Entered: 03/16/2011)
03/16/2011	<u>5</u>	AFFIDAVIT OF SERVICE of Answer served on Robert Barley on 3/16/2011. Service was made by Mail. Document filed by John J. Antonelli, Robert Barley, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York. (Ilano, Noe Ramon) (Entered: 03/16/2011)

03/29/2011	<u>6</u>	ENDORSED LETTER addressed to Judge Richard M. Berman and Judge Richard J. Holwell from Noe Ramon Ilano dated 3/10/2011 re: Defendants believe no legal basis exists for these claims and they will be moving to dismiss both actions pursuant to F.R.C.P. 12(b) utilizing the identical arguments. ENDORSEMENT: The initial pre-trial conference scheduled for 3/31/11 in Raia v. The City of New York is vacated. (Signed by Judge Richard M. Berman on 3/29/2011) (tro) Modified on 3/30/2011 (tro). Modified on 3/31/2011 (tro). (Entered: 03/30/2011)
04/06/2011	<u>7</u>	AMENDED ANSWER to. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York. (Ilano, Noe Ramon) (Entered: 04/06/2011)
04/06/2011	<u>8</u>	AFFIDAVIT OF SERVICE of Aff of Service served on Robert Barley on 4/5/2011. Service was made by MAIL. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York. (Ilano, Noe Ramon) (Entered: 04/06/2011)
05/20/2011	<u>9</u>	INITIAL SCHEDULING CONFERENCE NOTICE AND ORDER: Initial Scheduling Conference set for 5/25/2011 at 10:00 AM in Courtroom 17B, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Holwell. (Signed by Judge Richard J. Holwell on 5/16/2011) (tro) (Entered: 05/20/2011)
05/26/2011		Minute Entry for proceedings held before Judge Richard J. Holwell: Initial Pretrial Conference held on 5/26/2011. The Court directs that the following cases be consolidated: 11cv01301, 11cv02149, 11cv02150, 11cv02697, and 11cv03277 be consolidated under this number. The briefing schedule on MTD set, Defendant to file by June 8, 2011 w/ cover letter explaining position on staying discovery. Plaintiff to file letter response about discovery by June 15, 2011. Plaintiff to oppose by July 8, 2011. Defendant to reply by July 25, 2011 (mbe) (Entered: 07/19/2011)
05/26/2011		Minute Entry for proceedings held before Judge Richard J. Holwell: Replies due by 7/25/2011. (mbe) (Entered: 07/19/2011)
06/02/2011	<u>10</u>	ORDER: It is hereby ORDERED that the above captioned action be consolidated for all purposes under the docket number of the lead case Barley v. City of New York, 11 Civ. 1300. Defendants shall file their motion to dismiss by 6/8/2011, with a cover letter explaining any request to stay discovery pending the resolution of their motion. Plaintiffs shall file a letter response on the issue of staying discovery by 6/15/2011. Any opposition to the motion to dismiss shall be filed by 7/8/2011. Any reply shall be filed by 7/25/2011. (Motions due by 6/8/2011. Responses due by 7/8/2011, Replies due by 7/25/2011.) (Signed by Judge Richard J. Holwell on 6/2/2011) Filed In Associated Cases: 1:11-cv-01300-RJH et al.(tro) (Entered: 06/02/2011)
06/08/2011	<u>11</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION to Dismiss. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Dora B. Schiro, The City of New York, Dora B. Schriro, The City of New York, Bernard B. Kerik, The City of New York, William J. Fraser, New York City Department of Corrections, The City of New York. Responses due by 7/8/2011 Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) Modified on 6/8/2011 (db). (Entered: 06/08/2011)
06/08/2011	<u>12</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MEMORANDUM OF LAW in Support re: (11 in 1:11-cv-01300-RJH, 8 in 1:11-cv-02697-RJH, 10 in 1:11-cv-02149-RJH, 10 in 1:11-cv-02150-RJH, 6 in 1:11-cv-03277-RJH, 11 in 1:11-cv-01301-RJH) MOTION to Dismiss.. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City

		Department Of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Dora B. Schiro, The City of New York, Dora B. Schriro, The City of New York, Bernard B. Kerik, The City of New York, William J. Fraser, New York City Department of Corrections, The City of New York. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) Modified on 6/8/2011 (db). (Entered: 06/08/2011)
