

CLOSED, CONSENT, PRO SE

U.S. District Court
Northern District of New York – Main Office (Syracuse) [LIVE – Version 6.1.1]
(Prisoner)
CIVIL DOCKET FOR CASE #: 9:09-cv-00214-GHL

Kalwasinski v. Maxymillian et al
Assigned to: Magistrate Judge George H. Lowe
Demand: \$8,000,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/20/2009
Date Terminated: 02/08/2012
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Edward Kalwasinski**

represented by **Edward Kalwasinski**
c/o Cheryl Kalwasinski
3019 Eastchester Rd. #3
Bronx, NY 10469
PRO SE

Brett M. Dignam
Morningside Heights Legal Services, Inc.
Columbia University Law School
435 West 116th Street
New York, NY 10027
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Teri Maxymillian
*Director of Sex Offender Treatment
Program for New York State*

represented by **Dean J. Higgins**
Office of Dean J. Higgins
15 Saratoga Circle
Saratoga Springs, NY 12866
518-527-5966
Email: djphiggins@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Hogan
*New York State Office of Mental Health
Commissioner
TERMINATED: 01/20/2011*

represented by **Dean J. Higgins**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Donald Sawyer
Executive Director of CNYPC

represented by **Dean J. Higgins**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/20/2009	<u>1</u>	COMPLAINT against Teri Maxymillian, Michael Hogan, Donald Sawyer filed by Edward Kalwasinski.(mnm) (Entered: 02/24/2009)

02/20/2009	<u>2</u>	MOTION for Leave to Proceed in forma pauperis filed by Edward Kalwasinski. Motions referred to George H. Lowe. (mnm) (Entered: 02/24/2009)
03/10/2009	<u>3</u>	ORDER that the Clerk shall revise the designation of this case, No. 09-CV-00214(DNH/GHL), to reflect a division nine case assignment; granting <u>2</u> Motion for Leave to Proceed in forma pauperis and service is directed of the complaint. Signed by Magistrate Judge George H. Lowe on 3/10/09. {order served via regular mail on plaintiff}(nas) (Entered: 03/10/2009)
03/10/2009	<u>4</u>	Summons Issued as to Teri Maxymillian, Michael Hogan, Donald Sawyer. (nas,) (Entered: 03/10/2009)
04/15/2009	<u>5</u>	ACKNOWLEDGEMENT OF SERVICE Executed as to Michael Hogan served on 4/13/2009, answer due 5/4/2009. (nas) (Entered: 04/15/2009)
04/15/2009	<u>6</u>	ACKNOWLEDGEMENT OF SERVICE Executed as to Teri Maxymillian served on 4/13/2009, answer due 5/4/2009. (nas) (Entered: 04/15/2009)
04/15/2009	<u>7</u>	ACKNOWLEDGEMENT OF SERVICE Executed as to Donald Sawyer served on 4/13/2009, answer due 5/4/2009. (nas) (Entered: 04/15/2009)
04/15/2009	<u>8</u>	BILL OF COSTS submitted by the US Marshals to recover costs of service in the amount of \$24.00. (nas) (Entered: 04/15/2009)
