

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:09-cv-00849-WMS-JJM

United States of America v. Erie County, New York
Assigned to: Hon. William M. Skretny
Referred to: Hon. Jeremiah J. McCarthy
Related Case: 1:11-cv-00492-WMS-LGF
Cause: 28:1335 Interpleader Action

Date Filed: 09/30/2009
Date Terminated: 08/29/2011
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

United States of America

represented by **Aaron Saul Fleisher**
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TERMINATED: 03/19/2010

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V.

Defendant

Erie County, New York

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TERMINATED: 03/19/2012

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TERMINATED: 10/22/2010

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TERMINATED: 11/15/2010

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TERMINATED: 03/19/2012

Defendant

Chris Collins
County Executive
TERMINATED: 08/26/2011

represented by **Brian R. Liebenow**
(See above for address)
TERMINATED: 03/19/2012

Cheryl A. Green
(See above for address)
TERMINATED: 10/22/2010

David J. Sleight
(See above for address)
TERMINATED: 11/10/2011

Jeremy A. Colby
(See above for address)
TERMINATED: 03/19/2012

Kristin Klein Wheaton
(See above for address)
TERMINATED: 11/15/2010

Thomas F. Kirkpatrick , Jr.
(See above for address)
TERMINATED: 03/19/2012

Defendant

Anthony Billittier
IV, MD, County Health Commissioner
TERMINATED: 08/26/2011

represented by **Jeremy A. Colby**
(See above for address)
TERMINATED: 03/19/2012
LEAD ATTORNEY

Thomas F. Kirkpatrick , Jr.
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Brian R. Liebenow
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Cheryl A. Green
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TERMINATED: 10/22/2010

David J. Sleight
(See above for address)
TERMINATED: 11/10/2011

Kristin Klein Wheaton
(See above for address)
TERMINATED: 11/15/2010

Defendant

Timothy B. Howard
Erie County Sheriff

represented by **Brian R. Liebenow**
(See above for address)

TERMINATED: 08/26/2011

TERMINATED: 03/19/2012

Cheryl A. Green
(See above for address)
TERMINATED: 10/22/2010

David J. Sleight
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TERMINATED: 11/10/2011

Jeremy A. Colby
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TERMINATED: 03/19/2012

Kristin Klein Wheaton
(See above for address)
TERMINATED: 11/15/2010

Thomas F. Kirkpatrick , Jr.
(See above for address)
TERMINATED: 03/19/2012

Defendant

Richard T. Donovan
Erie County Undersheriff
TERMINATED: 08/26/2011

represented by **Jeremy A. Colby**
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TERMINATED: 03/19/2012
LEAD ATTORNEY

Thomas F. Kirkpatrick , Jr.
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TERMINATED: 10/22/2010

David J. Sleight
(See above for address)
TERMINATED: 11/10/2011

Kristin Klein Wheaton
(See above for address)
TERMINATED: 11/15/2010

Defendant

Robert Koch
Superintendent Administrative Services
Division, Jail Management Division
TERMINATED: 08/26/2011

represented by **Jeremy A. Colby**
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TERMINATED: 03/19/2012
LEAD ATTORNEY

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David J. Sleight
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TERMINATED: 11/10/2011

Kristin Klein Wheaton
(See above for address)
TERMINATED: 11/15/2010

Defendant

Barbara Leary
*First Deputy Superintendent for Erie
County Holding Center
TERMINATED: 08/26/2011*

represented by **Jeremy A. Colby**
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TERMINATED: 10/22/2010

David J. Sleight
(See above for address)
TERMINATED: 11/10/2011

Kristin Klein Wheaton
(See above for address)
TERMINATED: 11/15/2010

Defendant

Donald Livingston
*First Deputy Superintendent for Erie
County Correctional Facility
TERMINATED: 08/26/2011*

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David J. Sleight
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TERMINATED: 11/10/2011

Kristin Klein Wheaton
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TERMINATED: 11/15/2010

Intervenor

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Movant

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Movant

Erie County Prisoner Rights Coalition

represented by **Arthur N. Eisenberg**
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Movant

Partnership for the Public Good

represented by

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Corey Stoughton
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Date Filed	#	Docket Text
09/30/2009	<u>1</u>	COMPLAINT against Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier, filed by United States of America. (Attachments: #(1) Continuance of Exhibits.) (DLC) (Entered: 09/30/2009)
09/30/2009	<u>2</u>	AUTOMATIC REFERRAL to Mediation. (DLC) (Entered: 09/30/2009)
09/30/2009		Summons Issued as to Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (DLC) (Entered: 09/30/2009)
09/30/2009	<u>3</u>	NOTICE of Appearance by Mary Pat Fleming on behalf of United States of America (Fleming, Mary) (Entered: 09/30/2009)
10/19/2009	<u>4</u>	AFFIDAVIT of Service for Summons & Complaint served on Barbara Leary, First Deputy Superintendent Erie County Holding Center on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)
10/19/2009	<u>5</u>	AFFIDAVIT of Service for Summons & Complaint served on Timothy B. Howard, Erie County Sheriff on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)
10/19/2009	<u>6</u>	AFFIDAVIT of Service for Summons & Complaint served on Donald Livingston, First Deputy Superintendent, Erie County Correctional Facility on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)
10/19/2009	<u>7</u>	AFFIDAVIT of Service for Summons & Complaint served on The Honorable Christopher Collins, Erie County Executive on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)
10/19/2009	<u>8</u>	AFFIDAVIT of Service for Summons & Complaint served on Erie County, New York c/o Christopher Collins on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)
10/19/2009	<u>9</u>	AFFIDAVIT of Service for Summons & Complaint served on Anthony Billittier IV, M.D., Erie County Health Commissioner on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)
10/19/2009	<u>10</u>	AFFIDAVIT of Service for Summons & Complaint served on Robert Koch, Superintendent, Administrative Services Division, Jail Management Division on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)
10/19/2009	<u>11</u>	AFFIDAVIT of Service for Summons & Complaint served on Richard T. Donovan, Undersheriff on October 1, 2009, filed by United States of America. (Attachments: # <u>1</u> Exhibit A&B)(Fleming, Mary) (Entered: 10/19/2009)

10/21/2009	<u>12</u>	ORDER GRANTING Defendants' request to extend the page limit to 40 pages. Signed by William M. Skretny U.S.D.J. on 10/21/2009. (MEAL) (Entered: 10/21/2009)
10/21/2009	<u>13</u>	MOTION to Dismiss <i>the Complaint</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier.(Wheaton, Kristin) (Entered: 10/21/2009)
10/21/2009	<u>14</u>	DECLARATION signed by Cheryl A. Green re <u>13</u> MOTION to Dismiss <i>the Complaint</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Attachments: # <u>1</u> Exhibit A – August 2009 letters, # <u>2</u> Exhibit B – 091009 response letter, # <u>3</u> Exhibit C – COC lawsuit Ex A–U, # <u>4</u> Exhibit C – contd– COC lawsuit Ex V–TT)(Wheaton, Kristin) (Entered: 10/21/2009)
10/21/2009	<u>15</u>	MEMORANDUM IN SUPPORT re <u>14</u> Declaration, <u>13</u> MOTION to Dismiss <i>the Complaint</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Attachments: # <u>1</u> Exhibit A – City of Columbus case)(Wheaton, Kristin) (Entered: 10/21/2009)
10/23/2009	<u>16</u>	NOTICE of Appearance by Cheryl A. Green on behalf of Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (DLC) (Entered: 10/27/2009)
11/01/2009	<u>17</u>	TEXT SCHEDULING ORDER on Defendants' <u>13</u> Motion to Dismiss. Response due by 11/23/2009. Reply due by 12/7/2009. Oral Argument is scheduled for 12/16/2009 at 2:00 p.m. SO ORDERED. Issued by William M. Skretny U.S.D.J. on 10/29/2009. (MEAL) (Entered: 11/01/2009)
11/03/2009		CALENDAR ENTRY: Oral Argument on Defendants' <u>13</u> Motion to Dismiss is scheduled for 12/16/2009 at 2:00 p.m. before William M. Skretny U.S.D.J. (MEAL) (Entered: 11/03/2009)
11/19/2009	<u>18</u>	ORDER GRANTING the Plaintiff's request for a page extension. Signed by William M. Skretny U.S.D.J. on 11/18/2009. (MEAL) (Entered: 11/19/2009)
11/23/2009	<u>19</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss <i>the Complaint</i> filed by United States of America. (Attachments: # <u>1</u> Supplement Declaration of United States Attorney)(Lopez, Zazy) (Entered: 11/23/2009)
12/04/2009	<u>20</u>	NOTICE by United States of America of <i>Appearance by Samuel R. Bagenstos</i> (Hart, Charles) (Entered: 12/04/2009)
12/07/2009	<u>21</u>	REPLY/RESPONSE to re <u>19</u> Response in Opposition to Motion filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 12/07/2009)
12/08/2009	<u>22</u>	ORDER GRANTING page extension request. Signed by William M. Skretny U.S.D.J. on 12/7/2009. (MEAL) (Entered: 12/08/2009)
12/16/2009	<u>23</u>	Minute Entry for proceedings held before William M. Skretny U.S.D.J.: Oral Argument held on 12/16/2009 on Defendants' <u>13</u> Motion to Dismiss the Complaint. Court reserves decision. For the pltf. – Samuel R. Bagenstos, Mary Roach, Zazy Ivonne Lopez. For the defts. – Cheryl Green, Kristin Klein Wheaton. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 12/20/2009)
01/21/2010	<u>24</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on December 16, 2009, before Judge William M. Skretny. Court Reporter/Transcriber Michelle L. McLaughlin, Telephone number 716–332–3560. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 2/11/2010. Redacted Transcript Deadline set for 2/22/2010. Release of Transcript Restriction set for 4/21/2010. (DLC) (Entered: 01/21/2010)
02/04/2010	<u>25</u>	MOTION to Expedite <i>Discovery</i> by United States of America.(Lareau, Alyssa) (Entered: 02/04/2010)

02/04/2010	<u>26</u>	MOTION to Expedite <i>Discovery, Memorandum in Support</i> by United States of America.(Lareau, Alyssa) (Entered: 02/04/2010)
02/04/2010	<u>27</u>	MOTION to Expedite <i>Discovery, Declaration of Aaron Fleisher</i> by United States of America. (Attachments: # <u>1</u> Exhibit Proposed Interrogatories, # <u>2</u> Exhibit Proposed Document Requests, # <u>3</u> Exhibit Proposed Request for Entry and Inspection)(Lareau, Alyssa) (Entered: 02/04/2010)
02/04/2010	<u>28</u>	MOTION to Expedite <i>Discovery, Declaration of Lindsay M. Hayes</i> by United States of America. (Attachments: # <u>1</u> Exhibit Curriculum Vitae of Lindsay M. Hayes, # <u>2</u> Exhibit List of Documents Reviewed)(Lareau, Alyssa) (Entered: 02/04/2010)
02/05/2010		E-Filing Notification: Username and signature do not match (refer to Administrative Procedures Guide Section 1-3c). Action required: re-file document using same signature and password and file updated proof of service. Re: <u>25</u> MOTION to Expedite, and <u>26</u> MOTION to Expedite <i>Discovery, Memorandum in Support. (DOT)</i> (Entered: 02/05/2010)
02/05/2010		E-Filing Notification: Document filed improperly as a motion. Court terminated motions and modified docket text to correctly reflect filing event as Declarations. No action required. Re: <u>27</u> Declaration of Aaron Fleisher, and <u>28</u> Declaration of Lindsay M. Hayes. (DLC) (Entered: 02/05/2010)
02/05/2010	<u>29</u>	MOTION to Expedite <i>Discovery</i> by United States of America.(Lareau, Alyssa) (Entered: 02/05/2010)
02/05/2010	<u>30</u>	Memorandum in Support to expedite by United States of America.(Lareau, Alyssa) Modified on 2/17/2010 (DLC). (Entered: 02/05/2010)
02/17/2010	31	TEXT SCHEDULING ORDER on Plaintiff's <u>29</u> Motion to Expedite Discovery. Response due by 2/23/2010. Reply due by 2/26/2010. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 2/16/2010. (MEAL) (Entered: 02/17/2010)
02/17/2010		E-Filing Notification: Document filed improperly as a motion. Court terminated motion and modified docket text to correctly reflect filing event. No action required. ***Motions terminated: <u>30</u> MOTION to Expedite <i>Discovery, Memorandum in Support</i> filed by United States of America. (DLC) (Entered: 02/17/2010)
02/23/2010	<u>32</u>	DECLARATION signed by Robert A. Koch, Jr. re <u>29</u> MOTION to Expedite <i>Discovery, 25</i> MOTION to Expedite <i>Discovery</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier <i>in opposition to the DOJ's motion to expedite discovery</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Attachments: # <u>1</u> Exhibit A – Suicide Screening Policy, # <u>2</u> Exhibit B – Training materials, # <u>3</u> Exhibit C – Constant Observation policy, # <u>4</u> Exhibit D – Technical Assistance Report, # <u>5</u> Exhibit E – NCCHC standards on suicide prevention)(Wheaton, Kristin) (Entered: 02/23/2010)
02/23/2010	<u>33</u>	DECLARATION signed by Cheryl A. Green re <u>29</u> MOTION to Expedite <i>Discovery, 25</i> MOTION to Expedite <i>Discovery</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier <i>in opposition to the DOJ's motion to expedite discovery</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 02/24/2010)
02/24/2010	<u>34</u>	MEMORANDUM in Opposition re <u>29</u> MOTION to Expedite <i>Discovery, 30</i> MOTION to Expedite <i>Discovery, Memorandum in Support, 25</i> MOTION to Expedite <i>Discovery, 28</i> MOTION to Expedite <i>Discovery, Declaration of Lindsay M. Hayes, 26</i> MOTION to Expedite <i>Discovery, Memorandum in Support, 27</i> MOTION to Expedite <i>Discovery, Declaration of Aaron Fleisher</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 02/24/2010)
02/26/2010	<u>35</u>	ORDER GRANTING Plaintiff's page extension request. Signed by William M. Skretny, Chief Judge U.S.D.C. on 2/25/2010. (MEAL) (Entered: 02/26/2010)