06/08/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Noe Ramon Ilano to RE-FILE Document (11 in 1:11-cv-01300-RJH, 8 in 1:11-cv-02697-RJH, 10 in 1:11-cv-02149-RJH, 10 in 1:11-cv-02150-RJH, 6 in 1:11-cv-03277-RJH, 11 in 1:11-cv-01301-RJH) MOTION to Dismiss. ERROR(S): Wrong Motion Type selected from Motions Menu - Select Judgment on the Pleadings. REMINDER - DO NOT attach letter to pdf. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(db) (Entered: 06/08/2011)
06/08/2011	<u>13</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Noe Ramon N. Ilano in Support re: (8 in 1:11-cv-02697-RJH, 6 in 1:11-cv-03277-RJH, 11 in 1:11-cv-01300-RJH, 10 in 1:11-cv-02149-RJH, 10 in 1:11-cv-02150-RJH, 11 in 1:11-cv-01301-RJH) MOTION to Dismiss.. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Dora B. Schiro, The City of New York, Dora B. Schriro, The City of New York, Bernard B. Kerik, The City of New York, William J. Fraser, New York City Department of Corrections, The City of New York. (Attachments: # <u>1</u> Exhibit Barley S# <u>2</u> Exhibit Barley Answer, # <u>3</u> Exhibit Raia S# <u>4</u> Exhibit Raia Answer, # <u>5</u> Exhibit Nee S# <u>6</u> Exhibit Nee Answer, # <u>7</u> Exhibit Paccione S# <u>8</u> Exhibit Paccione Answer, # <u>9</u> Exhibit Aquino S# <u>10</u> Exhibit Aquino Answer, # <u>11</u> Exhibit Harrison S# <u>12</u> Exhibit Harrison Answer, # <u>13</u> Exhibit 3/9/11 Decision)Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) Modified on 6/8/2011 (db). (Entered: 06/08/2011)
06/08/2011	<u>14</u>	MOTION for Judgment on the Pleadings. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York. Responses due by 7/8/2011Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) (Entered: 06/08/2011)
06/08/2011	<u>15</u>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - NOTICE of Motion Cover Letter. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York, Martin F. Horn, Dora B. Schiro, The City of New York, Dora B. Schriro, The City of New York, Bernard B. Kerik, The City of New York, William J. Fraser, New York City Department of Corrections, The City of New York. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) Modified on 6/9/2011 (Idi). (Entered: 06/08/2011)
06/08/2011	<u>16</u>	AFFIDAVIT OF SERVICE of Motion Papers served on Plaintiffs Firm - Burns & Harris on 6/8/11. Service was accepted by Ava Hardison - Paralegal. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Marva Harrison, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department of Corrections, Dora B. Schriro, The City of New York. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) (Entered: 06/08/2011)
06/08/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Noe Ramon Noel Ilano to RE-FILE Document (12 in 1:11-cv-01300-RJH, 11 in 1:11-cv-02149-RJH, 7 in

		1:11-cv-03277-RJH, 12 in 1:11-cv-01301-RJH, 9 in 1:11-cv-02697-RJH, 11 in 1:11-cv-02150-RJH) Memorandum of Law in Support of Motion, (13 in 1:11-cv-01301-RJH, 12 in 1:11-cv-02149-RJH, 10 in 1:11-cv-02697-RJH, 13 in 1:11-cv-01300-RJH, 8 in 1:11-cv-03277-RJH, 12 in 1:11-cv-02150-RJH) Declaration in Support of Motion. ERROR(S): Documents linked to filing error. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(db) (Entered: 06/08/2011)
06/08/2011		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. (15) HAS BEEN REJECTED. Note to Attorney Noe Ramon Noel Ilano : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(ldi) (Entered: 06/09/2011)
06/09/2011	<u>17</u>	MEMORANDUM OF LAW in Support re: (11 in 1:11-cv-02697-RJH, 14 in 1:11-cv-01301-RJH, 13 in 1:11-cv-02149-RJH, 9 in 1:11-cv-03277-RJH, 14 in 1:11-cv-01300-RJH, 13 in 1:11-cv-02150-RJH) MOTION for Judgment on the Pleadings.. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) (Entered: 06/09/2011)