04/17/2009	<u>9</u>	<i>Notice of Appearance and</i> Letter Motion from Dean J. Higgins, Esq. for Teri Maxymillian, Michael Hogan, Donald Sawyer requesting Extension of time to answer submitted to Judge George H. Lowe. (Attachments: # <u>1</u> Exhibit(s) Notice of Appearance)(Higgins, Dean) (Entered: 04/17/2009)
04/17/2009		TEXT ORDER granting <u>9</u> Letter Request, Teri Maxymillian answer due 5/29/2009; Michael Hogan answer due 5/29/2009; Donald Sawyer answer due 5/29/2009. Authorized by NAS as per direction of Magistrate Judge George H. Lowe on 4/17/09. {order served via regular mail on all non-ecf parties}(nas) (Entered: 04/17/2009)
05/28/2009	<u>10</u>	Letter Motion from Dean J. Higgins, Esq. for Teri Maxymillian, Michael Hogan, Donald Sawyer requesting extension of time to answer submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 05/28/2009)
05/29/2009		TEXT ORDER granting <u>10</u> Letter Request, Teri Maxymillian answer due 6/12/2009; Michael Hogan answer due 6/12/2009; Donald Sawyer answer due 6/12/2009. Authorized by NAS as per direction of Magistrate Judge George H. Lowe on 5/29/09. {order served via regular mail on plaintiff}(nas) (Entered: 05/29/2009)
06/10/2009	<u>11</u>	ANSWER to <u>1</u> Complaint by Teri Maxymillian, Michael Hogan, Donald Sawyer. (Attachments: # <u>1</u> Declaration of service of Answer on Plaintiff)(Higgins, Dean) (Entered: 06/10/2009)
06/11/2009	<u>12</u>	MANDATORY PRETRIAL DISCOVERY AND SCHEDULING ORDER: Discovery due by 10/11/2009. Dispositive Motions to be filed by 1/10/2010. Signed by Magistrate Judge George H. Lowe on 6/11/09. {order served via regular mail on all non-ecf parties}(nas) (Entered: 06/11/2009)
06/18/2009	<u>13</u>	***STRICKEN FROM THE DOCKET PER DKT NO. 14***REQUEST for Production of Documents and Records by Edward Kalwasinski.(nas) Modified on 7/1/2009 (nas,). (Entered: 06/18/2009)
07/01/2009	<u>14</u>	ORDER TO STRIKE <u>13</u> Request for Production of Documents filed by Edward Kalwasinski. Signed by Magistrate Judge George H. Lowe on 7/1/09. {order served via regular mail on all non-ecf parties}(nas) (Entered: 07/01/2009)
08/25/2009	<u>15</u>	MOTION to Compel Motion Hearing set for 9/24/2009 Response to Motion due by 9/8/2009 filed by Edward Kalwasinski. Motions referred to George H. Lowe. (nas) (Entered: 08/25/2009)
08/31/2009		TEXT NOTICE of Hearing on Motion <u>15</u> MOTION to Compel : ON SUBMISSION ONLY, returnable on 9/24/09. Response to Motion due by 9/8/2009 {notice served via regular mail on all non-ecf parties}(nas) (Entered: 08/31/2009)