02/26/2010	<u>36</u>	REPLY to Response to Motion re <u>29</u> MOTION to Expedite <i>Discovery</i> filed by United States of America. (Hart, Charles) (Entered: 02/26/2010)
02/26/2010	<u>37</u>	DECLARATION signed by Zazy I. Lopez re <u>36</u> Reply to Response to Motion filed by United States of America filed by United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Hart, Charles) (Entered: 02/26/2010)
02/26/2010	<u>38</u>	DECLARATION signed by Lindsay M. Hayes re <u>36</u> Reply to Response to Motion filed by United States of America filed by United States of America. (Hart, Charles) (Entered: 02/26/2010)
02/26/2010	<u>39</u>	DECLARATION signed by James E. Lawrence re <u>36</u> Reply to Response to Motion filed by United States of America filed by United States of America. (Attachments: # <u>1</u> Exhibit 1)(Hart, Charles) (Entered: 02/26/2010)
03/01/2010		E-Filing Notification: Username and signature do not match (refer to Administrative Procedures Guide Section 1-3c). Action required: re-file document using same signature and password and file updated proof of service. Re: <u>36</u> REPLY to Response to Motion re <u>29</u> MOTION to Expedite <i>Discovery</i> filed by United States of America. (Hart, Charles.) (DLC) (Entered: 03/01/2010)
03/01/2010	<u>40</u>	REPLY to Response to Motion re <u>29</u> MOTION to Expedite <i>Discovery</i> filed by United States of America. (Lopez, Zazy) (Entered: 03/01/2010)
03/04/2010	<u>41</u>	MOTION for Leave to File <i>Supplemental Declaration</i> by United States of America. (Attachments: # <u>1</u> Proposed Declaration of Zazy I. Lopez)(Lopez, Zazy) (Entered: 03/04/2010)
03/06/2010	<u>42</u>	DECISION AND ORDER GRANTING the Justice Department's <u>29</u> Motion for Expedited Discovery; DIRECTING the defendants to respond to the [27-2] First Set of Interrogatories within 14 days of service; DIRECTING the defendants to respond to the [27-3] First Request for Production of Documents within 14 days of service; DIRECTING the defendants to respond to the [27-4] First Request for Entry and Inspection within 14 days of service; DIRECTING the defendants to permit the Justice Department's attorneys and consultants to enter and inspect the ECHC on March 22 and 23, 2010, for the purposes stated in the [27-4] First Request for Entry and Inspection; GRANTING the Justice Department's <u>41</u> Motion to File a Supplemental Declaration. Signed by William M. Skretny, Chief Judge U.S.D.C. on 3/6/2010. (MEAL) (Entered: 03/06/2010)
03/11/2010	<u>43</u>	MOTION to Compel <i>Defendants' Compliance with the Court's March 6, 2010 Decision and Order</i> by United States of America. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Lopez, Zazy) (Entered: 03/11/2010)
03/11/2010	<u>44</u>	DECLARATION signed by Zazy I. Lopez re <u>43</u> MOTION to Compel <i>Defendants' Compliance with the Court's March 6, 2010 Decision and Order</i> filed by United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Lopez, Zazy) (Entered: 03/11/2010)
03/11/2010	<u>45</u>	MOTION to Expedite <i>Hearing of Motion to Compel (Docket No. 43)</i> by United States of America.(Lopez, Zazy) (Entered: 03/11/2010)
03/12/2010	<u>46</u>	MOTION for Protective Order <i>and for a FRCP 16 conference</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier.(Wheaton, Kristin) (Entered: 03/12/2010)
03/12/2010	<u>47</u>	AFFIDAVIT re <u>46</u> MOTION for Protective Order <i>and for a FRCP 16 conference</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Attachments: # <u>1</u> Exhibit A - County Response to FRCP 34 Notice of Entry and Inspection, # <u>2</u> Exhibit B - Consent Decree from Carey case)(Wheaton, Kristin) (Entered: 03/12/2010)
03/12/2010	<u>48</u>	MEMORANDUM IN SUPPORT re <u>47</u> Affidavit, <u>46</u> MOTION for Protective Order <i>and for a FRCP 16 conference</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 03/12/2010)

03/12/2010	<u>49</u>	MOTION to Expedite <i>Hearing under Local Rule 7.1(d) on Motion for Protective Order and for FRCP 16 conference</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier.(Wheaton, Kristin) (Entered: 03/12/2010)
03/15/2010	<u>50</u>	RESPONSE to Motion re <u>46</u> MOTION for Protective Order <i>and for a FRCP 16 conference</i> filed by United States of America. (Lopez, Zazy) (Entered: 03/15/2010)
03/15/2010	<u>51</u>	DECLARATION signed by Zazy I. Lopez re <u>43</u> MOTION to Compel <i>Defendants' Compliance with the Court's March 6, 2010 Decision and Order</i> filed by United States of America (<i>Supplemental</i>). (Attachments: # <u>1</u> Text of Proposed Order)(Lopez, Zazy) (Entered: 03/15/2010)
03/16/2010	<u>52</u>	DECLARATION signed by Cheryl A. Green re <u>51</u> Declaration, <u>50</u> Response to Motion filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier <i>in further support of the defendants motion for a protective order</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Attachments: # <u>1</u> Exhibit A – Newspaper article)(Wheaton, Kristin) (Entered: 03/16/2010)
03/16/2010	<u>53</u>	REPLY/RESPONSE to re <u>51</u> Declaration, <u>50</u> Response to Motion <i>reply memorandum of law on behalf of the defendants</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 03/16/2010)
03/17/2010	<u>54</u>	DECISION AND ORDER GRANTING the parties' <u>45</u> <u>49</u> Motions to Expedite; GRANTING in part and DENYING in part the Justice Department's <u>43</u> Motion to Compel; GRANTING in part and DENYING in part the Defendants' <u>46</u> Motion for Protective Order. Signed by William M. Skretny, Chief Judge U.S.D.C. on 3/17/2010. (MEAL) (Entered: 03/17/2010)
03/17/2010	55	TEXT REFERRAL ORDER – Hon. Jeremiah J. McCarthy, United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall not hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), unless further ordered by this Court. All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Judge William M. Skretny on 3/17/2010. (JCD) (Entered: 03/17/2010)
03/18/2010	<u>56</u>	MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier.(Wheaton, Kristin) (Entered: 03/18/2010)
03/18/2010	<u>57</u>	AFFIDAVIT re <u>56</u> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 03/18/2010)
03/18/2010	<u>58</u>	MEMORANDUM IN SUPPORT re <u>56</u> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order

		on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 03/18/2010)
03/18/2010	<u>59</u>	MOTION to Expedite <i>Hearing on Motion for Partial Stay</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier.(Wheaton, Kristin) (Entered: 03/18/2010)
03/18/2010	60	TEXT ORDER. IT HEREBY IS ORDERED THAT Defendants' <u>59</u> Motion to Expedite its <u>56</u> Motion to Stay is GRANTED. Plaintiff shall file its response to Defendants' <u>56</u> Motion to Stay by 10:00 a.m. on March 19, 2010, at which time the motion will be taken under advisement. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 3/18/2010. (MEAL) (Entered: 03/18/2010)
03/19/2010	<u>61</u>	MEMORANDUM in Opposition re <u>56</u> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> filed by United States of America. (Lopez, Zazy) (Entered: 03/19/2010)
03/19/2010	<u>62</u>	DECISION AND ORDER DENYING Defendants' <u>56</u> Motion to Stay. Signed by William M. Skretny, Chief Judge U.S.D.C. on 3/19/2010. (MEAL) (Entered: 03/19/2010)
03/19/2010	63	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Rule 16 Conference re: facility inspections and interviews held on 3/19/2010. Participants: Mary Pat Fleming/Mary Roach for Plaintiff; Aaron Saul Fleisher, Zazy Ivonne Lopez, Daniel H. Weiss (via telephone) for Plaintiff; Cheryl Green/Kristin Klein Wheaton for Defendants. (DAZ) (Entered: 03/19/2010)
03/22/2010		E-Filing Notification: Document missing attorneys electronic signature. Action required: re-file document with proper signature and new proof of service. Re: <u>61</u> MEMORANDUM in Opposition filed by United States of America. (Lopez, Zazy) (DLC) (Entered: 03/22/2010)
03/22/2010	64	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Telephonic Status Conference re dispute held on 3/22/2010. Participants: Mary Pat Fleming, Daniel H. Weiss for Plaintiff; Cheryl A. Green, Kristin Klein Wheaton for Defendants. (DAZ) (Entered: 03/22/2010)
03/25/2010	<u>65</u>	MEMORANDUM in Opposition re <u>56</u> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> MOTION to Stay re <u>42</u> Order on Motion to Expedite,, Order on Motion for Leave to File,,,,,, <u>54</u> Order, Terminate Motions, Set Hearings,, <i>Partial Stay</i> filed by United States of America. (Lopez, Zazy) (Entered: 03/25/2010)
03/26/2010	<u>66</u>	ORDER OF PRELIMINARY PRETRIAL CONFERENCE set for 4/23/2010 at 02:30 PM before Hon. Jeremiah J. McCarthy. Signed by Hon. Jeremiah J. McCarthy on 3/26/10. (DAZ) (Entered: 03/29/2010)
03/30/2010	<u>67</u>	Joint motion to extend the deposition and notice deadlines of Judge Skretny's March 17, 2010 Decision and Order (Zazy I. Lopez) (Filed at the request of Hon. Jeremiah J. McCarthy). (DAZ) (Entered: 03/30/2010)
03/30/2010	<u>68</u>	ORDER granting <u>67</u> Joint Motion to extend the deposition and notice deadlines of Judge Skretny's March 17, 2010 Decision and Order. Signed by Hon. Jeremiah J. McCarthy on 3/30/10. (DAZ) (Entered: 03/30/2010)
04/01/2010	<u>69</u>	Parties' joint motion to adjourn the Preliminary Pretrial Conference (Zazy I. Lopez)(Filed at the request of Hon. Jeremiah J. McCarthy). (DAZ) (Entered: 04/01/2010)
04/01/2010	70	TEXT ORDER : The parties' motion to adjourn the preliminary pretrial conference <u>69</u> is GRANTED. The April 23, 2010 preliminary pretrial conference is converted to a status conference. The parties may still participate via telephone by providing the court with telephone numbers where they can be contacted. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/1/10. (DAZ) (Entered: 04/01/2010)

		04/01/2010)
04/19/2010	<u>71</u>	NOTICE by United States of America of <i>Appearance by Luis E. Saucedo</i> (Hart, Charles) (Entered: 04/19/2010)
04/23/2010	72	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference re discovery issues held on 4/23/2010. Participants: Mary Pat Fleming, Luis Saucedo and Zazy Lopez for Plaintiff; Cheryl Green and Kristin Klein Wheaton for Defendants. (DAZ) (Entered: 04/23/2010)
04/26/2010	73	TEXT ORDER : A further status conference will be held on May 4, 2010 at 11:00 am. The parties may participate by telephone upon prior notice to chambers. By May 3, 2010, the parties will submit a joint or separate proposals for mediation, including the scope of the mediation and suggestions as to the mediator. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/26/10. (DAZ) (Entered: 04/26/2010)
04/30/2010	<u>74</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on March 19, 2010, before Judge Jeremiah McCarthy. Court Reporter/Transcriber Debra L. Potocki, Telephone number 843-723-2208. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/21/2010. Redacted Transcript Deadline set for 5/31/2010. Release of Transcript Restriction set for 7/29/2010. (DLC) (Entered: 04/30/2010)
04/30/2010	<u>75</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on April 23, 2010, before Judge Jeremiah McCarthy. Court Reporter/Transcriber Debra L. Potocki, Telephone number 843-723-2208. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/21/2010. Redacted Transcript Deadline set for 5/31/2010. Release of Transcript Restriction set for 7/29/2010. (DLC) (Entered: 04/30/2010)
05/04/2010	76	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference re mediation issues held on 5/4/2010. Participants: Mary Pat Fleming (in person), Zazy Ivonne Lopez and Luis E. Saucedo (via telephone) for plaintiff; Cheryl A. Green and Kristin Klein Wheaton for Defendants. (DAZ) (Entered: 05/04/2010)
05/04/2010	77	TEXT ORDER : In accordance with today's proceeding, this case is referred for expedited mediation on the issue of suicide prevention, as well as mental health treatment to the extent it relates to suicide prevention. This referral is without prejudice to the other issues in the case being mediated at a later time. The parties agree that: 1) by May 7, 2010 at 12:00 p.m. they shall advise the court of a mutually agreeable mediator, or if they are unable to reach agreement, they shall submit their proposed mediators (including their availability), and the court will thereafter designate a mediator; 2) by May 14, 2010 at 5:00 p.m. they shall submit their initial mediation statements to the mediator; 3) subject to the mediator's availability, the initial mediation session will occur on May 18-19, 2010; 4) to the extent the Second Circuit has addressed the deliberate indifference standard applicable to this case, such authority will control for purposes of the mediation; 5) the mediation process will conclude by May 28, 2010 at 5:00 p.m.; and 6) a further status conference is set for June 1, 2010 at 1:30 p.m. before Hon. Jeremiah J. McCarthy. Out of town counsel may participate by telephone. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/4/10. (DAZ) (Entered: 05/04/2010)
05/11/2010	<u>78</u>	ORDER DESIGNATING MEDIATOR. Amy Glass, Esq. is designated as Mediator in this case. Mediation schedule as specified. Signed by William M. Skretny, Chief Judge U.S.D.C. on 5/11/2010. (MEAL) (Entered: 05/11/2010)
05/27/2010	79	TEXT ORDER : The June 1, 2010 status conference before Hon. Jeremiah J. McCarthy is rescheduled from 1:30 p.m. to 4:30 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/27/10. (DAZ) (Entered: 05/27/2010)
06/01/2010	<u>80</u>	Mediation Certification by Amy Glass(JMS) (Entered: 06/01/2010)
06/01/2010	81	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference re discovery issues held on 6/1/2010. Mediation unsuccessful. Parties to