06/09/2011	<u>18</u>	DECLARATION of Noe Ramon N. Ilano in Support re: (11 in 1:11-cv-02697-RJH, 14 in 1:11-cv-01301-RJH, 13 in 1:11-cv-02149-RJH, 9 in 1:11-cv-03277-RJH, 13 in 1:11-cv-02150-RJH, 14 in 1:11-cv-01300-RJH) MOTION for Judgment on the Pleadings.. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York. (Attachments: # <u>1</u> Exhibit Barley S# <u>2</u> Exhibit Barley Answer, # <u>3</u> Exhibit Raia S# <u>4</u> Exhibit Raia Answer, # <u>5</u> Exhibit Nee S# <u>6</u> Exhibit Nee Answer, # <u>7</u> Exhibit Paccione S# <u>8</u> Exhibit Paccione Answer, # <u>9</u> Exhibit Aquinio S# <u>10</u> Exhibit Aquino Answer, # <u>11</u> Exhibit Harrison S# <u>12</u> Exhibit Harrison Answer, # <u>13</u> Exhibit 3/9/11 Order)Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) (Entered: 06/09/2011)
07/21/2011	<u>19</u>	STIPULATION AND ORDER ADJOURNING MOTION TO DISMISS: It is hereby stipulated and agreed, by and between the undersigned attorneys for the parties hereto, the plaintiff(s) time to file opposition has been enlarged from July 8, 2011 to August 8, 2011. And defendant(s) time to reply has now been enlarged from July 25, 2011, to August 25, 2011. So Ordered (Signed by Judge Richard J. Holwell on 7/19/2011) Filed In Associated Cases: 1:11-cv-01300-RJH et al.(js) (Entered: 07/21/2011)
08/01/2011	<u>20</u>	ORDER: The Court is in receipt of the parties' letters regarding the propriety of a stay in this case, and GRANTS defendants' request. Because defendants have made the requisite showing on the breadth of discovery sought and the burden of responding to it, as well as on the strength of their dispositive motion, and because a stay in this case, which will last only a few months, will not prejudice the plaintiffs, the Court stays discovery pending resolution of the motion for judgment on the pleadings. (Signed by Judge Richard J. Holwell on 7/28/11) (js) (Entered: 08/01/2011)
08/08/2011	<u>21</u>	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION to Amend/Correct. Document filed by Robert Barley. (Attachments: # <u>1</u> Exhibit amended complaint, # <u>2</u> Exhibit amended complaint, # <u>3</u> Exhibit amended complaint, # <u>4</u> Exhibit amended complaint, # <u>5</u> Exhibit amended complaint, # <u>6</u> Exhibit amended complaint)(Harris, Seth) Modified on 8/9/2011 (ldi). (Entered: 08/08/2011)
08/08/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Seth A. Harris to RE-FILE Document <u>21</u> MOTION to Amend/Correct. Use the event type Affirmation in Opposition to Motion found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 08/09/2011)

08/09/2011	<u>22</u>	AFFIRMATION of Christopher J. Donadio in Opposition re: <u>14</u> MOTION for Judgment on the Pleadings.. Document filed by Robert Barley. (Attachments: # <u>1</u> Exhibit amended complaint, # <u>2</u> Exhibit amended complaint, # <u>3</u> Exhibit amended complaint, # <u>4</u> Exhibit amended complaint, # <u>5</u> Exhibit amended complaint, # <u>6</u> Exhibit amended complaint)(Harris, Seth) (Entered: 08/09/2011)
08/15/2011	<u>23</u>	ENDORSED LETTER addressed to Judge Richard J. Holwell from Noc Ramon Ilano dated 8/9/2011 re: Counsel writes to advise the Court that plaintiff's counsel has filed two further complaints in regards to the above matter. ENDORSEMENT: For the same reasons stated on the Court's June 2, 2011 Order in Barley v. City of New York [11 cv 1300, Dkt. No. 10], 11 Civ. 4780 and 11 cv 5043 shall be consolidated under the docket number of the lead case Barley v. City of New York, 11 Civ. 1300. So Ordered. (Signed by Judge Richard J. Holwell on 8/11/2011) Filed In Associated Cases: 1:11-cv-01300-RJH et al.(jfe) (Entered: 08/15/2011)
09/07/2011	<u>24</u>	STIPULATION AND ORDER: Defendants' time to reply has been adjourned from 8/25/2011 to 9/9/2011. (Replies due by 9/9/2011.) (Signed by Judge Richard J. Holwell on 9/6/2011) Filed In Associated Cases: 1:11-cv-01300-RJH et al. (ab) (Entered: 09/07/2011)