09/04/2009	<u>16</u>	Letter Motion from Dean J. Higgins, Esq. for Teri Maxymillian, Michael Hogan, Donald Sawyer requesting Extension of time to respond to Motion submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 09/04/2009)
09/10/2009	<u>17</u>	ORDER granting <u>16</u> Letter Request, response to <u>15</u> MOTION to Compel : due by 9/24/2009. Signed by NAS as per direction of Magistrate Judge George H. Lowe on 9/10/09. {order served via regular mail on all non-ecf parties}(nas) (Entered: 09/10/2009)
09/24/2009	<u>18</u>	RESPONSE in Opposition re <u>15</u> MOTION to Compel, <u>16</u> Letter Motion from Dean J. Higgins, Esq. for Teri Maxymillian, Michael Hogan, Donald Sawyer requesting Extension of time to respond to Motion submitted to Judge George H. Lowe filed by Teri Maxymillian, Michael Hogan, Donald Sawyer. (Attachments: # <u>1</u> Exhibit(s) Letter to plaintiff enclosing responses, # <u>2</u> Exhibit(s) Response to discovery demand)(Higgins, Dean) (Entered: 09/24/2009)
10/08/2009	<u>19</u>	Letter Motion from Dean J. Higgins, Esq. for Teri Maxymillian, Michael Hogan, Donald Sawyer requesting Extension of discovery deadline to take deposition submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 10/08/2009)
10/09/2009	<u>20</u>	****VACATED***ORDER granting <u>19</u> Letter Request, Dispositive Motions to be filed by 11/20/2009. Signed by NAS as per direction of Magistrate Judge George H. Lowe on 10/8/09. {order served via regular mail on all non-ecf parties}(nas) Modified on 10/9/2009 (nas,). (Entered: 10/09/2009)
10/09/2009		TEXT ORDER that the Clerk shall vacate <u>20</u> Order on Letter Request and modify the docket to reflect that Discovery is due by 11/20/2009. Authorized by NAS as per direction of Magistrate Judge George H. Lowe on 10/9/09. {order served via regular mail on all non-ecf parties}(nas) (Entered: 10/09/2009)
10/13/2009	<u>21</u>	ORDER granting in part and denying in part <u>15</u> Motion to Compel. ORDERED, that defendants shall provide any additional discovery materials responsive to the Pretrial Order within twenty (20) days of the filing date of this Order. ORDERED that the discovery completion deadline is reset to 11/20/09.Signed by Magistrate Judge George H. Lowe on 10/13/09.{order served via regular mail on all non-ecf parties} (nas) (Entered: 10/13/2009)
10/13/2009		Set/Reset Scheduling Order Deadlines: Discovery due by 11/20/2009. (nas,) (Entered: 10/13/2009)
11/04/2009	<u>22</u>	MOTION to Compel filed by Edward Kalwasinski. Motions referred to George H. Lowe. (nas) (Entered: 11/04/2009)
11/04/2009		TEXT NOTICE of Hearing on <u>22</u> MOTION to Compel : ON SUBMISSION ONLY, returnable on 12/7/09. Response to Motion due by 11/20/2009 {notice mailed to all non-ecf parties}(nas) (Entered: 11/04/2009)
11/20/2009	<u>23</u>	RESPONSE in Opposition re <u>22</u> MOTION to Compel filed by Teri Maxymillian, Michael Hogan, Donald Sawyer. (Attachments: # <u>1</u> Declaration of service of discovery responses on Plaintiff)(Higgins, Dean) (Entered: 11/20/2009)
11/25/2009	<u>24</u>	RESPONSE to Motion re <u>22</u> MOTION to Compel <i>Confirmation of service of verified responses to interrogatories</i> filed by Teri Maxymillian, Michael Hogan, Donald Sawyer. (Attachments: # <u>1</u> Declaration of service of verified responses upon Plaintiff)(Higgins, Dean) (Entered: 11/25/2009)
12/14/2009	<u>25</u>	DECISION AND ORDER: ORDERED, that plaintiff's <u>22</u> Motion to Compel is DENIED AS MOOT. ORDERED, that the discovery in this action is now closed. ORDERED, that the dispositive motion filing deadline is 1/10/2010. Signed by Magistrate Judge George H. Lowe on 12/14/09. (Decision and Order served on plaintiff by regular mail) (alh,) (Entered: 12/14/2009)
12/14/2009		Set Deadline: Per Order dated 12/14/09, Dispositive Motion deadline is 1/10/2010. (alh,) (Entered: 12/14/2009)
01/05/2010	<u>26</u>	Letter Motion from Dean J. Higgins, Esq. for Michael Hogan, Teri Maxymillian, Donald Sawyer requesting brief extension of deadline for dispositive motion submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 01/05/2010)