		submit joint or separate proposed case management deadlines by 6/9/10. Status/Scheduling Conference set for 6/16/2010 at 02:00 PM before Hon. Jeremiah J. McCarthy. Participants: Mary Pat Fleming, Zazy Ivonne Lopez, Regina Jansen (via telephone) for plaintiff and Cheryl A. Green for defendant. (DAZ) (Entered: 06/02/2010)
06/02/2010	<u>82</u>	TEXT ORDER: The parties shall confer pursuant to Fed. R. Civ. P. 26(f) and submit a joint or separate proposed case management orders by June 9, 2010. The preliminary pretrial conference is set for June 16, 2010 at 2:00 p.m. before Hon. Jeremiah J. McCarthy. The parties may participate via telephone by providing the court with telephone numbers where they can be contacted. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/2/10. (DAZ) (Entered: 06/02/2010)
06/11/2010	<u>83</u>	MOTION to Expedite <i>Discovery in the issue of suicide prevention and related mental health treatment</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier.(Wheaton, Kristin) (Entered: 06/11/2010)
06/11/2010	<u>84</u>	DECLARATION signed by Kristin Klein Wheaton re <u>83</u> MOTION to Expedite <i>Discovery in the issue of suicide prevention and related mental health treatment</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Attachments: # <u>1</u> Exhibit A – May 28 adn June 4 interrogatories, # <u>2</u> Exhibit B – May 28 and June 24 Document demands, # <u>3</u> Exhibit C – May 28 and June 4 Demand for Expert disclosure, # <u>4</u> Exhibit D – May 28 and June 4 notices for deposition of experts)(Wheaton, Kristin) (Entered: 06/11/2010)
06/11/2010	<u>85</u>	MEMORANDUM IN SUPPORT re <u>84</u> Declaration,, <u>83</u> MOTION to Expedite <i>Discovery in the issue of suicide prevention and related mental health treatment</i> by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 06/11/2010)
06/14/2010	<u>86</u>	ORDER GRANTING Plaintiff's request for an extension of the page limitation. Signed by William M. Skretny, Chief Judge U.S.D.C. on 6/14/2010. (MEAL) (Entered: 06/14/2010)
06/15/2010	87	TEXT ORDER : At the parties' request, tomorrow's preliminary pretrial conference <u>82</u> is rescheduled to June 18, 2010 at 2:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/14/10. (DAZ) (Entered: 06/15/2010)
06/17/2010	<u>88</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on June 1, 2010, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Christi A. Macri, Telephone number 585-613-4310. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 7/8/2010. Redacted Transcript Deadline set for 7/19/2010. Release of Transcript Restriction set for 9/15/2010. (DLC) (Entered: 06/17/2010)
06/18/2010	<u>89</u>	MOTION for Settlement <i>on Suicide Prevention and Related Mental Health Care</i> by United States of America. (Attachments: # <u>1</u> Stipulated Settlement Agreement)(Lopez, Zazy) (Entered: 06/18/2010)
06/18/2010	90	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference re CMO deadlines held on 6/18/2010. Participants: Mary Pat Fleming (in person), Charles W. Hart, Jr., Zazy Ivonne Lopez and Luis E. Saucedo (via telephone) for plaintiff; Kristin Klein Wheaton and Cheryl A. Green for Defendants. (DAZ) (Entered: 06/18/2010)
06/18/2010	93	Minute Entry for proceedings held before William M. Skretny, Chief Judge: Status Conference held on 6/18/2010 on order approving settlement. Counsel to submit a 3rd order with compromise language. For the pltf. – Charles Hart, Luis Saucedo – by telephone, Mary Pat Fleming. For the defts. – Cheryl Green, Kristin Klein Wheaton. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 06/22/2010)

06/21/2010	<u>92</u>	CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Discovery completed by 10/5/11, Dispositive motions due by 12/7/11, Pretrial Statements due by 12/21/11, Final Pretrial Conference set for 1/25/12 at 09:00 a.m. before Hon. William M. Skretny, U.S.D.J., Jury Selection set for 3/27/12 at 9:30 a.m. with Jury Trial thereafter set for 09:00 a.m. before Hon. William M. Skretny, U.S.D.J. Status Conference set for 7/21/2010 at 2:00 p.m. before Hon. Jeremiah J. McCarthy. Signed by Hon. Jeremiah J. McCarthy on 6/21/10. (DAZ) (Entered: 06/22/2010)
06/22/2010	<u>91</u>	ORDER APPROVING STIPULATED SETTLEMENT AGREEMENT CONCERNING SUICIDE PREVENTION AND RELATED MENTAL HEALTH ISSUES. Signed by William M. Skretny, Chief Judge U.S.D.C. on 6/22/2010. (MEAL) (Entered: 06/22/2010)
07/09/2010	<u>94</u>	DECISION AND ORDER DENYING Defendants' <u>13</u> Motion to Dismiss; DIRECTING the Justice Department to file an amended complaint within 14 days of the filing date of this Decision and Order; DIRECTING the Defendants to file answers to or otherwise move against the amended complaint within 14 days of its filing. Signed by William M. Skretny, Chief Judge U.S.D.C. on 7/9/2010. (MEAL) (Entered: 07/09/2010)
07/12/2010	95	TEXT ORDER. IT HEREBY IS ORDERED THAT, in light of the parties' <u>89</u> <u>91</u> settlement concerning suicide and related mental health issues, Defendants' <u>83</u> Motion for Expedited Discovery on those issues is DENIED as moot. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 7/9/2010. (MEAL) (Entered: 07/12/2010)
07/21/2010	96	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 7/21/2010. Participants: Mary Pat Fleming (in person), Zazy Lopez, Aaron Saul Fleisher, Charles W. Hart, Jr. (via telephone) for Plaintiff; Cheryl Green and Kristin Klein Wheaton for Defendants. (DAZ) (Entered: 07/22/2010)
07/22/2010		CALENDAR EVENT: Status Conference set for 8/25/2010 at 03:00 PM before Hon. Jeremiah J. McCarthy. The parties may participate via telephone by providing the court with telephone numbers where they can be contacted. The court will initiate the call. (DAZ) (Entered: 07/22/2010)
07/23/2010	<u>97</u>	AMENDED COMPLAINT against all defendants, filed by United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Lopez, Zazy) (Entered: 07/23/2010)
08/04/2010	<u>98</u>	MOTION Access to Documents <i>Pursuant to Stipulated Settlement</i> by United States of America. (Attachments: # <u>1</u> Memorandum in Support of Motion for Access Pursuant to Stipulated Settlement)(Lareau, Alyssa) (Entered: 08/04/2010)
08/04/2010	<u>99</u>	MOTION to Expedite <i>Hearing</i> by United States of America.(Lareau, Alyssa) (Entered: 08/04/2010)
08/04/2010	<u>100</u>	MOTION to Seal Document by United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Lareau, Alyssa) (Entered: 08/04/2010)
08/05/2010	101	TEXT ORDER. IT HEREBY IS ORDERED THAT the Plaintiff's <u>100</u> Motion to Seal is GRANTED. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 8/5/2010. (MEAL) (Entered: 08/05/2010)
08/05/2010	<u>103</u>	Sealed Document (SG) (Entered: 08/06/2010)
08/06/2010	102	TEXT ORDER : A conference concerning plaintiff's motions [98 and 99] is set for August 6, 2010 at 1:30 p.m. before Hon. Jeremiah J. McCarthy. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/6/10. (DAZ) (Entered: 08/06/2010)
08/06/2010	<u>104</u>	DECLARATION signed by Charles W. Hart, Jr. re <u>98</u> MOTION Access to Documents <i>Pursuant to Stipulated Settlement</i> filed by United States of America. (Attachments: # <u>1</u> Exhibit Article, # <u>2</u> Exhibit Letter)(Hart, Charles) (Entered: 08/06/2010)

08/06/2010	105	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference re [98, 99] held on 8/6/2010. Participants: Mary Pat Fleming, Zazy Ivonne Lopez, Luis E. Saucedo for Plaintiff; Cheryl A. Green and Kristin Klein Wheaton for Defendants. (DAZ) (Entered: 08/06/2010)
08/06/2010	106	TEXT ORDER : As agreed between counsel at today's proceeding: 1) the deadline for defendants' response to plaintiff's discovery demands which are currently due today is extended to August 20, 2010; 2) defendants' response to plaintiff's pending motions for expedited relief [98, 99] shall be filed by August 13, 2010; 3) plaintiff's reply to defendants' response shall be filed by August 18, 2010. Whether to hold oral argument of the motions (as requested by the parties) will be up to Judge Skretny. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/6/10. (DAZ) (Entered: 08/06/2010)
08/10/2010	<u>107</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference Proceedings held on August 6, 2010, before Judge Jeremiah McCarthy. Court Reporter/Transcriber Debra L. Potocki, Telephone number 843-723-2208. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 8/31/2010. Redacted Transcript Deadline set for 9/10/2010. Release of Transcript Restriction set for 11/8/2010. (DLC) (Entered: 08/11/2010)
08/11/2010	<u>108</u>	ANSWER to <u>97</u> Amended Complaint by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier.(Wheaton, Kristin) (Entered: 08/11/2010)
08/12/2010	<u>109</u>	DECLARATION signed by Cheryl A. Green re <u>104</u> Declaration, <u>99</u> MOTION to Expedite <i>Hearing</i> , <u>98</u> MOTION Access to Documents <i>Pursuant to Stipulated Settlement</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier <i>in opposition to the United States' motion for relief under the settlement agreement</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Attachments: # <u>1</u> Exhibit A – 080210 ltr from usa to cty, # <u>2</u> Exhibit B – Email string, # <u>3</u> Exhibit C – 080410 ltr from cty to usa, # <u>4</u> Exhibit D – transcript of 080610 proceedings, # <u>5</u> Exhibit E – 081010 ltr from usa to cty, # <u>6</u> Exhibit F – 081210 ltr from cty to usa)(Wheaton, Kristin) (Entered: 08/12/2010)
08/12/2010	<u>110</u>	MEMORANDUM in Opposition re <u>99</u> MOTION to Expedite <i>Hearing</i> , <u>98</u> MOTION Access to Documents <i>Pursuant to Stipulated Settlement</i> filed by Timothy B. Howard, Richard T. Donovan, Robert Koch, Barbara Leary, Donald Livingston, Erie County, New York, Chris Collins, Anthony Billittier. (Wheaton, Kristin) (Entered: 08/12/2010)
08/19/2010	<u>111</u>	MOTION to Withdraw <u>98</u> MOTION Access to Documents <i>Pursuant to Stipulated Settlement</i> by United States of America.(Lopez, Zazy) (Entered: 08/19/2010)
08/20/2010	<u>112</u>	STIPULATION <i>Regarding Selection of Joint Compliance Officer</i> by United States of America. (Lopez, Zazy) (Entered: 08/20/2010)
08/23/2010	<u>113</u>	NOTICE of Appearance by Brian R. Liebenow on behalf of all defendants (Liebenow, Brian) (Entered: 08/23/2010)
08/24/2010	114	TEXT ORDER. That the <u>111</u> Motion to Withdraw the <u>98</u> MOTION to Access Documents <i>Pursuant to Stipulated Settlement Agreement and Order</i> is SO ORDERED. Issued by William M. Skretny, Chief Judge, U.S.D.C. on 8/23/10. (SG) (Entered: 08/24/2010)
08/25/2010	115	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference re discovery issues held on 8/25/2010. Participants: Mary Pat Fleming (present), Zazy Ivonne Lopez and Charles W. Hart, Jr. (via telephone) for Plaintiff; Cheryl A. Green and Kristen Klein Wheaton for Defendant. (DAZ) (Entered: 08/26/2010)
08/25/2010	116	TEXT ORDER : A further status conference will be held on September 3, 2010 at 2:00 pm to discuss the possibility of a reasonably short extension of defendants' deadline for filing mandatory disclosures. Counsel may participate by telephone upon advance notice to chambers. In the interim, the parties shall confer as to this and any other

		timing-related issues, and shall advise the court of their positions in writing no later than September 2, 2010.SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/25/10. (DAZ) (Entered: 08/26/2010)
08/31/2010		CALENDAR EVENT: Status Conference previously set for 9/3/10 at 2:00 p.m. is reset for 9/3/10 at 09:30 a.m. before Hon. Jeremiah J. McCarthy. (DAZ) (Entered: 08/31/2010)
09/01/2010	117	TEXT ORDER : The court having been advised that the parties have agreed to extend the mandatory disclosures deadline, the September 3, 2010 conference is cancelled. The deadline for exchange of mandatory disclosures is extended to October 1, 2010. All other deadlines of the Case Management Order <u>92</u> shall remain in effect. A status conference is set for September 24, 2010 at 4:00 p.m. before Hon. Jeremiah J. McCarthy. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call.SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 9/1/10. (DAZ) (Entered: 09/01/2010)
09/17/2010	<u>118</u>	USCA ORDER that petitioner through counsel, has filed a petition for writ of mandamus. Upon due consideration, it is ORDERED that the mandamus petition is Denied as moot. Signed by Catherine O'Haga Wolfe, Clerk on 9/16/2010. (DLC) (Entered: 09/20/2010)
09/24/2010	119	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference (to monitor discovery) held on 9/24/2010, (Further Status Conference set for 11/17/2010 03:00 PM before Hon. Jeremiah J. McCarthy.). Text Order to follow. For Pltf, AUSA Mary Pat Fleming, Zazy Lopez and Alyssa Lareau. For Deft, Kristin Wheaton, Brian Liebenow and Thomas Kirkpatrick. NOTE: Court notes Atty Kirkpatrick is not listed on the docket. Atty Kirkpatrick indicates he will make arrangements to be added to the docket. (Court Reporter FTR Gold.) (LL) (Entered: 09/24/2010)
09/27/2010	120	TEXT ORDER : A further status conference will be held on November 17, 2010 at 3:00 pm. Counsel may participate by telephone upon advance notice to chambers.SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 9/27/10. (DAZ) (Entered: 09/27/2010)
10/28/2010	<u>121</u>	NOTICE of Appearance by Thomas F. Kirkpatrick, Jr on behalf of Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston (Kirkpatrick, Thomas) (Entered: 10/28/2010)
10/28/2010	<u>122</u>	NOTICE of Appearance by David J. Sleight on behalf of All Defendants (Sleight, David) (Entered: 10/28/2010)
11/04/2010	<u>123</u>	MOTION Enforcement of Stipulated Settlement by United States of America. (Attachments: # <u>1</u> Memorandum in Support)(Hart, Charles) (Entered: 11/04/2010)
11/04/2010	<u>124</u>	DECLARATION re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by United States of America. (Hart, Charles) (Entered: 11/04/2010)
11/04/2010	<u>125</u>	MOTION to Expedite <i>Motion for Enforcement of Stipluated Settlement <u>123</u></i> by United States of America.(Hart, Charles) (Entered: 11/04/2010)
11/05/2010	<u>126</u>	ORDER GRANTING Plaintiff's <u>125</u> Motion to Expedite; SETTING a response date of 11/8/2010, 5:00 p.m.; SETTING a reply date of 11/9/2010, noon. SCHEDULING a Status Conference for 11/10/2010 at 10:30 AM before William M. Skretny, Chief Judge. Signed by William M. Skretny, Chief Judge U.S.D.C. on 11/5/2010. (MEAL) (Entered: 11/05/2010)
11/08/2010	<u>127</u>	NOTICE by United States of America of <i>Appearance by Laura L. Coon</i> (Hart, Charles) (Entered: 11/08/2010)
11/08/2010	<u>128</u>	DECLARATION in Opposition re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) Modified on 11/9/2010 (DLC). (Entered: 11/08/2010)