09/09/2011	<u>25</u>	FIRST REPLY MEMORANDUM OF LAW in Support re: (11 in 1:11-cv-02697-RJH, 14 in 1:11-cv-01301-RJH, 13 in 1:11-cv-02149-RJH, 9 in 1:11-cv-03277-RJH, 14 in 1:11-cv-01300-RJH, 13 in 1:11-cv-02150-RJH) MOTION for Judgment on the Pleadings. <i>City's Reply</i> . Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York. Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) (Entered: 09/09/2011)
09/09/2011	<u>26</u>	DECLARATION of Noe Ramon Ilano in Support re: (11 in 1:11-cv-02697-RJH, 14 in 1:11-cv-01301-RJH, 13 in 1:11-cv-02149-RJH, 9 in 1:11-cv-03277-RJH, 14 in 1:11-cv-01300-RJH, 13 in 1:11-cv-02150-RJH) MOTION for Judgment on the Pleadings.. Document filed by John J. Antonelli, City of New York Department of Health and Mental Hygiene, William J. Fraser, Martin F. Horn, Bernard B. Kerik, Gary M. Lanigan, New York City Department Of Corrections, Dora B. Schriro, The City of New York. (Attachments: # <u>1</u> Exhibit Rikers Island Cancer Study)Filed In Associated Cases: 1:11-cv-01300-RJH et al.(Ilano, Noe Ramon) (Entered: 09/09/2011)
12/20/2011	<u>27</u>	ENDORSED LETTER addressed to Judge Richard J. Holwell from Noe Ramon Ilano dated 12/19/11 re: Counsel for the defendants writes to request that due to the fact that there is a pending motion related to these cases, please cancel the initial conference scheduled for 1/6/12. ENDORSEMENT: Conferences in 11cv6296 and 11cv6297 adjourned sine die. (Signed by Judge Richard J. Holwell on 12/19/2011) Filed In Associated Cases: 1:11-cv-01300-RJH et al.(mro) (Entered: 12/20/2011)
03/20/2012	<u>28</u>	NOTICE OF CASE REASSIGNMENT to Judge Loretta A. Preska. Judge Richard J. Holwell is no longer assigned to the case. (pgu) (Entered: 03/20/2012)
03/28/2012	<u>29</u>	MEMORANDUM AND ORDER granting (14) Motion for Judgment on the Pleadings in case 1:11-cv-01300-LAP; granting (14) Motion for Judgment on the Pleadings in case 1:11-cv-01301-LAP; granting (13) Motion for Judgment on the Pleadings in case 1:11-cv-02149-LAP; granting (13) Motion for Judgment on the Pleadings in case 1:11-cv-02150-LAP; granting (11) Motion for Judgment on the Pleadings in case 1:11-cv-02697-LAP; granting (9) Motion for Judgment on the Pleadings in case 1:11-cv-03277-LAP. Defendants' motion for judgment on the pleadings is GRANTED as to consolidated cases 11 Civ. 1300 [Dkt. No. 14], 11 Civ. 1301 [Dkt. No. 14], 11 Civ. 2149 [Dkt. No. 13], 11 Civ. 2150 [Dkt. No. 13], 11 Civ. 2697 [Dkt. No. 11], 11 Civ. 3277 [Dkt. No.9], 11 Civ. 4780, and 11 Civ. 5043, and all cross-motions [Dkt. No. 22 in 11 Civ. 1300] are DENIED as moot. Plaintiffs MITCHELL, BARTHOLOMEW, SCHWARTZ, KELLY, and MOORE shall show cause within thirty (30) days of the date hereof why their complaints should not also be dismissed for failure to state a claim. (Signed by Judge Loretta A. Preska on 3/28/2012) Filed In Associated Cases: 1:11-cv-01300-LAP et al.(ft) (Entered: 03/28/2012)

03/28/2012		Transmission to Judgments and Orders Clerk. Transmitted re: (11 in 1:11-cv-05043-LAP) Order on Motion for Judgment on the Pleadings to the Judgments and Orders Clerk. Filed In Associated Cases: 1:11-cv-01300-LAP et al.(ft) (Entered: 03/28/2012)
03/29/2012	<u>30</u>	CLERK'S JUDGMENT That for the reasons set forth in the Courts Memorandum and Order dated March 28, 2012, Defendants' motion for judgment on the pleadings is granted as to consolidated cases 11 Civ. 1300, 11 Civ. 1301, 11 Civ. 2149, 11 Civ. 2150, 11 Civ. 2697, 11 Civ. 3277, 11 Civ. 4780, and 11 Civ. 5043, and all cross-motions are denied as moot; The Court directs Plaintiffs MITCHELL, BARTHOLOMEW, SCHWARTZ, KELLY, and MOORE to show cause within thirty (30) days of the date hereof of the Memorandum and Order dated March 28, 2012 why their complaints should not also be dismissed for failure to state a claim. (Signed by Clerk of Court Ruby Krajick on 3/29/12) (Attachments: # <u>1</u> notice of right to appeal)Filed In Associated Cases: 1:11-cv-01300-LAP et al.(ml) (Entered: 03/29/2012)