

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:99-cv-04630-PKC

Meacham, et al v. Wing, et al
Assigned to: Judge P. Kevin Castel
Referred to: Magistrate Judge James C. Francis (Settlement)
Demand: \$0
Cause: 28:1343 Violation of Civil Rights

Date Filed: 06/25/1999
Date Terminated: 04/20/2005
Jury Demand: None
Nature of Suit: 444 Civil Rights: Welfare
Jurisdiction: Federal Question

Plaintiff

Tyetta Meacham
on her own behalf and on behalf of all others similarly situated

represented by **Esperanza Colon**
Bronx Neighborhood Office
953 Southern Boulevard
Bronx , NY 10459
(718) 991-4745 x 248
LEAD ATTORNEY

Helaine M. Barnett
The Legal Aid Society
Attorney-in-Charge
Civil Appeals & Law Reform Unit
90 Church Street
New York , NY 10007
(212) 577-3648
LEAD ATTORNEY

Henry A. Freedman
Welfare Law Center, Inc.
275 Seventh Avenue
New York , NY 10001
(212) 633-6967
LEAD ATTORNEY

Ian F. Feldman
The Legal Aid Society (Southern Blvd)
953 Southern Boulevard, Suite 401
Bronx , NY 10459
(718) 991-4758 x 248
Fax: (718)-842-2867
Email: iffeldman@urbanjustice.org
LEAD ATTORNEY

Marc Cohan
Welfare Law Center, Inc.
275 Seventh Avenue
Suite 1506
New York , NY 10001
212-633-6967
Fax: 212-633-6371
Email: cohan@nclej.org
LEAD ATTORNEY

Marshall Green
Bronx Neighborhood Office
Attorney-in-Charge
953 Southern Boulevard
Bronx , NY 10459
(718) 991-4745 x 248
LEAD ATTORNEY

Matthew Schneider
New York Legal Assistance Group
450 West 33rd Street
11th Floor
New York , NY 10001
(212) 750-0800 x 157
LEAD ATTORNEY

Patrick J. Horvath
Urban Justice Center
666 Broadway
New York , NY 10012
(212) 533-0540 x 302
LEAD ATTORNEY

Rebecca Lynn Scharf
Welfare Law Center, Inc.
275 Seventh Avenue
New York , NY 10001
(212) 633-6967
LEAD ATTORNEY

Richard Elliot Blum
The Legal Aid Society (NYC)
199 Water Street, 3rd Floor
New York , NY 10038
212-440-4220
Fax: 212-509-8753
Email: rblum@legal-aid.org
LEAD ATTORNEY

Scott R. Rosenberg
The Legal Aid Society
Director of Litigation
Civil Appeals & Law Reform Unit
90 Church Street
New York , NY 10007
(212) 577-3648
LEAD ATTORNEY

Steven Godeski
Legal Aid Society (BX2)
Bronx Neighborhood Office
953 Southern Boulevard
Bronx , NY 1107
(718) 991-4745 x 248
Fax: (718) 842-2867
LEAD ATTORNEY

Susan R. Sternberg
The Legal Aid Society
Brooklyn Neighborhood Office
166 Montague Street
Brooklyn , NY 11201
LEAD ATTORNEY

Warren B. Scharf
The Legal Aid Society
Attorney-in-Charge
Brooklyn Neighborhood Office
166 Montague Street
Brooklyn , NY 11201
(718) 422-2762
LEAD ATTORNEY

Yisroel Schulman
New York Legal Assistance Group
450 West 33rd Street
11th Floor
New York , NY 10001
(212) 750-0800 x 157
LEAD ATTORNEY

Plaintiff

Maria Calderon
*on her own behalf and on behalf of all
others similarly situated*