11/08/2010	<u>129</u>	MEMORANDUM in Opposition re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) (Entered: 11/08/2010)
11/09/2010		E-Filing Notification: Incorrect event used to electronically file document. For future reference, use (Declaration) event. No action required. Title of document changed to describe the correct title re <u>128</u> AFFIDAVIT in Opposition re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) (DLC) (Entered: 11/09/2010)
11/09/2010		E-Filing Notification: No proof of service. Action required: File proof of service RE <u>129</u> MEMORANDUM in Opposition re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) (DLC) (Entered: 11/09/2010)
11/09/2010		E-Filing Notification: Username and signature do not match (refer to Administrative Procedures Guide Section 1-3c). Action required: re-file document using same signature and password and file updated proof of service. RE <u>127</u> NOTICE by United States of America of <i>Appearance by Laura L. Coon</i> (Hart, Charles) (DLC) (Entered: 11/09/2010)
11/09/2010	<u>130</u>	MEMORANDUM in Opposition re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) (Entered: 11/09/2010)
11/09/2010	<u>131</u>	REPLY to Response to Motion re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by United States of America. (Hart, Charles) (Entered: 11/09/2010)
11/10/2010		E-Filing Notification: For future reference, attorney signature must be in proper format (full signature block, i.e s/attorney name typed, firm and firm address and attorney email address). No action required. <u>130</u> MEMORANDUM in Opposition re <u>123</u> MOTION Enforcement of Stipulated Settlement filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) (DLC) (Entered: 11/10/2010)
11/10/2010	<u>132</u>	NOTICE of Appearance by Laura L. Coon on behalf of United States of America. (DLC) (Entered: 11/10/2010)
11/10/2010	133	Minute entry for proceedings held before William M. Skretny U.S.D.J.: Motion Hearing held on 11/9/2010 re <u>123</u> Motion on Enforcement of Stipulated Settlement. The Court denies the motion. For the pltf. – Charles Hart, Mary Pat Fleming, Laura Coon, Zazy Lopez. For the defts. – Thomas Kirkpatrick, Brian Liebenow, David Sleight. (Court Reporter Michelle McLaughlin.)(EAK) (Entered: 11/17/2010)
11/17/2010	134	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 11/17/2010. Participants: Mary Pat Fleming (in person), Zazy Ivonne Lopez and Alyssa Connel Lareau (via telephone) for Plaintiff; Thomas F. Kirkpatrick, Jr. and Brian Liebenow (in person)for Defendants. A further status conference to be scheduled. (DAZ) (Entered: 11/17/2010)
11/17/2010	135	TEXT ORDER : A further status conference will be held on December 17, 2010 at 2:00 pm. Counsel may participate by telephone upon advance notice to chambers.SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 11/17/10. (DAZ) (Entered: 11/17/2010)
12/01/2010	<u>136</u>	MOTION to Modify the Case Management Order to Extend the Deadline to Amend the Complaint by United States of America.(Fleming, Mary) (Entered: 12/01/2010)
12/01/2010	<u>137</u>	MEMORANDUM in Support re <u>136</u> MOTION to Modify the Case Management Order to Extend the Deadline to Amend the Complaint filed by United States of America. (Fleming, Mary) (Entered: 12/01/2010)

12/01/2010	<u>138</u>	DECLARATION re <u>136</u> MOTION to Modify the Case Management Order to Extend the Deadline to Amend the Complaint filed by United States of America. (Fleming, Mary) (Entered: 12/01/2010)
12/02/2010		E-Filing Notification: Username and signature do not match (refer to Administrative Procedures Guide Section 1-3c). Action required: re-file document using same signature and password and file updated proof of service. Re: <u>136</u> MOTION to Modify the Case Management Order to Extend the Deadline to Amend the Complaint, and <u>137</u> MEMORANDUM in Support re <u>136</u> MOTION to Modify the Case Management Order to Extend the Deadline to Amend the Complaint filed by United States of America. (filed by Fleming, Mary.) (DLC) (Entered: 12/02/2010)
12/02/2010	<u>139</u>	MOTION To modify the case management order to extend the deadline to amend the complaint by United States of America.(Fleming, Mary) (Entered: 12/02/2010)
12/02/2010	<u>140</u>	MEMORANDUM in Support re <u>139</u> MOTION To modify the case management order to extend the deadline to amend the complaint filed by United States of America. (Fleming, Mary) (Entered: 12/02/2010)
12/02/2010	<u>141</u>	DECLARATION filed by United States of America. (Fleming, Mary) (Entered: 12/02/2010)
12/02/2010	142	TEXT ORDER: Defendants' response to plaintiff's motion to extend the deadline to amend the complaint <u>139</u> shall be served and filed on or before December 9, 2010; plaintiff's reply, if any, shall be served and filed on or before December 13, 2010, after which time the motion will be taken under advisement without oral argument unless requested by one of the parties or deemed necessary by the court. Issued by Hon. Jeremiah J. McCarthy on 12/2/10. (LL) (Entered: 12/02/2010)
12/09/2010	<u>143</u>	DECLARATION signed by Thomas F. Kirkpatrick, Jr. re <u>139</u> MOTION To modify the case management order to extend the deadline to amend the complaint filed by Richard T. Donovan, Erie County, New York, Anthony Billittier, Robert Koch, Donald Livingston, Chris Collins, Timothy B. Howard, Barbara Leary filed by Richard T. Donovan, Erie County, New York, Anthony Billittier, Robert Koch, Donald Livingston, Chris Collins, Timothy B. Howard, Barbara Leary. (Kirkpatrick, Thomas) (Entered: 12/09/2010)
12/09/2010	<u>144</u>	MEMORANDUM in Opposition re <u>139</u> MOTION To modify the case management order to extend the deadline to amend the complaint filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) (Entered: 12/09/2010)
12/13/2010	<u>145</u>	MOTION to Withdraw <u>139</u> MOTION To modify the case management order to extend the deadline to amend the complaint by United States of America.(Lareau, Alyssa) (Entered: 12/13/2010)
12/13/2010	<u>146</u>	ORDER withdrawing <u>139</u> Motion to Extend and granting <u>145</u> Motion to Withdraw. Signed by Hon. Jeremiah J. McCarthy on 12/13/10. (DAZ) (Entered: 12/14/2010)
12/15/2010	<u>147</u>	Stipulation-Selection of Mediator by United States of America (Attachments: # <u>1</u> Certificate of Service)(Hart, Charles) (Entered: 12/15/2010)
12/17/2010	148	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference to report on discovery issues, appointment of mediator and upcoming inspection) held on 12/17/2010. A further status conference is set for 1/19/11 at 2:00 p.m. before Hon. Jeremiah J. McCarthy. For Pltf, AUSA Mary Pat Fleming, Zazy Lopez and Alyssa Lareau (via telephone). For Defts Thomas F. Kirkpatrick, Jr. and David J. Sleight. (Court Reporter FTR Gold.) (DAZ) (Entered: 12/17/2010)
12/17/2010	149	TEXT ORDER : In accordance with today's status conference, either party may file a motion seeking to amend the Case Management Order <u>92</u> deadlines by January 12, 2011, and a response, if any, shall be filed by January 17, 2011. A status conference is set for January 19, 2011 at 2:00 p.m. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. In advance of this conference, and all future monthly status conferences, the parties shall submit (either jointly or individually) letters identifying any issues they wish to address at the conference. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 12/17/10.

		(DAZ) (Entered: 12/17/2010)
12/17/2010		*** MOTION TERMINATED*** <u>136</u> Motion Withdrawn. (DAZ) (Entered: 12/17/2010)
12/23/2010	<u>150</u>	NOTICE of Appearance by Marlysha Myrthil on behalf of United States of America (Myrthil, Marlysha) (Entered: 12/23/2010)
01/03/2011	<u>151</u>	MOTION for Protective Order <i>Notice of Motion</i> by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston.(Kirkpatrick, Thomas) (Entered: 01/03/2011)
01/03/2011	<u>152</u>	Declaration of Thomas F. Kirkpatrick, Jr. by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kirkpatrick, Thomas) Modified on 1/4/2011 (DLC). (Entered: 01/03/2011)
01/03/2011	<u>153</u>	Memorandum of Law by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston.(Kirkpatrick, Thomas) Modified on 1/4/2011 (DLC). (Entered: 01/03/2011)
01/04/2011	154	TEXT ORDER : A status conference concerning defendants' motion for a protective order <u>151</u> is set for January 5, 2011 at 3:00 p.m. before Hon. Jeremiah J. McCarthy. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 1/4/11. (DAZ) (Entered: 01/04/2011)
01/04/2011		E-Filing Notification: Incorrect event used to electronically file document. For future reference, use (Declaration) event. No action required. Document retitled on system and motion terminated Re <u>152</u> MOTION for Protective Order <i>Declaration of Thomas F. Kirkpatrick, Jr.</i> (DLC) (Entered: 01/04/2011)
01/04/2011		E-Filing Notification: Incorrect event used to electronically file document. For future reference, use (Memorandum/Brief) event. No action required. Document retitled on system and motion terminated Re <u>153</u> MOTION for Protective Order <i>Memorandum of Law.</i> (DLC) (Entered: 01/04/2011)
01/04/2011	155	TEXT ORDER : At plaintiff's request and with defendants' consent, tomorrow's conference is rescheduled to 2:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 9-849. (DAZ) (Entered: 01/04/2011)
01/05/2011	156	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 1/5/2011. Discussion re: defense mtn filed 1-3-11 (#151), Pltf letter response received today. Court not treating today's proceeding as formal oral argument on the mtn, court recognizes the time sensitivity, service of the notice and filing of mtn timetable. Court further notes discussions were ongoing until last week, etc. Court notes from 12-17-10 reference made there might be a dispute to further inspections. Court query -- why is inspection time sensitive followed by responses from attys and colloquy re: modification of the Case Management Order -- court reqs details from experts what they hope to accomplish by inspections and why needed in addition to what was previously produced. Court proposes options: let inspections go forward next week as scheduled and reqs parties to work together -- if county deems inspections burdensome/unreasonable they can reqs allocation of costs later in case OR (court's preference) adjmt until court is more familiar with what/why it is needed to facilitate court's decision. Court not inclined to rule no inspection can take place under any circumstances nor not necessarily going to decide inspection can take place without restriction/ possibility of some cost being assessment in the future, etc. Court reiterates its lack of knowledge of the details, preference to do brief adjournment of inspection to focus on issue more and adjust the CMO if necessary. Both parties have no objection. Defense advises forensic mental health portion of the inspection is going forward next week (no dispute to conduct) -- staff ready to handle -- as to the balance of the issues re: inspection of medical and sanitation defense has no objection to adjmt -- defense notes Gov't did not articulate reqs as stated on the record -- notes Gov't did see significant amt of charts, treating facility, uncertain what else is being requested to view -- prepared to go foward w/mental health inspection Monday. Plaintiff agree to adjmt and extension of CMO -- Pltf has been communicating w/defense -- reqs clarification of inspection reqs -- was limited to one day at

		correctional center, etc. Court notes it is willing to adjust CMO. Pltf advise court names of expert(s) and willing to go forward on a partial basis. COURT ADVISES ATTYS MTN WILL REMAIN PENDING, FORENSIC MENTAL HEALTH EXAM SCHEDULED FOR NEXT WILL GO FORWARD, OTHER INSPECTIONS WILL BE DEFERRED PENDING FURTHER CONSIDERATION OF THE MTN -- COURT DEFERS re: TIME PERIOD FOR EXTENSION OF CMO (deadlines will be adjusted appropriately). Court sets timetable for Pltf formal response to mtn, in conjunction court reqs details from experts why they need add'l discovery and why they feel not given the last time, parties to continue discussions (hopefully reach resolution) -- otherwise court will decide mtn before re-scheduled inspection commences. Parties agree. Pltf query -- helpful to have signed declarations from experts re: what they intend to see and do? Court responds in the affirmative and reqs experts state why. TEXT ORDER TO FOLLOW. Court advises parties it is available next week re: inspection if issues arise. For Pltf, Z. Lopez and A. Lareau (via phone). For Deft, T. Kirkpatrick (via phone). (Court Reporter FTR Gold.) (LL) (Entered: 01/05/2011)
01/06/2011	<u>157</u>	TEXT ORDER : In accordance with yesterday's conference, the previously scheduled January 10, 2010 forensic mental health inspection will proceed as scheduled. All other inspections will be deferred pending resolution of defendants' motion for a protective order <u>151</u> and the applicable Case Management Order <u>92</u> deadlines will be adjusted accordingly. Plaintiff's response to defendants' motion for a protective order <u>151</u> shall be served and filed on or before January 14, 2011. It shall include declarations from plaintiff's experts explaining why further inspections are necessary and why this discovery was not obtained during the initial inspections. Plaintiff's response shall also include its request to amend the Case Management Order. Defendants' reply shall be served and filed on or before January 18, 2011. Oral argument of these issues is set for January 19, 2011 at 2:00 p.m. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 1/6/11. (DAZ) (Entered: 01/06/2011)
01/11/2011	<u>158</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on December 17, 2010, before Judge Honorable Jeremiah J. McCarthy. Court Reporter/Transcriber Michelle L. McLaughlin, Telephone number 716-332-3560. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 1/31/2011. Redacted Transcript Deadline set for 2/8/2011. Release of Transcript Restriction set for 4/8/2011. (DR) (Entered: 01/11/2011)
01/13/2011	<u>159</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on August 25, 2010, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Michelle L. McLaughlin, Telephone number 716-332-3560. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 1/31/2011. Redacted Transcript Deadline set for 2/10/2011. Release of Transcript Restriction set for 4/11/2011. (DLC) (Entered: 01/13/2011)
01/14/2011	<u>160</u>	RESPONSE in Opposition re <u>151</u> MOTION for Protective Order <i>Notice of Motion</i> filed by United States of America. (Attachments: # <u>1</u> Exhibit)(Hart, Charles) (Entered: 01/14/2011)
01/14/2011	<u>161</u>	DECLARATION signed by Robert Greifinger re <u>160</u> Response in Opposition to Motion filed by United States of America filed by United States of America. (Hart, Charles) (Entered: 01/14/2011)
01/14/2011	<u>162</u>	DECLARATION signed by Harry Grenawitzke re <u>160</u> Response in Opposition to Motion filed by United States of America filed by United States of America. (Hart, Charles) (Entered: 01/14/2011)
01/14/2011	<u>163</u>	DECLARATION signed by Zazy Lopez re <u>160</u> Response in Opposition to Motion filed by United States of America filed by United States of America. (Hart, Charles) (Entered: 01/14/2011)