01/05/2010	<u>27</u>	ORDER granting <u>26</u> Letter Request, Dispositive Motions to be filed by 1/22/2010. Signed by NAS as per direction of Magistrate Judge George H. Lowe on 1/5/10. {order served via regular mail on plaintiff} (nas) (Entered: 01/05/2010)
01/20/2010	<u>28</u>	Letter Motion from Dean J. Higgins, Esq. for Michael Hogan, Teri Maxymillian, Donald Sawyer requesting extension of time to file dispositive motions submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 01/20/2010)
01/20/2010	<u>29</u>	ORDER granting <u>28</u> Letter Request, Dispositive Motions to be filed by 3/1/2010. Signed by MNC per the direction of Magistrate Judge George H. Lowe on 1/20/10. (order served on plaintiff by regular mail) (mnc) (Entered: 01/20/2010)
02/23/2010	<u>30</u>	Letter Motion from Dean J. Higgins, Esq. for Michael Hogan, Teri Maxymillian, Donald Sawyer requesting one week extension of motion deadline submitted to Judge George H. Lowe. (Attachments: # <u>1</u> Affirmation of service of request upon Plaintiff)(Higgins, Dean) (Entered: 02/23/2010)
02/23/2010		TEXT ORDER granting <u>30</u> Letter Request, Dispositive Motions to be filed by 3/8/2010. No further extensions will be granted absent a showing of good cause. Authorized by NAS as per direction of Magistrate Judge George H. Lowe on 2/23/10. {order served via regular mail on all non-ecf parties}(nas) (Entered: 02/23/2010)
03/04/2010	<u>31</u>	Letter Motion from Dean J. Higgins, Esq. for Michael Hogan, Teri Maxymillian, Donald Sawyer requesting extension to 3/17/2010 to file and serve dispositive motion submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 03/04/2010)
03/04/2010	<u>32</u>	ORDER THAT FOR GOOD CAUSE SHOWN, granting <u>31</u> Letter Request, Dispositive Motions to be filed by 3/17/2010. Signed by NAS as per direction of Magistrate Judge George H. Lowe on 3/4/10. {order served via regular mail on all non-ecf parties}(nas) (Entered: 03/04/2010)
03/17/2010	<u>33</u>	MOTION for Summary Judgment filed by Edward Kalwasinski. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Memorandum of Law) (nas) (Entered: 03/17/2010)
03/17/2010		TEXT NOTICE of Hearing on Motion <u>33</u> MOTION for Summary Judgment : ON SUBMISSION ONLY, returnable on 4/19/10. Response to Motion due by 4/2/2010 Reply to Response to Motion due by 4/8/2010. {notice served via regular mail on all non-ecf parties}(nas) (Entered: 03/17/2010)
03/17/2010	<u>34</u>	Letter Motion from Dean J. Higgins, Esq. for Michael Hogan, Teri Maxymillian, Donald Sawyer requesting extension to file dispositive motions submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 03/17/2010)
03/18/2010	<u>35</u>	ORDER granting <u>34</u> Letter Request, Dispositive Motion filing deadline is reset to 4/14/2010, granting an extension of time to file a response to <u>33</u> MOTION for Summary Judgment : Response to Motion due by 4/14/2010. Signed by NAS as per direction of Magistrate Judge George H. Lowe on 3/18/10. {order served via regular mail on all non-ecf parties}(nas) (Entered: 03/18/2010)
04/14/2010	<u>36</u>	RESPONSE in Opposition re <u>33</u> MOTION for Summary Judgment <i>Main response contained in Defendants' Motion for Summary Judgment</i> filed by Michael Hogan, Teri Maxymillian, Donald Sawyer. (Attachments: # <u>1</u> Exhibit(s) Response to plaintiff's Rule 7 statement)(Higgins, Dean) (Entered: 04/14/2010)
04/14/2010	<u>37</u>	First MOTION for Summary Judgment Motion Hearing set for 5/20/2010 09:30 AM in Syracuse before Magistrate Judge George H. Lowe Response to Motion due by 5/3/2010 Reply to Response to Motion due by 5/10/2010. filed by Michael Hogan, Teri Maxymillian, Donald Sawyer. (Attachments: # <u>1</u> Statement of Material Facts, # <u>2</u> Exhibit(s) Cautionary warning to pro se litigant regarding responsive papers, # <u>3</u> Declaration of Dean Higgins, # <u>4</u> Exhibit(s) numbers 1-14 attached to and described in Higgins declaration, # <u>5</u> Declaration of Imam Najeeullah, # <u>6</u> Declaration of Elaine Dziadyk, # <u>7</u> Declaration of Valerie Fasteson, # <u>8</u> Memorandum of Law, # <u>9</u> Appendix Simmons case, # <u>10</u> Appendix Majid case) (Higgins, Dean) (Attachment 8 replaced on 4/15/2010) (nas,). (Entered: 04/14/2010)
04/20/2010	<u>38</u>	REQUEST FOR ENTRY OF DEFAULT as to Michael Hogan, Teri Maxymillian, Donald Sawyer for failure to respond to <u>33</u> MOTION for Summary Judgment by Edward Kalwasinski. (nas) (Entered: 04/20/2010)