represented by **Esperanza Colon**
(See above for address)
LEAD ATTORNEY

Helaine M. Barnett
(See above for address)
LEAD ATTORNEY

Henry A. Freedman
(See above for address)
LEAD ATTORNEY

Ian F. Feldman
(See above for address)
LEAD ATTORNEY

Marc Cohan
(See above for address)
LEAD ATTORNEY

Marshall Green
(See above for address)
LEAD ATTORNEY

Matthew Schneider
(See above for address)
LEAD ATTORNEY

Patrick J. Horvath
(See above for address)
LEAD ATTORNEY

Rebecca Lynn Scharf
(See above for address)
LEAD ATTORNEY

Richard Elliot Blum
(See above for address)
LEAD ATTORNEY

Scott R. Rosenberg
(See above for address)
LEAD ATTORNEY

Steven Godeski
(See above for address)
LEAD ATTORNEY

Susan R. Sternberg
(See above for address)
LEAD ATTORNEY

Warren B. Scharf
(See above for address)
LEAD ATTORNEY

Yisroel Schulman
(See above for address)
LEAD ATTORNEY

Plaintiff

Nery Rosado
*on behalf of him/herself and on behalf of
all others similarly situated*

represented by **Esperanza Colon**
(See above for address)
LEAD ATTORNEY

Helaine M. Barnett
(See above for address)
LEAD ATTORNEY

Ian F. Feldman
(See above for address)
LEAD ATTORNEY

Marshall Green
(See above for address)
LEAD ATTORNEY

Patrick J. Horvath
(See above for address)
LEAD ATTORNEY

Richard Elliot Blum
(See above for address)
LEAD ATTORNEY

Scott R. Rosenberg
(See above for address)
LEAD ATTORNEY

Steven Godeski
(See above for address)
LEAD ATTORNEY

Susan R. Sternberg
(See above for address)
LEAD ATTORNEY

Warren B. Scharf
(See above for address)
LEAD ATTORNEY

Plaintiff

Alejandro Urena
*on behalf of himself and on behalf of all
others similarly situated*

represented by **Esperanza Colon**
(See above for address)
LEAD ATTORNEY

Helaine M. Barnett
(See above for address)
LEAD ATTORNEY

Ian F. Feldman
(See above for address)
LEAD ATTORNEY

Marshall Green
(See above for address)
LEAD ATTORNEY

Patrick J. Horvath

(See above for address)
LEAD ATTORNEY

Richard Elliot Blum
(See above for address)
LEAD ATTORNEY

Scott R. Rosenberg
(See above for address)
LEAD ATTORNEY

Steven Godeski
(See above for address)
LEAD ATTORNEY

Susan R. Sternberg
(See above for address)
LEAD ATTORNEY

Warren B. Scharf
(See above for address)
LEAD ATTORNEY

Plaintiff

Anthony Young
*on behalf of himself and on behalf of all
others similarly situated*

represented by **Esperanza Colon**
(See above for address)
LEAD ATTORNEY

Helaine M. Barnett
(See above for address)
LEAD ATTORNEY

Ian F. Feldman
(See above for address)
LEAD ATTORNEY

Marshall Green
(See above for address)
LEAD ATTORNEY

Patrick J. Horvath
(See above for address)
LEAD ATTORNEY

Richard Elliot Blum
(See above for address)
LEAD ATTORNEY

Scott R. Rosenberg
(See above for address)
LEAD ATTORNEY

Steven Godeski
(See above for address)
LEAD ATTORNEY

Susan R. Sternberg
(See above for address)
LEAD ATTORNEY

Warren B. Scharf
(See above for address)
LEAD ATTORNEY

V.

Defendant

Brian J. Wing

*as Commissioner of the State of New York
Office of Temporary Disability Assistance*

represented by **George Anthony Alvarez**
New York State Office of the Attorney
General
120 Broadway
New York , NY 10271
(212)-416-8663
Fax: (212)-416-6077
Email: george.alvarez@oag.state.ny.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John P. Gasior

Eliot Spitzer, Attorney General of the State
of New York
120 Broadway
24th Floor
New York , NY 10271
(212) 416-8570
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jose Luis Velez

Eliot Spitzer
Attorney General of the State of N.Y.
120 Broadway
24th Floor
New York , NY 10271
(212) 416-8164
Email: Jose.Velez@oag.state.ny.us
LEAD ATTORNEY

Vincent Leong

State of New York
Office of the Attorney General
120 Broadway
New York , NY 10271
(212) 416-8634
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Antonia Novello

*as Commissioner of the State of New York
Department of Health*

represented by **George Anthony Alvarez**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John P. Gasior

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jose Luis Velez

(See above for address)
LEAD ATTORNEY

Vincent Leong

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James M. McGowen
as Commissioner of the State of New York
Department of Labor

represented by **George Anthony Alvarez**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John P. Gasior
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jose Luis Velez
(See above for address)
LEAD ATTORNEY