01/14/2011	<u>164</u>	DECLARATION signed by Lori Rifkin re <u>160</u> Response in Opposition to Motion filed by United States of America filed by United States of America. (Hart, Charles) (Entered: 01/14/2011)
01/18/2011	165	CALENDAR EVENT: Oral Argument set for 1/19/2011 at 02:00 PM before Hon. Jeremiah J. McCarthy. (DAZ) (Entered: 01/18/2011)
01/18/2011	<u>166</u>	REPLY to Response to Motion re <u>151</u> MOTION for Protective Order <i>Notice of Motion</i> filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Kirkpatrick, Thomas) (Entered: 01/18/2011)
01/18/2011	<u>167</u>	DECLARATION re <u>151</u> MOTION for Protective Order <i>Notice of Motion</i> filed by Richard T. Donovan, Erie County, New York, Anthony Billittier, Robert Koch, Donald Livingston, Chris Collins, Timothy B. Howard, Barbara Leary filed by Richard T. Donovan, Erie County, New York, Anthony Billittier, Robert Koch, Donald Livingston, Chris Collins, Timothy B. Howard, Barbara Leary. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kirkpatrick, Thomas) (Entered: 01/18/2011)
01/19/2011	168	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Oral Argument held on 1/19/11 regarding defendants' motion for a protective order <u>151</u> and the applicable Case Management Order <u>92</u> deadlines. Court will issue a revised Case Management Order with the deadlines discussed and a text order directing that the motion for protective order is granted in part and denied in part. A further status conference is set for 2/24/11 at 3:30 p.m. Participants: Mary Pat Fleming, Zazy Ivonne Lopez, Lori Rifkin and Laura L. Coon for Plaintiff. Thomas F. Kirkpatrick, Jr., Brian R. Liebenow and David J. Sleight for Defendants. (DAZ) (Entered: 01/19/2011)
01/19/2011	169	TEXT ORDER : For the reasons stated at today's proceeding, defendants' motion for a protective order <u>151</u> is denied to the extent it seeks to bar any further inspections related to plaintiff's medical care and environmental safety claims, but granted to the extent that the additional inspections by plaintiff's medical care and environmental safety consultants will not exceed 2 days for each inspection. The inspections may occur separately or concurrently. To the extent possible, the parties shall coordinate the production of documents in advance of these inspections. A further status conference is set for February 24, 2011 at 3:30 p.m. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 1/19/11. (DAZ) (Entered: 01/19/2011)
01/20/2011	<u>170</u>	AMENDED CASE MANAGEMENT ORDER (Please Note: This docket text may not contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) Discovery completed by 11/11/11, Dispositive motions due by 1/20/12, Pretrial Statements due by 2/3/12, Final Pretrial Conference set for 3/5/12 at 09:00 AM before Hon. William M. Skretny, U.S.D.J., Jury Selection set for 5/8/12 at 9:30 AM with Jury Trial to commence thereafter before Hon. William M. Skretny, U.S.D.J. Signed by Hon. Jeremiah J. McCarthy on 1/20/11. (DAZ) (Entered: 01/20/2011)
01/28/2011	171	TEXT ORDER : A discovery conference concerning plaintiff's January 25, 2011 letter to the court is set for February 4, 2011 at 2:30 p.m. Counsel may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 1/28/11. (DAZ) (Entered: 01/28/2011)
02/04/2011	172	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Discovery Hearing concerning plaintiff's January 25, 2011 letter to the court held on 2/4/2011. Text order to follow. Participants: Zazy Ivonne Lopez, Laura L. Coon, Marlysha Myrthil, Lori Rifkin, Aaron Saul Fleischer (all parties via telephone) for Plaintiff; Thomas F. Kirkpatrick, Jr., Brian R. Liebenow, David J. Sleight for Defendant. (DAZ) (Entered: 02/04/2011)
02/04/2011	173	TEXT ORDER : In accordance with today's proceeding, defendants shall promptly identify to plaintiff in writing which discovery referenced in plaintiff's January 25, 2011 letter to the court will be produced and when these productions will occur. If there is any requested discovery defendants do not intend to produce, they shall

		explain why it is not being produced. The parties shall continue to confer in an attempt to further narrow these issues, including production of electronic communications. The parties shall submit letters to the court by February 22, 2010 identifying those areas, if any, that remain in dispute and their respective positions. If necessary, these issues will be addressed at the previously scheduled February 24, 2011 conference. The deadline for the plaintiff's mediation submission is extended from February 23, 2011 to February 28, 2011. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 2/4/11. (DAZ) (Entered: 02/04/2011)
02/11/2011	<u>174</u>	JOINT COMPLIANCE OFFICER FIRST REPORT (Attachments: #(1) Continuance, #(2) Continuance, #(3) Continuance.) (DLC) (Entered: 02/15/2011)
02/14/2011	<u>175</u>	MANDATE denying petition for a writ of mandamus. (DLC) (Entered: 02/15/2011)
02/24/2011	176	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference to discuss issues in plaintiff's letter to the court dated 2/22/11 held on 2/24/2011. Text order to follow. Appearances: Zazy Ivonne Lopez, Alyssa Connell Lareau, Aaron Saul Fleisher (all participating via telephone); Thomas F. Kirkpatrick, Jr., David J. Sleight for Defendants. (DAZ) (Entered: 02/25/2011)
02/25/2011	177	TEXT ORDER : In accordance with yesterday's proceeding, defendants shall advise plaintiff (and the Court) by February 28, 2011 of their proposed timetable for production of the outstanding shift summary reports and annual reports. Defendants shall provide plaintiff with a privilege log detailing the witness statements being withheld by March 10, 2011. Plaintiff's motion to compel production of the witness statements, if any, shall be served and filed by March 21, 2011. A further status conference is set for March 21, 2011 at 4:00 p.m. At that time, defendants shall be prepared to propose a timetable for production of the responsive e-mails and a briefing schedule on plaintiff's motion to compel the witness statements will be set, if necessary. If the parties have any additional discovery issues that they wish to address, they shall advise the court of these issues sufficiently in advance of the March 21, 2011 conference. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 2/25/11. (DAZ) (Entered: 02/25/2011)
03/21/2011	178	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held to discuss document production on 3/21/2011. Appearances: Mary Pat Fleming, Zazy Lopez, Lori Rifkin, Marlysha Myrthil (all via telephone) for Plaintiff; Thomas F. Kirkpatrick, Jr. and Brian R. Liebenow for Defendants. (DAZ) (Entered: 03/22/2011)
03/22/2011	179	TEXT ORDER : In accordance with yesterday's proceeding, defendants have agreed to produce a complete copy of Erie County's forensic mental health procedures by April 4, 2011. A further conference is set for March 29, 2011 at 4:30 p.m. The parties may participate via telephone upon advance notice to chambers. In the interim, the parties shall confer in an attempt to reach consensus on a clawback agreement for defendants' e-mail production, and defendants shall be prepared to advise the court of a date certain for this production (whether or not a clawback agreement is in place). Plaintiff may also submit case authority in support of its arguments directed at the sufficiency of defendants' privilege log. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/22/11. (DAZ) (Entered: 03/22/2011)
03/25/2011	180	TEXT ORDER : At the parties' request, the March 29, 2011 conference 179 is rescheduled to March 30, 2011 at 4:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/25/11. (DAZ) (Entered: 03/25/2011)
03/30/2011	<u>181</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on January 19, 2011, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Christi A. Macri, Telephone number 585-613-4310. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 4/20/2011. Redacted Transcript Deadline set for 5/2/2011. Release of Transcript Restriction set for 6/28/2011. (DLC) (Entered: 03/30/2011)
03/30/2011	182	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 3/30/2011. Update on progress relating to possible clawback agreement for defendants' e-mail production. No date certain provided. Court sets date

		certain. Text order to follow. Appearances: Mary Pat Fleming, Zazy Lopez, Lori Rifkin, Marlysha Myrthil (all via telephone) for Plaintiff; Thomas F. Kirkpatrick, Jr., Jeremy Colby and David J. Sleight for Defendants. (DAZ) (Entered: 03/31/2011)
03/31/2011		CALENDAR EVENT: Status Conference set for 4/26/2011 at 03:00 PM before Hon. Jeremiah J. McCarthy. (DAZ) (Entered: 03/31/2011)
03/31/2011	183	TEXT ORDER : In accordance with yesterday's conference, defendants' e-mail production shall be completed in its entirety by May 23, 2011. A further status conference is set for April 26, 2011 at 3:00 p.m. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 3/31/11. (DAZ) (Entered: 03/31/2011)
04/14/2011	<u>184</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3/21/11, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Christi A. Macri, Telephone number (585) 613-4310. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/5/2011. Redacted Transcript Deadline set for 5/16/2011. Release of Transcript Restriction set for 7/13/2011. (DZ) (Entered: 04/14/2011)
04/14/2011	<u>185</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3/30/11, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Christi A. Macri, Telephone number (585) 613-4310. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/5/2011. Redacted Transcript Deadline set for 5/16/2011. Release of Transcript Restriction set for 7/13/2011. (DZ) (Entered: 04/14/2011)
04/21/2011	<u>186</u>	NOTICE of Appearance by Jeremy A. Colby on behalf of All Defendants (Colby, Jeremy) (Entered: 04/21/2011)
04/26/2011	187	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 4/26/2011 to discuss progress on discovery issues. Further Status Conference set for 5/16/2011 at 02:00 PM before Hon. Jeremiah J. McCarthy. Appearances: Pltf - Mary Pat Fleming; (Via Telephone) Zazy Ivonne Lopez, Lori Rifkin and Marlysha Myrthil. Deft : Jeremy A. Colby and Thomas F. Kirkpatrick, Jr. (DAZ) (Entered: 04/26/2011)
04/26/2011	188	TEXT ORDER : In accordance with today's conference, defendants' mental health records production shall be completed (or formal objections served) by May 12, 2011. A further status conference is set for May 16, 2011 at 2:00 p.m. concerning amending the deposition, interrogatory and document request limitations, as well as the fact discovery cutoff. The parties shall confer and submit (jointly or individually) letter proposals by May 12, 2011. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 4/26/11. (DAZ) (Entered: 04/26/2011)
05/02/2011	189	TEXT ORDER : A discovery conference concerning plaintiff's April 29, 2011 correspondence to the court is set for May 10, 2011 at 4:00 p.m. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. Defendants shall submit a letter response in advance of the conference. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/2/11. (DAZ) (Entered: 05/02/2011)
05/10/2011	190	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference re discovery issues held on 5/10/2011. Appearances: Mary Pat Fleming (in person), Marlysha Myrthil, Laura Coon, Alyssa Connell Lareau (all via telephone) for Plaintiff; Thomas F. Kirkpatrick, Jr. and Brian R. Liebenow for Defendants. (DAZ) (Entered: 05/11/2011)
05/11/2011	191	TEXT ORDER : In accordance with yesterday's proceeding, defendants shall produce the protection from harm materials identified on page 2 of defendants' May 10, 2011 letter to the court (items 1-3) and power point presentations referenced during Dr. Heidelberger's deposition, if any, by May 17, 2011. The parties shall confer regarding the methodology for producing the housing head count sheets. SO ORDERED. Issued

		by Hon. Jeremiah J. McCarthy on 5/11/11. (DAZ) (Entered: 05/11/2011)
05/16/2011	192	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 5/16/2011 for discovery update. A further status conference set for 6/2/2011 at 03:30 PM before Hon. Jeremiah J. McCarthy. Appearances: Pltf – Mary Pat Fleming (in person), Zazy Lopez, Marlysha Myrthil, Alyssa Lareau (all via telephone); Defts – Jeremy A. Colby and Brian R. Liebenow. (DAZ) (Entered: 05/16/2011)
05/17/2011	193	TEXT ORDER : In accordance with yesterday's conference, a further status conference is set for June 2, 2011 at 3:30 p.m. In advance of the June 2, 2011 conference the parties shall supplement their letter submissions concerning amendment of the deposition, interrogatory and document request limitations, as well as the remaining discovery deadlines. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call.SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 5/17/11. (DAZ) (Entered: 05/17/2011)
05/25/2011	<u>194</u>	MOTION to Withdraw as Attorney by United States of America.(Fleisher, Aaron) (Entered: 05/25/2011)
05/25/2011	<u>195</u>	ORDER granting <u>194</u> Motion to Withdraw as Attorney. Attorney Aaron Saul Fleisher terminated. Signed by Hon. Jeremiah J. McCarthy on 5/25/11. (DAZ) (Entered: 05/26/2011)
06/02/2011	196	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 6/2/2011 re update on discovery issues and proposed amended CMO. Appearances: Pltf – Mary Pat Fleming (in person), Zazy Ivonne Lopez, Laura L. Coon, Marlysha Myrthil (all parties via telephone); Defts – Thomas F. Kirkpatrick, Jr. and Jeremy Colby. (DAZ) (Entered: 06/02/2011)
06/02/2011	197	TEXT ORDER : At today's conference defendants advised that they recently learned that they inadvertently disclosed privileged material to plaintiff as part of their e-mail production. A conference concerning this issue is set for June 6, 2011 at 2:00 p.m. The parties shall submit letters addressing this issue, including the obligations of the parties in the absence of a clawback agreement, in advance of the conference. In the interim, plaintiff shall refrain from inspecting the e-mails supplied by defendants. A further conference to discuss the other discovery issues raised at today's proceeding is set for June 21, 2011 at 2:00 p.m. The parties may participate in both conferences via telephone upon advance notice to chambers. The court will initiate the calls. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/2/11. (DAZ) (Entered: 06/02/2011)
06/06/2011	198	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 6/6/2011 to discuss issue of disclosed privileged materials. Court advised issue has been resolved. Appearances: Mary Pat Fleming (in person), Zazy Ivonne Lopez, Marlysha Myrthil (both via telephone) for Plaintiff; Jeremy A. Colby for Defendant. (DAZ) (Entered: 06/06/2011)
06/09/2011	<u>199</u>	Stipulation–Selection of Mediator by Quandrell IveyAssociated Cases: 1:10-cv-00961-HKS, 1:09-cv-00849-WMS –JJM(Johnson, Philip) (Entered: 06/09/2011)
06/21/2011	200	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 6/21/2011 re update on discovery issues. A further status conference is set for 6/30/11 at 4:00 p.m. Appearances: Pltf – Mary Pat Fleming; Zazy Ivonne Lopez, Laura L. Coon and Marlysha Myrthil (via telephone); Dfts – Thomas F. Kirkpatrick, Jr. Brian Liebenow. (DAZ) (Entered: 06/21/2011)
06/22/2011	201	TEXT ORDER : In accordance with yesterday's proceeding, letter submissions concerning plaintiff's objections to defendants' interrogatories, amendment of the case management order deadlines and any other pending discovery disputes, shall be made by close of the business on June 29, 2011. A further conference is set for June 30, 2011 at 4:00 p.m. The parties may participate via telephone upon advance notice to chambers. The court will initiate the call. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/22/11. (DAZ) (Entered: 06/22/2011)