04/20/2010	<u>39</u>	ORDER that <u>38</u> Request for Entry of Default filed by Edward Kalwasinski is DENIED. Defendants responded in opposition to plaintiff's motion for summary judgment on 4/14/10. The Clerk shall send plaintiff a copy of the docket sheet. Signed by MAC as per direction of Magistrate Judge George H. Lowe on 4/20/10. {order served via regular mail on plaintiff}(nas) (Entered: 04/20/2010)
04/29/2010	<u>40</u>	RESPONSE in Opposition re <u>37</u> First MOTION for Summary Judgment filed by Edward Kalwasinski. (nas) (Entered: 04/29/2010)
07/28/2010	<u>41</u>	Letter Motion for Edward Kalwasinski requesting a copy of defendants' response to plaintiff's motion for summary judgment and an updated copy of the docket sheet. (nas) (Entered: 07/28/2010)
07/28/2010		TEXT ORDER granting <u>41</u> Letter Request. The Clerk is directed to provide plaintiff with a copy of defendants' response to his motion for summary judgment (dkt no. 36) and a copy of the docket sheet. Authorized by NAS as per direction of Magistrate Judge George H. Lowe on 7/28/10. {order, dkt no. 36 and docket sheet served via regular mail on plaintiff}(nas) (Entered: 07/28/2010)
12/23/2010	<u>42</u>	REPORT-RECOMMENDATIONS and ORDER: RECOMMENDED that Defendants' motion for summary judgment (Dkt. No. <u>37</u>) be GRANTED IN PART AND DENIED IN PART. Recommend that the Court grant Defendants' motion and dismiss the following claims: (1) the free exercise and RLUIPA claims regarding the use of bowls and utensils; (2) the free exercise and RLUIPA claims regarding CNYPC's practice of serving fish on Fridays; (3) any Establishment Clause claim regarding CNYPC's practice of serving fish on Fridays; (4) the due process claim; (5) the Eighth Amendment claim; and (6) all claims against Defendant Hogan. RECOMMENDED that Plaintiff's motion for summary judgment (Dkt. No. <u>33</u>) be DENIED. RECOMMENDED that the following claims survive the pending motions: (1) the free exercise and RLUIPA claims regarding the lack of Al Jumu'ah services at CNYPC; (2) the free exercise and RLUIPA claims regarding the lack of a Halal menu at CNYPC; (3) the claim regarding CNYPC's requirement that Plaintiff attend classes on Fridays; and (4) the claim that Defendants denied Plaintiff sacred foods on holidays. The parties should be prepared, in further proceedings, to fully brief whether the legitimate Penological interest or the compelling government interest test should be applied to this case. Objections to R&R due by 1/6/2011 Case Review Deadline 1/13/2011. Signed by Magistrate Judge George H. Lowe on 12/22/10. {r&r and copies of the cited cases served via regular mail on plaintiff}(nas) (Entered: 12/23/2010)
01/12/2011	<u>43</u>	MOTION to Appoint Counsel filed by Edward Kalwasinski. Motions referred to George H. Lowe. (nas,) (Entered: 01/12/2011)
01/13/2011	<u>44</u>	Letter Motion from Dean J. Higgins for Michael Hogan, Teri Maxymillian, Donald Sawyer requesting extension of case review deadline submitted to Judge George H. Lowe. (Higgins, Dean) (Entered: 01/13/2011)
01/20/2011	<u>45</u>	DECISION AND ORDER: The <u>42</u> Report and Recommendations is accepted and adopted in all respects. ORDERED that plaintiff's <u>33</u> Motion for Summary Judgment is DENIED. ORDERED that <u>37</u> Motion for Summary Judgment is GRANTED IN PART and DENIED IN PART as set forth in this Decision and Order. The parties are advised that in all further proceedings, they should be prepared to fully brief whether the legitimate Penological interest or the compelling government interest test should be applied to this case. Signed by Judge Hurd on 1/20/11.{order served via regular mail on all non-ecf parties}(nas) (Entered: 01/20/2011)
02/09/2011	<u>46</u>	NOTICE by Edward Kalwasinski that in 3 weeks he will be released from CNYPC and his new address will be: c/o Cheryl Kalwasinski; 3019 Eastchester Rd #3, Bronx NY 10469 and request for a copy of the docket sheet to be sent to him at CNYPC. (nas) (Entered: 02/09/2011)
02/09/2011		TEXT NOTICE: The Court is in receipt of plaintiff's <u>46</u> Notice that he will be released from CNYPC in 3 weeks and of his new address. Plaintiff is advised to confirm in writing to the Court and opposing counsel of his new address upon release from CNYPC. An updated copy of the docket sheet is provided to plaintiff with this Notice via regular mail. (nas) (Entered: 02/09/2011)