Vincent Leong
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Kiyokie Cortes

represented by **Marshall Green**
Bronx Neighborhood Office
953 Southern Boulevard
Bronx , NY 10459
(718) 991-4745 x 248
ATTORNEY TO BE NOTICED

Movant

Catalina Cruz

represented by **Marshall Green**
(See above for address)
ATTORNEY TO BE NOTICED

Movant

Angel Ivel

represented by **Marshall Green**
(See above for address)
ATTORNEY TO BE NOTICED

Movant

Arlene Edelstein

represented by **Marshall Green**
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor

Kyokie Cortes

Intervenor

Catalina Cruz

Intervenor

Angel Ivel

Intervenor

Arlene Edelstein

Plaintiff

Robert Cooper
on his own behalf and on behalf of all
others similarly situated

represented by **Ian F. Feldman**
(See above for address)
LEAD ATTORNEY

Plaintiff**Oksana Yakubova***on her own behalf and on behalf of all others similarly situated*represented by **Ian F. Feldman**
(See above for address)
LEAD ATTORNEY**Plaintiff****Bella Gurok***on her own behalf and on behalf of all others similarly situated*represented by **Ian F. Feldman**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
06/25/1999	1	ORDER, to proceed in forma pauperis. (signed by Judge Harold Baer Jr., Part I); (em) (Entered: 06/29/1999)
06/25/1999	2	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); (No Fees Due – I.F.P.). (em) (Entered: 06/29/1999)
06/25/1999		Magistrate Judge Francis is so Designated. (em) (Entered: 06/29/1999)
06/30/1999	3	INITIAL PRETRIAL CONFERENCE NOTICE; set pre-trial conference for 3:15 p.m. on 9/8/99 (signed by Judge Allen G. Schwartz); Copies mailed. (jp) (Entered: 07/01/1999)
07/02/1999	4	Affidavit of service of summons and complaint as to Antonia Novello by mail on 6/28/99; Answer due on 7/19/99 for Antonia Novello. Also served copy of same on the Atty General by leaving copy with Sam Peskin. (djc) (Entered: 07/06/1999)
07/02/1999	4	Affidavit of service as to Brian J. Wing by personally service upon defendant on 6/28/99; Answer due on 7/19/99 for Brian J. Wing. (djc) (Entered: 07/06/1999)
07/02/1999	4	Affidavit of service of summons and complaint as to James M. McGowen by Robert Mabarar on 6/28/99; Answer due on 7/19/99 for James M. McGowen. (djc) (Entered: 07/06/1999)
07/22/1999	5	PRETRIAL SCHEDULING ORDER: Plntfs' motion for Preliminary Injunction to be made no later than 7/16/99; Defts' response and motion to dismiss to be made no later than 7/23/99; Plntfs' response to defts' motion to be submitted by 9/3/99; Defts' reply to be submitted by 9/10/99; Sur-reply to be submitted by 9/17/99. The parties are instructed purs to Rule 16, FRCP, to meet and pursue settlement dicussions, and plntf's counsel is directed to advise Chambers (signed by Judge Allen G. Schwartz); Copies mailed (cd) (Entered: 07/23/1999)
09/10/1999	6	Transcript of record of proceedings filed for dates of 7/12/99; before Judge Schwartz (cd) (Entered: 09/10/1999)
09/17/1999	13	SUR-REPLY MEMORANDUM of LAW by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young in opposition [9-1] cross motion for an order dismissing complaint and in support of [7-1] motion preliminary enjoining defendants as set forth in this motion, [7-2] motion certifying class (djc) (Entered: 09/24/1999)
09/23/1999	7	NOTICE OF MOTION by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young preliminary enjoining defendants as set forth in this motion and certifying class , Return date 9/17/99 w. Declaration of Richard Blum (djc) (Entered: 09/24/1999)
09/23/1999	8	MEMORANDUM of LAW by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young in support of [7-1] motion preliminary enjoining defendants as set forth in this motion, [7-2] motion certifying class (djc) (Entered: 09/24/1999)
09/23/1999	9	NOTICE OF CROSS MOTION by Brian J. Wing, Antonia Novello, James M. McGowen for an order dismissing complaint , No Return date w. affidavit of service. (djc) (Entered: 09/24/1999)