06/30/2011	<u>202</u>	Minute Entry for proceedings held before Hon. Jeremiah J. McCarthy: Status Conference held on 6/30/2011 to discuss letter submissions and amendment of the case management order deadlines. Appearances: Mary Pat Fleming for Plaintiff; Zazy Ivonne Lopez, Marlysa Myrthil, Alyssa Connell Lareau (parties via telephone) from US Department of Justice for plaintiff; Brian R. Liebenow and Jeremy A. Colby for Defendants. (DAZ) (Entered: 06/30/2011)
06/30/2011	<u>203</u>	TEXT ORDER : In accordance with today's conference, defendants shall serve and file their motion, if any, to compel interrogatory responses, which will address all issues other than plaintiff's privilege objections, by July 7, 2011; plaintiff's response shall be served and filed by July 18, 2011; defendants' reply, if any, shall be served and file by July 22, 2011; and oral argument is set for July 29, 2011 at 3:00 p.m. Plaintiff's privilege objections to defendants' interrogatories will be addressed, if necessary, in a subsequent motion. All deadlines of the Amended Case Management Order <u>170</u> are stayed pending resolution of the current discovery disputes. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 6/30/11. (DAZ) (Entered: 06/30/2011)
07/06/2011	<u>204</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on June 6, 2011, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Christi Macri, Telephone number 585-613-4310. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 7/27/2011. Redacted Transcript Deadline set for 8/8/2011. Release of Transcript Restriction set for 10/4/2011. (DLC) (Entered: 07/06/2011)
07/06/2011	<u>205</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on June 21, 2011, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Christi Macri, Telephone number 585-613-4310. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 7/27/2011. Redacted Transcript Deadline set for 8/8/2011. Release of Transcript Restriction set for 10/4/2011. (DLC) (Entered: 07/06/2011)
07/06/2011	<u>206</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on June 30, 2011, before Judge Jeremiah J. McCarthy. Court Reporter/Transcriber Christi Macri, Telephone number 585-613-4310. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 7/27/2011. Redacted Transcript Deadline set for 8/8/2011. Release of Transcript Restriction set for 10/4/2011. (DLC) (Entered: 07/06/2011)
07/06/2011	<u>207</u>	AMENDED TEXT ORDER : In accordance with the proceedings held on June 30, 2011, defendants shall serve and file their motion, if any, to compel interrogatory responses, which will address all issues other than plaintiff's privilege objections, by July 8, 2011; plaintiff's response shall be served and filed by July 18, 2011; defendants' reply, if any, shall be served and file by July 22, 2011; and oral argument is set for July 29, 2011 at 3:00 p.m. Plaintiff's privilege objections to defendants' interrogatories will be addressed, if necessary, in a subsequent motion. All deadlines of the Amended Case Management Order <u>170</u> are stayed pending resolution of the current discovery disputes. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/6/11. (DAZ) (Entered: 07/06/2011)
07/08/2011	<u>208</u>	ORDER granting request for extension of briefing schedule pursuant to Dkt. 207. Signed by Hon. Jeremiah J. McCarthy on 7/8/11. (DAZ) Modified on 7/8/2011 to correct language (DAZ). (Entered: 07/08/2011)
07/11/2011	<u>209</u>	CALENDAR EVENT: Oral argument previously set for July 29, 2011 at 3:00 p.m. is rescheduled for August 12, 2011 at 03:00 PM before Hon. Jeremiah J. McCarthy. (Entered: 07/11/2011)
07/22/2011	<u>210</u>	First MOTION to Compel <i>Interrogatory Responses</i> by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston.(Liebenow, Brian) (Entered: 07/22/2011)
07/22/2011	<u>211</u>	DECLARATION signed by Brian R. Liebenow re <u>210</u> First MOTION to Compel <i>Interrogatory Responses</i> filed by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary,

		Donald Livingston. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Liebenow, Brian) (Entered: 07/22/2011)
07/22/2011	<u>212</u>	MEMORANDUM IN SUPPORT re <u>210</u> First MOTION to Compel <i>Interrogatory Responses</i> by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Liebenow, Brian) (Entered: 07/22/2011)
07/26/2011	213	TEXT ORDER : At the parties' request, the briefing schedule <u>208</u> on defendants' motion to compel interrogatory responses <u>210</u> is amended as follows: plaintiff's response to defendants' motion <u>208</u> shall be served and filed by August 15, 2011; defendants' reply, if any, shall be served and filed by August 19, 2011, and oral argument is set for August 25, 2011 at 3:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/26/11. (DAZ) (Entered: 07/26/2011)
07/27/2011	<u>214</u>	Third Party MOTION to Quash <i>Non-Party Subpoenas</i> by League of Women Voters, Erie County Prisoner Rights Coalition, Partnership for the Public Good. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Attorney Corey Stoughton, # <u>3</u> Affidavit of Sam Magavern, # <u>4</u> Affidavit of Karima Amin, # <u>5</u> Affidavit of Therese Warden)(Stoughton, Corey) (Entered: 07/27/2011)
07/28/2011	215	TEXT ORDER : Responses to the non-parties' motion to quash <u>214</u> shall be served and filed by August 17, 2011; the non-parties' reply, if any, shall be served and filed by August 24, 2011, and oral argument is set for September 7, 2011 at 2:00 p.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 7/28/11. (DAZ) (Entered: 07/28/2011)
08/03/2011	<u>216</u>	DECLARATION re <u>214</u> Third Party MOTION to Quash <i>Non-Party Subpoenas</i> filed by Richard T. Donovan, Erie County, New York, Anthony Billittier, Robert Koch, Donald Livingston, Chris Collins, Timothy B. Howard, Barbara Leary filed by Richard T. Donovan, Erie County, New York, Anthony Billittier, Robert Koch, Donald Livingston, Chris Collins, Timothy B. Howard, Barbara Leary. (Attachments: # <u>1</u> Exhibit)(Colby, Jeremy) (Entered: 08/03/2011)
08/04/2011	<u>217</u>	RESPONSE in Support re <u>214</u> Third Party MOTION to Quash <i>Non-Party Subpoenas</i> filed by Erie County Prisoner Rights Coalition, League of Women Voters, Partnership for the Public Good. (Stoughton, Corey) (Entered: 08/04/2011)
08/05/2011	<u>218</u>	MOTION to Dismiss by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Attachments: # <u>1</u> Memorandum of Law in Support of Motion to Dismiss)(Colby, Jeremy) (Entered: 08/05/2011)
08/08/2011	219	TEXT ORDER : The court having considered the parties' submissions [216, 217], will hold the non-parties' motion to quash <u>214</u> in abeyance pending resolution of defendants' motion to compel <u>210</u> and the issues identified in their July 22, 2011 letter to plaintiff (<u>216</u> , Ex. A). SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/8/11. (DAZ) (Entered: 08/08/2011)
08/10/2011	220	TEXT ORDER : At the parties' request, the briefing schedule 213 on defendants' motion to compel interrogatory responses <u>210</u> is amended as follows: plaintiff's response to defendants' motion <u>210</u> shall be served and filed by August 29, 2011; defendants' reply, if any, shall be served and filed by September 2, 2011, and oral argument is set for September 12, 2011 at 10:00 a.m. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/10/11. (DAZ) (Entered: 08/10/2011)
08/10/2011	221	TEXT REFERRAL ORDER (DISPOSITIVE) – Hon. Jeremiah J. McCarthy, United States Magistrate Judge, is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28

		U.S.C. § 636(b)(1)(B) and (C). All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. § 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by William M. Skretny, Chief Judge on 8/10/2011. (MEAL) (Entered: 08/10/2011)
08/11/2011	<u>222</u>	TEXT ORDER : Plaintiff's response to defendants' motion for partial dismissal <u>218</u> shall be served and filed by September 1, 2011; defendants' reply, if any, shall be served and filed by September 8, 2011, after which time the motion <u>218</u> will be taken under advisement without oral argument unless requested by one of the parties or deemed necessary by the court. SO ORDERED. Issued by Hon. Jeremiah J. McCarthy on 8/11/11. (DAZ) (Entered: 08/11/2011)
08/18/2011	<u>223</u>	STIPULATION of Dismissal by Anthony Billittier, Chris Collins, Richard T. Donovan, Erie County, New York, Timothy B. Howard, Robert Koch, Barbara Leary, Donald Livingston. (Colby, Jeremy) (Entered: 08/18/2011)
08/18/2011	<u>224</u>	STIPULATION of Dismissal by United States of America. (Lopez, Zazy) (Entered: 08/18/2011)
08/18/2011	<u>225</u>	Joint MOTION Entry of Stipulated Order of Dismissal by United States of America. (Attachments: # <u>1</u> Stipulated Order of Dismissal)(Lopez, Zazy) (Entered: 08/18/2011)
08/26/2011	<u>226</u>	TEXT ORDER. IT HEREBY IS ORDERED THAT, in light of the parties' <u>223</u> <u>224</u> Stipulations of Dismissal, the Clerk of Court is DIRECTED to terminate the individual Defendants in this case and amend the caption to United States of America v. Erie County, New York. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 8/25/2011. (CMD) (Entered: 08/26/2011)
08/26/2011	<u>227</u>	ORDER ENTERING STIPULATED ORDER OF DISMISSAL. The <u>225</u> Joint Motion for Entry of the Stipulated Order of Dismissal is GRANTED and the [225-1] Stipulated Order of Dismissal is APPROVED, ORDERED and ENTERED. FURTHER, this Court shall retain jurisdiction over this matter until the terms are fulfilled and retains the power to enforce the Stipulated Order of Dismissal. FURTHER, the Clerk of the Court is DIRECTED to close this case. Signed by William M. Skretny, Chief Judge U.S.D.C. on 8/25/2011. (CMD) (Entered: 08/26/2011)
11/01/2011		E-Filing Notification: Name of Sealed Document added to entry 228 Sealed Document – Final Joint Compliance Officer Report. (CMD) (CMD) (Entered: 11/01/2011)
02/05/2012	<u>229</u>	NOTICE of Appearance by Michelle M. Parker on behalf of Erie County, New York (Parker, Michelle) (Entered: 02/05/2012)
02/06/2012	<u>230</u>	CERTIFICATE OF SERVICE by Erie County, New York re <u>229</u> Notice of Appearance (Parker, Michelle) (Entered: 02/06/2012)
02/27/2012	<u>231</u>	First MOTION to Seal Case <i>TCCs Compliance Reports</i> by Erie County, New York.(Parker, Michelle) (Entered: 02/27/2012)
02/27/2012	<u>232</u>	DECLARATION to Seal Case by Erie County, New York.(Parker, Michelle) Modified on 2/28/2012 (DLC). (Entered: 02/27/2012)
02/28/2012		E-Filing Notification: Incorrect event used to electronically file document. For future reference, use (Declaration) event. No action required. Re <u>232</u> First MOTION to Seal Case <i>Declaration</i> . (DLC) (Entered: 02/28/2012)
03/02/2012	<u>233</u>	SCHEDULING NOTICE as to Defendant, Erie County's <u>231</u> Motion to Seal. Responses due by 3/9/2012. Replies is due by 3/14/2012. (CMD) (Entered: 03/02/2012)
03/07/2012	<u>234</u>	RESPONSE to Motion re <u>231</u> First MOTION to Seal Case <i>TCCs Compliance Reports</i> , <u>232</u> First MOTION to Seal Case <i>Declaration</i> filed by United States of America. (Myrthil, Marlysha) (Entered: 03/07/2012)