03/04/2011	<u>47</u>	NOTICE of Change of Address by Edward Kalwasinski Effective Date 3/1/11 New Address: c/o Cheryl Kalwasinski, 3019 Eastchester Rd #3, Bronx NY 10469 (nas) (Entered: 03/04/2011)
05/12/2011		NOTICE of Hearing: Status Telephone Conference set for 5/19/2011 at 10:00 AM in Syracuse before Magistrate Judge George H. Lowe. Court shall initiate telephone conference call. (ptm,) (Entered: 05/12/2011)
05/12/2011		Notice of Hearing of Status Conference served via regular mail on all non-ecf parties (nas) (Entered: 05/12/2011)
05/19/2011		TEXT Minute Entry for proceedings held before Magistrate Judge George H. Lowe: Status Conference held on 5/19/2011. Brett Dignam, Esq.; Dean Higgins, AAG for Defendants. Court reviews case with prospective Pro Bono Counsel. Ms. Dignam will discuss case with Mr. Kalwasinski and report to Court with decision as to pro bono representation and further conference call. (FTR Recorded) (ptm,) (Entered: 05/26/2011)
08/19/2011		TEXT NOTICE of Hearing: Telephone Conference set for 8/25/2011 at 02:30 PM before Magistrate Judge George H. Lowe. Chambers will initiate the call (text notice served on Plaintiff via regular mail).(rjb,) (Entered: 08/19/2011)
08/25/2011		TEXT Minute Entry for proceedings held before Magistrate Judge George H. Lowe: Status Conference held on 8/25/2011. Appearances: Brett Dignam, Esq. and Edward Kalwasinski for Plaintiff; Dean Higgins, AAG for Defendants. Attorney Dignam will work on getting admitted ASAP and will provide AAG Higgins with a list of needed documents. Parties will consent to trial before Judge Lowe. Jury trial tentatively scheduled for 11/30/2011 in Albany. Pretrial submissions will be due one week before trial. A follow up conference will be scheduled. (FTR Recorded) (rjb,) (Entered: 08/26/2011)
08/29/2011		TEXT NOTICE of Hearing: Status Conference set for 9/27/2011 at 02:30 PM before Magistrate Judge George H. Lowe. Chambers will initiate the call (text notice served on Plaintiff via regular mail).(rjb,) (Entered: 08/29/2011)
09/27/2011		TEXT Minute Entry for proceedings held before Magistrate Judge George H. Lowe: Status Conference held on 9/27/2011. Appearances: Brett Dignam, Esq. for Plaintiff; Dean Higgins, AAG for Defendants. A settlement conference will be scheduled with Judge Lowe in Albany. Parties will file a consent to proceed before Judge Lowe for trial. (FTR Recorded) (rjb,) (Entered: 09/27/2011)
09/29/2011	<u>48</u>	ATTORNEY APPOINTMENT ORDER: Plaintiff having renewed his request for the appointment of pro bono trial counsel. (Dkt No. <u>43</u>). Good Cause appearing for that respect, it is Ordered that Attorney Brett M. Dignam for Edward Kalwasinski, appointed as pro bono trial counsel. Signed by Magistrate Judge George H. Lowe on 9/29/11. {order served via regular mail on plaintiff}(nas) (Entered: 09/29/2011)
10/07/2011	<u>49</u>	NOTICE of Hearing: Settlement Conference set for 11/2/2011 at 09:00 AM in Albany before Magistrate Judge George H. Lowe. (Attachments: # <u>1</u>)(rjb,) (Entered: 10/07/2011)
11/09/2011		TEXT NOTICE of Hearing: Telephone Conference set for 11/15/2011 at 02:00 PM before Magistrate Judge George H. Lowe. Chambers will initiate the call.(rjb,) (Entered: 11/09/2011)
11/10/2011	<u>50</u>	NOTICE by Teri Maxymillian, Donald Sawyer of signed consent for reference of matter to Magistrate Judge for trial (Attachments: # <u>1</u> Declaration of service of consent to refer matter to Magistrate Judge)(Higgins, Dean) (Entered: 11/10/2011)
11/14/2011	<u>51</u>	First MOTION in Limine Concerning the Standard of Review for Plaintiff's Claims filed by Edward Kalwasinski. (Attachments: # <u>1</u> Memorandum of Law) (Dignam, Brett) (Entered: 11/14/2011)
11/14/2011		Magistrate Judge George H. Lowe no longer assigned to case. (nas,) (Entered: 11/14/2011)
11/14/2011	<u>52</u>	CONSENT to Jurisdiction by US Magistrate Judge. So Ordered by Judge Hurd on 11/14/11. (nas) (Entered: 11/14/2011)