09/23/1999	10	MEMORANDUM of LAW by Brian J. Wing, Antonia Novello, James M. McGowen in support of [9-1] cross motion for an order dismissing complaint and in opposition to [7-1] motion preliminary enjoining defendants as set forth in this motion, [7-2] motion certifying class (djc) (Entered: 09/24/1999)
09/23/1999	11	AFFIDAVIT of Henry S.Pedicone by Brian J. Wing, Antonia Novello, James M. McGowen in opposition Re: [7-1] motion preliminary enjoining defendants as set forth in this motion, [7-2] motion certifying class. (djc) (Entered: 09/24/1999)
09/23/1999	12	AFFIDAVIT of David B.AMiraian by Brian J. Wing, Antonia Novello, James M. McGowen (djc) (Entered: 09/24/1999)
09/23/1999	14	REPLY MEMORANDUM of LAW by Brian J. Wing, Antonia Novello, James M. McGowen in Further Support of [9-1] cross motion for an order dismissing complaint and in opposition to [7-1] motion preliminary enjoining defendants as set forth in this motion, [7-2] motion certifying class (djc) (Entered: 09/24/1999)
09/23/1999	15	REPLY MEMORANDUM of LAW by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young in support of [7-1] motion preliminary enjoining defendants as set forth in this motion, [7-2] motion certifying class (djc) (Entered: 09/24/1999)
09/23/1999	16	DECLARATION of Marc Cohan (djc) (Entered: 09/24/1999)
10/01/1999	17	ORDER withdrawing without prejudice, [7-1] motion preliminary enjoining defendants, withdrawing without prejudice, [7-2] motion certifying class, Plaintiffs' motion will be immediately reinstated upon the Court's receipt of a written request by plaintiffs for such reinstatement . (signed by Judge Allen G. Schwartz); Copies mailed. (ri) (Entered: 10/04/1999)
10/21/1999	18	NOTICE OF MOTION by Brian J. Wing, Antonia Novello, James M. McGowen; for an Order and Judgment purs. to FRCP Rule 12(b), dismissing the amended complaint for failure to state a claim upon which relief can be granted ; Return date 11/18/99 (jp) (Entered: 10/26/1999)
10/21/1999	19	MEMORANDUM by Brian J. Wing, Antonia Novello, James M. McGowen in support of [18-1] motion for an Order and Judgment purs. to FRCP Rule 12(b), dismissing the amended complaint for failure to state a claim upon which relief can be granted (jp) (Entered: 10/26/1999)
10/21/1999	20	MEMORANDUM by Brian J. Wing, Antonia Novello, James M. McGowen in support of [18-1] motion for an Order and Judgment purs. to FRCP Rule 12(b), dismissing the amended complaint for failure to state a claim upon which relief can be granted (jp) (Entered: 10/26/1999)
11/03/1999	21	AMENDED CLASS ACTION COMPLAINT by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young (Answer due 11/16/99 for James M. McGowen, for Antonia Novello, for Brian J. Wing) amending [2-1] complaint against Robert Cooper, Oksana Yakubova, Bella Gurok; Summons issued. (sn) (Entered: 11/08/1999)
11/10/1999	22	MEMORANDUM OF LAW by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young, Robert Cooper, Oksana Yakubova, Bella Gurok in opposition to [18-1] motion for an Order and Judgment purs. to FRCP Rule 12(b), dismissing the amended complaint for failure to state a claim upon which relief can be granted (sac) (Entered: 11/12/1999)
11/17/1999	23	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of 9/30/99. (sl) (Entered: 11/17/1999)
12/10/1999	24	OPINION and ORDER #83198, granting in part, denying in part [18-1] motion for an Order and Judgment purs. to FRCP Rule 12(b), dismissing the amended complaint for failure to state a claim upon which relief can be granted; Plaintiffs' claims are dismissed to the extent that they arise under New York State law. In all other respects, defendants' motion to dismiss is denied ; (signed by Judge Allen G. Schwartz); Copies mailed. (djc) (Entered: 12/10/1999)