03/15/2012	<u>235</u>	TEXT ORDER. IT HEREBY IS ORDERED THAT, there being no objection thereto, Defendant's <u>231</u> Motion to Seal is GRANTED. Defendant shall file the reports at issue by March 23, 2012. Subsequent compliance reports shall also be filed under seal pursuant to this Order. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 3/14/2012. (CMD) (Entered: 03/15/2012)
03/18/2012	<u>236</u>	NOTICE by Erie County, New York <i>Amended Notice of Substitution of Counsel</i> (Attachments: # <u>1</u> Certificate of Service)(Parker, Michelle) (Entered: 03/18/2012)
03/20/2012	<u>237</u>	Second MOTION to Seal <i>Defendant's Semiannual Compliance Reports</i> by Erie County, New York. (Attachments: # <u>1</u> Affidavit Declaration in support of motion and Certificate of Service)(Parker, Michelle) (Entered: 03/20/2012)
03/27/2012	<u>239</u>	REPLY/RESPONSE to re <u>237</u> Second MOTION to Seal <i>Defendant's Semiannual Compliance Reports</i> filed by United States of America. (Myrthil, Marlysha) (Entered: 03/27/2012)
03/29/2012	240	TEXT ORDER. IT HEREBY IS ORDERED THAT, there being no objection thereto, Defendant's <u>237</u> Motion to Seal is GRANTED. Defendant shall file its semiannual compliance reports under seal pursuant to this order. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 3/28/2012. (MEAL) (Entered: 03/29/2012)
06/21/2012	<u>244</u>	MOTION to Unseal Document, MOTION for Leave to Intervene and to Unseal Records by New York Civil Liberties Union (NYCLU). (Attachments: # <u>1</u> Memorandum in Support of Motion to Intervene to Unseal Records, # <u>2</u> Affidavit of Corey Stoughton, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit I, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H)(Stoughton, Corey) (Entered: 06/21/2012)
06/22/2012		E-Filing Notification: No proof of service. Action required: File proof of service re <u>244</u> MOTION to Unseal Document MOTION for Leave to Intervene and to Unseal Records. (DLC) (Entered: 06/22/2012)
06/22/2012	<u>245</u>	AFFIRMATION re <u>244</u> MOTION to Unseal Document MOTION for Leave to Intervene and to Unseal Records filed by New York Civil Liberties Union (NYCLU) <i>Proof of Service</i> . (Stoughton, Corey) (Entered: 06/22/2012)
06/26/2012	246	SCHEDULING NOTICE on the NYCLU's <u>244</u> Motion for leave to intervene; unsealing compliance reports that have already been filed in this case with this Court; and vacating the standing order permitting future compliance reports to be filed under seal. Both the Plaintiff and Defendant's responses are due on or before 7/9/2012. The NYCLU's reply is due 7/19/2012. The Court will then deem the motion submitted. (MEAL) (Entered: 06/26/2012)
07/03/2012	<u>247</u>	RESPONSE to Motion re <u>244</u> MOTION to Unseal Document MOTION for Leave to Intervene and to Unseal Records filed by United States of America. (Myrthil, Marlysha) (Entered: 07/03/2012)
07/09/2012	<u>248</u>	MEMORANDUM in Opposition re <u>244</u> MOTION to Unseal Document MOTION for Leave to Intervene and to Unseal Records <i>Opposition to proposed intervener's motion</i> filed by Erie County, New York. (Attachments: # <u>1</u> Affidavit First Assistant County Attorney declaration in opposition to proposed intervener's motion with certificate of service, # <u>2</u> Affidavit Director of Intensive Adult Mental Health Services declaration in opposition to proposed intervener's motion with certificate of service, # <u>3</u> Affidavit Commissioner of the Dep't of Mental Health declaration in opposition to proposed intervener's motion with certificate of service, # <u>4</u> Affidavit Correctional Health – Chief Medical Officer declaration in opposition to proposed intervener's motion with certificate of service, # <u>5</u> Affidavit Commissioner of the Dep't of Health declaration in opposition to proposed intervener's motion with certificate of service)(Parker, Michelle) (Entered: 07/09/2012)
07/19/2012	<u>249</u>	REPLY to Response to Motion re <u>244</u> MOTION to Unseal Document MOTION for Leave to Intervene and to Unseal Records filed by New York Civil Liberties Union (NYCLU). (Stoughton, Corey) (Entered: 07/19/2012)
08/30/2013	<u>250</u>	This Order is Vacated in Part, see USCA Mandate... DECISION AND ORDER GRANTING in part and DENYING in part NYCLU's <u>244</u> Motion to Intervene and

		Unseal Records; DIRECTING the Clerk of the Court to terminate NYLCU from the case. Signed by William M. Skretny, Chief Judge U.S.D.C. on 8/30/2013. (MEAL) Modified on 10/15/2014 (DLC). (Entered: 08/30/2013)
09/26/2013	<u>251</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>250</u> Order on Motion to Unseal Document, Order on Motion for Miscellaneous Relief., by New York Civil Liberties Union (NYCLU). Filing fee \$455, receipt number 0209-1888833. (Dunn, Christopher) Modified on 9/27/2013 (DLC). (Entered: 09/26/2013)
09/27/2013		Remark – Pursuant to Local Rule 12.1 of the US Court of Appeals for the Second Circuit, Forms C and D must be completed within 14 days after the filing of a Notice of Appeal. Forms C and D can be obtained on the Second Circuit website at www.ca2.uscourts.gov. (DLC) (Entered: 09/27/2013)
02/05/2014	<u>252</u>	Certified and Transmitted Index to Record on Appeal to US Court of Appeals re <u>251</u> Notice of Appeal. (DLC) (Entered: 02/05/2014)
10/15/2014	<u>253</u>	MANDATE of USCA as to <u>251</u> Notice of Appeal, filed by New York Civil Liberties Union (NYCLU). IT IS HEREBY ORDERED that the district courts decision to keep the compliance reports under seal is REVERSED and the standing order that permitted future reports to be sealed is VACATED. (Attachments: #(1) supporting Document.) (DLC) (Entered: 10/15/2014)
10/30/2014	<u>254</u>	ORDER that the Mandate reverses the District Court Decision to keep the compliance reports under seal and vacates the standing order that permitted future reports to be sealed. Signed by Hon. William M. Skretny on 10/24/14. (SG) (Entered: 10/30/2014)
10/31/2014	<u>255</u>	ORDER making the <u>253</u> USCA Mandate the Judgment of this Court. Signed by Hon. William M. Skretny on 10/31/14. (SG) (Entered: 10/31/2014)
11/07/2014	256	SCHEDULING NOTICE. A Status Conference is scheduled for 11/21/2014 at 10:30 AM before William M. Skretny, Chief Judge. (MEAL) (Entered: 11/07/2014)
11/13/2014	<u>257</u>	First MOTION to Adjourn Status Conference of 11/21/2014 by Erie County, New York. (Attachments: # <u>1</u> Affidavit Attorney Declaration in Support, # <u>2</u> Certificate of Service)(Parker, Michelle) (Entered: 11/13/2014)
11/17/2014	258	TEXT ORDER. IT HEREBY IS ORDERED THAT the <u>257</u> Motion to Adjourn is GRANTED. The Status Conference scheduled for 11/21/2014 before William M. Skretny, Chief Judge will now take place at 11:30 AM. SO ORDERED. Issued by William M. Skretny, Chief Judge on 11/17/2014. (MEAL) (Entered: 11/17/2014)
11/26/2014	259	SCHEDULING NOTICE. The Status Conference scheduled for 11/21/2014 at 9:30 AM before William M. Skretny, Chief Judge was adjourned generally due to extreme adverse weather that made it impossible to conduct. The Status Conference is now rescheduled to 12/16/2014 at 2:00 PM. (MEAL) (Entered: 11/26/2014)
12/16/2014	260	Minute Entry for proceedings held before William M. Skretny, Chief Judge: Status Conference held on 12/16/2014. Proposed Order resolving outstanding issue re: remand provided to the Court. For the pltf. – Zazy Lopez, Marlysha Myrthil (by telephone), Mary Pat Fleming. For the deft. – Michelle Parker. For intervenor – Corey Stroughton. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 12/17/2014)
12/18/2014	<u>261</u>	ORDER DIRECTING information be redacted from all TCC Compliance Reports prior to filing with the Court, as specified. Signed by William M. Skretny, Chief Judge U.S.D.C. on 12/17/2014. (CMD) (Entered: 12/18/2014)
01/16/2015	<u>262</u>	MOTION for Extension of Time to File <i>/Submit Redacted TCC Reports to Chambers</i> by United States of America. (Attachments: # <u>1</u> Affidavit in Support of Motion to Extend Time)(Myrthil, Marlysha) (Entered: 01/16/2015)
01/21/2015	263	TEXT ORDER. IT HEREBY IS ORDERED THAT, Plaintiff's <u>262</u> Motion for Extension of Time to Submit Redacted TCC Reports to Chambers is GRANTED. Reports are now due by 1/22/2015. SO ORDERED. Issued by William M. Skretny, Chief Judge U.S.D.C. on 1/21/2015. (CMD) (Entered: 01/21/2015)
02/12/2015	264	TEXT ORDER

		<p>This Court has reviewed the reports submitted in accordance with December 17, 2014 order governing redaction. Defendant is directed to file the Technical Compliance Reports of Ronald M. Shansky, M.D. (November 2011–November 2014), for which no redactions are requested, within one week of the date of this order. Plaintiff and Defendant are further ordered to appear for a status conference on Tuesday, February 17, 2015 at 10:30 a.m. to discuss the proposed redactions to the Technical Compliance Reports of Jeffrey Metzner, M.D. (December 2011–November 2014). Out-of-state counsel may appear by telephone upon advance notice to chambers.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, Chief Judge U.S.D.C. on 2/10/2015. (CMD) (Entered: 02/12/2015)</p>
02/17/2015	265	Minute Entry for proceedings held before William M. Skretny, Chief Judge: Status Conference held on 2/17/2015. Compliance redactions discussed. Parties are given until 3/19/2015 to proffer updated compliance redactions. For the pltf. – Marlysh Myrthil (by telephone), Mary Pat Fleming. For the deft. – Michelle Parker. (Court Reporter Michelle McLaughlin.) (MEAL) (Entered: 02/18/2015)
02/19/2015	<u>266</u>	STATUS REPORT <i>Ronald Shansky, MD – November 2011</i> by Erie County, New York. (Parker, Michelle) (Entered: 02/19/2015)
02/19/2015	<u>267</u>	STATUS REPORT <i>Ronald Shansky, MD – June 2012</i> by Erie County, New York. (Parker, Michelle) (Entered: 02/19/2015)
02/19/2015	<u>268</u>	STATUS REPORT <i>Ronald Shansky, MD – November 2012</i> by Erie County, New York. (Parker, Michelle) (Entered: 02/19/2015)
02/19/2015	<u>269</u>	STATUS REPORT <i>Ronald Shansky, MD – June 2013</i> by Erie County, New York. (Parker, Michelle) (Entered: 02/19/2015)
02/19/2015	<u>270</u>	STATUS REPORT <i>Ronald Shansky, MD – November 2013</i> by Erie County, New York. (Parker, Michelle) (Entered: 02/19/2015)
02/19/2015	<u>271</u>	STATUS REPORT <i>Ronald Shansky, MD – May 2014</i> by Erie County, New York. (Parker, Michelle) (Entered: 02/19/2015)
02/19/2015	<u>272</u>	STATUS REPORT <i>Ronald Shansky, MD – November 2014</i> by Erie County, New York. (Parker, Michelle) (Entered: 02/19/2015)
03/31/2015	273	TEXT ORDER. This Court has reviewed the reports submitted as directed at the February 17, 2015 status conference and approves the revised redactions. Defendant is reminded that, as done in Appendix 2 for each report, the "County of Erie Update" subheadings must also be unredacted in those appendices which were not resubmitted for review. Defendant is directed to file the redacted Technical Compliance Reports of Jeffrey Metzner, M.D., on or before April 10, 2015. On or before this same date, Defendant is further directed to file under seal unredacted copies of those reports not previously filed with this Court. SO ORDERED. Issued by William M. Skretny, Senior United States District Judge on 3/31/2015. (CMD) (Entered: 03/31/2015)
04/10/2015	<u>274</u>	STATUS REPORT <i>of TCC Dr. Metzner</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix IV, # <u>5</u> Appendix V, # <u>6</u> Appendix VI, # <u>7</u> Appendix VII, # <u>8</u> Exhibit A)(Parker, Michelle) (Entered: 04/10/2015)
04/10/2015	<u>275</u>	STATUS REPORT <i>TCC Dr. Metzner</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix IV, # <u>5</u> Appendix V, # <u>6</u> Appendix VI, # <u>7</u> Appendix VII, # <u>8</u> Appendix VIII, # <u>9</u> Exhibit A, # <u>10</u> Exhibit B, # <u>11</u> Exhibit C)(Parker, Michelle) (Entered: 04/10/2015)
04/10/2015	<u>276</u>	STATUS REPORT <i>TCC Dr. Metzner</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix IV, # <u>5</u> Appendix V, # <u>6</u> Appendix VI, # <u>7</u> Appendix VII, # <u>8</u> Appendix VIII, # <u>9</u> Appendix IX, # <u>10</u> Appendix X, # <u>11</u> Appendix XI, # <u>12</u> Exhibit A, # <u>13</u> Exhibit B, # <u>14</u> Exhibit C)(Parker, Michelle) (Entered: 04/10/2015)