11/14/2011		Dkt No. 52 served via regular mail on all non-ecf parties (nas) (Entered: 11/14/2011)
11/14/2011	<u>53</u>	MOTION for Judgment on the Pleadings, MOTION to Strike Motion Hearing set for 11/28/2011 11:00 AM in Albany before Magistrate Judge George H. Lowe Response to Motion due by 11/14/2011 Reply to Response to Motion due by 11/17/2011. filed by Edward Kalwasinski. (Attachments: # <u>1</u> Memorandum of Law Memorandum of Law in Support of Plaintiffs Motion for Partial Judgment on the Pleadings Regarding Certain Defenses, or in the Alternative to Strike Those Defenses) (Dignam, Brett) (Entered: 11/14/2011)
11/15/2011	<u>54</u>	STATUS REPORT <i>regarding discovery and possible resolution</i> by Teri Maxymillian, Donald Sawyer. (Higgins, Dean) (Entered: 11/15/2011)
11/15/2011	<u>55</u>	ORDER directing Mental Hygiene Legal Service to release Plaintiff's records. Signed by Magistrate Judge George H. Lowe on 11/15/11. (rjb,) (Entered: 11/15/2011)
11/15/2011	<u>56</u>	MOTION for Partial Summary Judgment Motion Hearing set for 11/28/2011 11:00 AM in Albany before Magistrate Judge George H. Lowe Response to Motion due by 11/14/2011 Reply to Response to Motion due by 11/17/2011. filed by Edward Kalwasinski. (Attachments: # <u>1</u> Memorandum of Law, # <u>2</u> Statement of Material Facts, # <u>3</u> Exhibit(s)) (Dignam, Brett) (Entered: 11/15/2011)
11/15/2011		TEXT Minute Entry for proceedings held before Magistrate Judge George H. Lowe: Telephonic Settlement Conference held on 11/15/2011. Appearances: Brett Dignam, Esq. and Edward Kalwasinski for Plaintiff; Dean Higgins, AAG for Defendants. Mr. Higgins still does not have any monetary settlement authority but hopes to by the end of the week. Judge Lowe and counsel confer on trial issues. Ms. Dignam will provide Mr. Higgins with documents that Plaintiff intends to enter into evidence by Friday, except for the documents from the MHLS file that they do not have yet. Plaintiff intends to file a partial summary judgment motion. No trial briefs will be filed. A follow up conference will be scheduled. (FTR Recorded) (rjb,) (Entered: 11/18/2011)
11/17/2011		TEXT NOTICE of Hearing: Telephone Settlement Conference set for 11/21/2011 at 01:00 PM before Magistrate Judge George H. Lowe. Chambers will initiate the call.(rjb,) (Entered: 11/17/2011)
11/18/2011	<u>57</u>	Letter from Judge Lowe to counsel dated 11/18/11. (rjb,) (Entered: 11/18/2011)
11/21/2011		TEXT Minute Entry for proceedings held before Magistrate Judge George H. Lowe: Telephone Settlement Conference held on 11/21/2011. Appearances: Brett Dignam, Esq. for Plaintiff; Dean Higgins, AAG for Defendants. Case did not settle, further conference to be held on 11/22/2011. (rjb,) (Entered: 11/21/2011)
11/21/2011		TEXT NOTICE of Hearing: Telephone Settlement Conference set for 11/22/2011 at 12:00 PM before Magistrate Judge George H. Lowe. Chambers will initiate the call.(rjb,) (Entered: 11/21/2011)
11/22/2011		TEXT Minute Entry for proceedings held before Magistrate Judge George H. Lowe: Telephone Settlement Conference held on 11/22/2011. Appearances: Brett Dignam, Esq. for Plaintiff; Dean Higgins, AAG for Defendants. Case has settled. Counsel will confer on the injunctive relief part of the settlement. The Court will contact counsel in a week or so for a status report. (FTR Recorded) (rjb,) (Entered: 11/23/2011)
01/31/2012		TEXT NOTICE of Hearing: Status Conference set for 2/7/2012 at 03:30 PM before Magistrate Judge George H. Lowe. Chambers will initiate the call.(rjb,) (Entered: 01/31/2012)
02/07/2012	<u>58</u>	STIPULATION <i>Stipulation and Order of Discontinuance Pursuant to Rule 41(a)</i> by Edward Kalwasinski submitted to Judge Lowe. (Dignam, Brett) (Entered: 02/07/2012)
02/07/2012		TEXT NOTICE: The conference call scheduled for 2/7/12 is hereby cancelled. (rjb,) (Entered: 02/07/2012)
02/08/2012	<u>59</u>	STIPULATION AND ORDER of Discontinuance Pursuant to Rule 41(A). Signed by Magistrate Judge George H. Lowe on 2/8/12. (served on plaintiff by regular mail)(alh,) (Entered: 02/08/2012)