04/10/2015	<u>277</u>	STATUS REPORT <i>TCC Dr. Metzner</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix IV, # <u>5</u> Appendix V, # <u>6</u> Appendix VI, # <u>7</u> Appendix VII, # <u>8</u> Appendix VIII, # <u>9</u> Appendix IX, # <u>10</u> Appendix X, # <u>11</u> Exhibit A, # <u>12</u> Exhibit B, # <u>13</u> Exhibit C, # <u>14</u> Exhibit D, # <u>15</u> Exhibit E)(Parker, Michelle) (Entered: 04/10/2015)
04/10/2015	<u>278</u>	STATUS REPORT <i>TCC Dr. Metzner</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix IV, # <u>5</u> Appendix V, # <u>6</u> Appendix VI, # <u>7</u> Appendix VII, # <u>8</u> Appendix VIII, # <u>9</u> Appendix IX, # <u>10</u> Appendix X, # <u>11</u> Exhibit A, # <u>12</u> Exhibit B)(Parker, Michelle) (Entered: 04/10/2015)
04/10/2015	<u>279</u>	STATUS REPORT <i>TCC Dr. Metzner</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix IV, # <u>5</u> Appendix V, # <u>6</u> Appendix VI, # <u>7</u> Appendix VII, # <u>8</u> Appendix VIII, # <u>9</u> Appendix IX, # <u>10</u> Appendix X, # <u>11</u> Exhibit A, # <u>12</u> Exhibit B)(Parker, Michelle) (Entered: 04/10/2015)
04/10/2015	<u>280</u>	STATUS REPORT <i>TCC Dr. Metzner</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix VII, # <u>5</u> Appendix VIII, # <u>6</u> Appendix IX, # <u>7</u> Appendix X, # <u>8</u> Exhibit A, # <u>9</u> Exhibit B)(Parker, Michelle) (Entered: 04/10/2015)
04/13/2015	<u>281</u>	Sealed Document pursuant to 273 Order. (Attachments: #(1) 12/2011 Appendix IV, #(2) 6/2012 Appendix A, #(3) 6/2012 Appendix II, #(4) 6/2012 Appendix III, #(5) 6/2012 Appendix IV, #(6) 6/2013 Appendix II, #(7) 6/2013 Appendix IV, #(8) 6/2013 Attachment A, #(9) 5/2014 Appendix II, #(10) 5/2014 Appendix IV, #(11) 5/2014 Attachment A, #(12) 11/2012 Appendix II, #(13) 11/2012 Appendix IV, #(14) 11/2012 Attachment C, #(15) 11/2013 Appendix II, #(16) 11/2013 Appendix IV, #(17) 11/2013 Attachment A, #(18) 11/2014 Appendix A, #(19) 11/2014 Appendix II, #(20) 11/2014 Attachment B). (DLC) (Entered: 04/13/2015)
04/29/2015	<u>282</u>	Letter from Erie County, dated April 13, 2015, to Hon. William M. Skretny. (CMD) (Entered: 04/29/2015)
04/29/2015	283	TEXT ORDER. The additional redactions made to Docket No. 275 Exhibit 9, referenced in the County's April 13, 2015 letter, are approved. Counsel is reminded to request approval of future redactions prior to filing. SO ORDERED. Issued by William M. Skretny, Senior United States District Judge on 4/27/2015. (CMD) (Entered: 04/29/2015)
08/06/2015	284	TEXT ORDER. This Court has reviewed the June 2015 TCC report of Jeffrey Metzner, M.D., and approves the parties' requested redactions. Defendant is directed to file the redacted version of this report on the docket within one week of the date of this order. The unredacted version submitted to chambers will be filed under seal. SO ORDERED. Issued by William M. Skretny, United States District Judge on 8/5/2015. (CLERK TO FOLLOW UP). (CMD) (Entered: 08/06/2015)
08/06/2015	<u>285</u>	Sealed Document. (Attachments: # <u>1</u>) (CMD) (Entered: 08/06/2015)
08/12/2015	<u>286</u>	STATUS REPORT <i>TCC Dr Metzner June 2015</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix Appendix I, # <u>2</u> Appendix Appendix IA, # <u>3</u> Appendix Appendix II, # <u>4</u> Appendix Appendix III, # <u>5</u> Appendix Appendix VII, # <u>6</u> Appendix Appendix VIII, # <u>7</u> Appendix Appendix IX, # <u>8</u> Appendix Appendix X, # <u>9</u> Appendix Attachment A, # <u>10</u> Appendix Attachment B, # <u>11</u> Appendix Attachment C)(Parker, Michelle) (Entered: 08/12/2015)
08/26/2015	287	<p style="text-align: center;">TEXT ORDER</p> <p>This Court has reviewed the June 2015 medical monitoring report of Ronald Shansky, M.D., and notes that no redactions are requested. Defendant is directed to file this report on the docket on or before September 8, 2015.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, United States District Judge on 8/25/2015. (MEAL) (Entered: 08/26/2015)</p>
09/08/2015	<u>288</u>	STATUS REPORT <i>Ronald Shansky, MD – June 2015</i> by Erie County, New York. (Parker, Michelle) (Entered: 09/08/2015)

09/09/2015		E-Filing Notification: Missing case caption and case number. Action required: re-file document in proper format and/or cover sheet and with new proof of service re <u>288</u> STATUS REPORT <i>Ronald Shansky, MD – June 2015</i> by Erie County, New York. (Parker, Michelle) (DLC) (Entered: 09/09/2015)
09/09/2015	<u>289</u>	STATUS REPORT <i>Ronald Shansky, MD – June 2015</i> by Erie County, New York. (Parker, Michelle) (Entered: 09/09/2015)
12/11/2015	290	<p style="text-align: center;">TEXT ORDER</p> <p>Presently before this Court for review are the compliance reports resulting from the October 2015 site visits of Ronald Shansky, M.D., and Jeffrey Metzner, M.D. No redactions have been requested with respect to Dr. Shansky's report. This Court has reviewed Dr. Metzner's report and approves the parties' requested redactions to Appendix II and Attachment C. Defendant is directed to file Dr. Shansky's report and the redacted version of Dr. Metzner's report on the docket within one week of the date of this order. The unredacted version of Dr. Metzner's report submitted to chambers will be filed under seal.</p> <p>Issued by William M. Skretny, United States District Judge on 12/11/2015. (MEAL) – CLERK TO FOLLOW UP – (Entered: 12/11/2015)</p>
12/14/2015	<u>291</u>	REPORT OF TCC Ronald Shanski, M.D. by Erie County, New York. (DLC) (Entered: 12/14/2015)
12/14/2015	<u>292</u>	Sealed Document (Unredacted version of Dr. Metzner's Report.) (DLC) (Entered: 12/14/2015)
12/18/2015	<u>293</u>	STATUS REPORT <i>TCC Jeffrey Metzner, M.D. November 2015</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix IA, # <u>3</u> Appendix II, # <u>4</u> Appendix III, # <u>5</u> Appendix VII, # <u>6</u> Appendix VIII, # <u>7</u> Appendix IX, # <u>8</u> Appendix X, # <u>9</u> Exhibit Attachment A, # <u>10</u> Exhibit Attachment B, # <u>11</u> Exhibit Attachment C)(Parker, Michelle) (Entered: 12/18/2015)
06/17/2016	294	<p style="text-align: center;">TEXT ORDER</p> <p>Presently before this Court for review are the compliance reports resulting from the April 2016 site visits by Ronald Shansky, M.D., and Jeffrey Metzner, M.D. No redactions have been requested with respect to Dr. Shansky's report. This Court has reviewed Dr. Metzner's report and approves the parties' requested redactions to Appendix II and Attachments A, B1, and B. Defendant is directed to file Dr. Shansky's report and the redacted version of Dr. Metzner's report on the docket within one week of the date of this order. The unredacted version of Dr. Metzner's report submitted to chambers will be filed under seal.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, United States District Judge on 6/17/2016. (MEAL) – CLERK TO FOLLOW UP – (Entered: 06/17/2016)</p>
06/20/2016	<u>295</u>	Sealed Document – Unredacted Version of Dr. Metzner's Report 1 of 3. (KLH) (Entered: 06/20/2016)
06/20/2016	<u>296</u>	Sealed Document – Unredacted Version of Dr. Metzner's Report 2 of 3. (KLH) (Entered: 06/20/2016)
06/20/2016	<u>297</u>	Sealed Document – Unredacted Version of Dr. Metzner's Report 3 of 3. (KLH) (Entered: 06/20/2016)
06/24/2016	<u>298</u>	STATUS REPORT <i>of Ronald Shansky MD</i> by Erie County, New York. (Parker, Michelle) (Entered: 06/24/2016)
06/24/2016	<u>299</u>	STATUS REPORT <i>Jeffrey Metzner, MD</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix App I, # <u>2</u> Appendix App IA, # <u>3</u> Appendix App II, # <u>4</u> Appendix App III, # <u>5</u> Appendix App VII, # <u>6</u> Appendix App VIII, # <u>7</u> Appendix App IX, # <u>8</u> Appendix App X, # <u>9</u> Exhibit Attmt A, # <u>10</u> Exhibit Attmt B, # <u>11</u> Exhibit Attmt B1, # <u>12</u>

		Exhibit Attmt C)(Parker, Michelle) (Entered: 06/24/2016)
01/05/2017	300	<p style="text-align: center;">TEXT ORDER</p> <p>Presently before this Court for review are the compliance reports resulting from the October 2016 site visits by Ronald Shansky, M.D., and Jeffrey Metzner, M.D. No redactions have been requested with respect to Dr. Shansky's report. This Court has reviewed Dr. Metzner's report and approves the parties' requested redactions to Appendix II and Attachments B and C. Defendant is directed to file Dr. Shansky's report and the redacted version of Dr. Metzner's report on the docket within one week of the date of this order. The unredacted version of Dr. Metzner's report submitted to chambers will be filed under seal.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, United States District Judge on 1/4/2017. (MEAL)</p> <p style="text-align: center;">- CLERK TO FOLLOW UP - (Entered: 01/05/2017)</p>
01/05/2017	<u>301</u>	Sealed Document – Unredacted version of Dr. Metzner's Report. (KLH) (Entered: 01/06/2017)
01/11/2017	<u>302</u>	STATUS REPORT <i>Ronald Shansky, MD – October 2016</i> by Erie County, New York. (Parker, Michelle) (Entered: 01/11/2017)
01/11/2017	<u>303</u>	STATUS REPORT <i>Jeffrey Metzner, M.D. – November 2016</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix VII, # <u>5</u> Appendix VIII, # <u>6</u> Appendix IX, # <u>7</u> Appendix X, # <u>8</u> Supplement Attachment A, # <u>9</u> Supplement Attachment B, # <u>10</u> Supplement Attachment C)(Parker, Michelle) (Entered: 01/11/2017)
01/12/2017	<u>304</u>	STATUS REPORT <i>Letter to the Clerk</i> by Erie County, New York. (Attachments: # <u>1</u> Supplement Attachment C)(Parker, Michelle) (Entered: 01/12/2017)
08/09/2017	305	<p style="text-align: center;">TEXT ORDER</p> <p>Presently before this Court for review are the compliance reports resulting from the May 2017 site visits by Ronald Shansky, M.D., and Jeffrey Metzner, M.D. This Court has reviewed the reports and approves the parties' requested redactions to Dr. Shansky's report and to Appendix II of Dr. Metzner's report. Defendant is directed to file redacted versions of the two reports on the docket within one week of the entry date of this order. The unredacted versions of Dr. Shansky's report and Appendix II of Dr. Metzner's report that were submitted to chambers will be filed under seal.</p> <p>SO ORDERED.</p> <p>Issued by William M. Skretny, United States District Judge on 8/9/2017. (MEAL)</p> <p style="text-align: center;">- CLERK TO FOLLOW UP - (Entered: 08/09/2017)</p>
08/10/2017	<u>306</u>	Sealed Document – Dr. Shansky's Report. (KLH) (Entered: 08/10/2017)
08/10/2017	<u>307</u>	Sealed Document – Appendix II of Dr. Metzner's Report. (KLH) (Entered: 08/10/2017)
08/11/2017	<u>308</u>	STATUS REPORT <i>TCC Jeffrey Metzner MD May 2017</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix Appendix I, # <u>2</u> Appendix Appendix II, # <u>3</u> Appendix Appendix III, # <u>4</u> Appendix Appendix VII, # <u>5</u> Appendix Appendix VIII, # <u>6</u> Appendix Appendix IX, # <u>7</u> Appendix Appendix X, # <u>8</u> Exhibit Attachment A, # <u>9</u> Exhibit Attachment B, # <u>10</u> Exhibit Attachment C)(Parker, Michelle) (Entered: 08/11/2017)
08/11/2017	<u>309</u>	STATUS REPORT <i>TCC Ronald Shansky MD – May 2017</i> by Erie County, New York. (Parker, Michelle) (Entered: 08/11/2017)
11/13/2017	<u>310</u>	STATUS REPORT <i>re: no proposed redactions</i> by Erie County, New York. (Parker, Michelle) (Entered: 11/13/2017)

11/17/2017	<u>311</u>	STATUS REPORT <i>TCC Jeffrey Metzner MD re September 2017</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix IA, # <u>3</u> Appendix II, # <u>4</u> Appendix III, # <u>5</u> Appendix VII, # <u>6</u> Appendix VIII, # <u>7</u> Appendix IX, # <u>8</u> Appendix X)(Parker, Michelle) (Entered: 11/17/2017)
11/17/2017	<u>312</u>	STATUS REPORT <i>TCC Ronald Shansky MD – September 2017</i> by Erie County, New York. (Parker, Michelle) (Entered: 11/17/2017)
06/21/2018	313	TEXT ORDER. Presently before this Court for review are the compliance reports resulting from the April 2018 site visits by Ronald Shansky, M.D., and Jeffrey Metzner, M.D. This Court has reviewed the reports and approves the parties' requested redactions to Dr. Shansky's report. There are no proposed redactions to Dr. Metzner's report. Defendant is directed to file Dr. Metzner's report and a redacted version of Dr. Shansky's report on the docket within one week of the entry date of this order. The unredacted version of Dr. Shansky's report that was submitted to chambers will be filed under seal. Issued by United States District Judge William M. Skretny on 6/21/2018. (JCM) –CLERK TO FOLLOW UP– (Entered: 06/21/2018)
06/22/2018	<u>314</u>	Sealed Document – Dr. Shansky's Report. (KLH) (Entered: 06/22/2018)
06/27/2018	<u>315</u>	STATUS REPORT <i>TCC Ronald Shansky, M.D. – May 2018</i> by Erie County, New York. (Parker, Michelle) (Entered: 06/27/2018)
06/27/2018	<u>316</u>	STATUS REPORT <i>TCC Jeffrey Metzner, M.D. May 2018</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix VII, # <u>5</u> Appendix VIII, # <u>6</u> Appendix IX, # <u>7</u> Appendix X)(Parker, Michelle) (Entered: 06/27/2018)
11/26/2018	<u>317</u>	Letter filed by Erie County, New York as to Richard T. Donovan, Erie County, New York, Anthony Billittier, Robert Koch, Donald Livingston, Chris Collins, Timothy B. Howard, Barbara Leary <i>no redactions required for TCC reports</i> . (Parker, Michelle) (Entered: 11/26/2018)
11/29/2018	<u>318</u>	STATUS REPORT <i>Ronald Shansky, MD – October 2018</i> by Erie County, New York. (Parker, Michelle) (Entered: 11/29/2018)
11/29/2018	<u>319</u>	STATUS REPORT <i>Jeffrey Metzner, M.D. – October 2018</i> by Erie County, New York. (Attachments: # <u>1</u> Appendix I, # <u>2</u> Appendix II, # <u>3</u> Appendix III, # <u>4</u> Appendix VII, # <u>5</u> Appendix VIII, # <u>6</u> Appendix IX, # <u>7</u> Appendix X)(Parker, Michelle) (Entered: 11/29/2018)