12/21/1999	25	STIPULATION and ORDER, defts' time to serve their answer to the complaint is extended to 1/14/00 . (signed by Judge Allen G. Schwartz) (sn) (Entered: 12/28/1999)
01/07/2000	26	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of 11/18/99. (jp) (Entered: 01/07/2000)
01/14/2000	27	ANSWER to Amended Complaint by Brian J. Wing, Antonia Novello, James M. McGowen (Attorney Jose L. Velez from the Firm: Eliot Spitzer Attny. Gen. of the State of N.Y.) (ls) (Entered: 01/18/2000)
03/06/2000	28	Memo–Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 2/24/00; Re: Catalina Cruz seeks to intervene in this action, purs. to FRCP 24(b). Permission to serve and file motion to intervene is granted without need for pre–motion conference. Such motion shall be served and responded to on the same schedule as the motion for class certification. (signed by Judge Allen G. Schwartz); Copies mailed. (sac) (Entered: 03/06/2000)
03/16/2000	29	Memo–Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 3/13/00; discovery closes in this action on 7/28/00 ; 9/15/00: pltffs will serve their motion for class certification and leave to intervene; defts will serve their motion for summary judgment; the motions will be returnable on 10/31/00; 10/13/00: pltffs will serve their papers in opposition to defts' motion for summary judgment; defts will serve their papers in opposition to pltffs' motion for class certification and leave to intervene; 10/31/00: pltffs and defts will serve their reply papers. (signed by Judge Allen G. Schwartz); Copies mailed. (sac) (Entered: 03/17/2000)
06/30/2000	30	Memo–Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 6/29/00; granting the parties an extension of time until 7/11/00 to submit a joint letter and proposed stipulation of confidentiality. (signed by Judge Allen G. Schwartz); Copies mailed. (sac) (Entered: 06/30/2000)
07/27/2000	31	MEMORANDUM ORDER; that, with regard to the Stipulation of confidentiality, the Court Orders the parties to use pltffs' definition of "confidential information" as part of the Stipulation of Confidentiality and Order ; with regard to correspondence between the City of New York Human Resources Administration, defts shall disclose each of the documents set forth on this Memorandum Order to pltffs. However, defts may redact the documents to avoid disclosure of material that would not qualify for disclosure under the previous guidelines set forth by this Court, or which is not otherwise discoverable under Rule 26(b). However, defts shall not redact information related to procedures used at fair hearings, decisions issued by administrative law judges, possible problems associated with the hearing process, or the receipt (or non–receipt) of mail by benefit recipients. Any discussion of the instant action contained in these documents may be excluded under the work product doctrine . (signed by Judge Allen G. Schwartz); Copies mailed. (jp) (Entered: 07/27/2000)
08/02/2000	32	STIPULATION and ORDER; regarding procedures that will govern the handling of "Confidential Information" . (signed by Judge Allen G. Schwartz) (pl) (Entered: 08/02/2000)
08/03/2000	33	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of 6/5/00. (jp) (Entered: 08/03/2000)
10/24/2000	34	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for discovery motion or other motion which does not require a report and recommendation; (signed by Judge Allen G. Schwartz) Referred to Magistrate Judge James C. Francis IV. (djc) (Entered: 10/24/2000)
12/28/2000	35	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of 10/19/00. (db) (Entered: 12/28/2000)
01/08/2001	36	Memo–Endorsement on letter addressed to Magistrate Judge Francis from Marc Cohan, dated 1/5/01; pltffs request that this Court direct the State defts and their expert to meet with pltffs and their expert in advance of the 1/19/01 Court conference; while an order is not warranted, the parties are encouraged to meet with the experts prior to the court conference; if it is helpful, the Court will delay its conference until the afternoon (signed by Magistrate Judge James C. Francis IV); Copies mailed. (lam) (Entered: 01/09/2001)

01/19/2001		Pretrial Conference held before Magistrate Judge James C. Francis IV . (jp) (Entered: 01/25/2001)
01/19/2001		Pretrial Conference held before Magistrate Judge James C. Francis IV . (jp) (Entered: 01/25/2001)
02/05/2001		Pretrial Conference held before Magistrate Judge James C. Francis IV. Contested Issue. (sac) (Entered: 02/07/2001)
02/09/2001		Pretrial Conference held before Magistrate Judge James C. Francis IV . (jp) (Entered: 02/23/2001)
02/13/2001	37	ORDER, regarding the Court's decision concerning several discovery issues present to it by letters and at several pretrial conference . (signed by Magistrate Judge James C. Francis IV); Copies mailed. (kw) (Entered: 02/14/2001)
03/09/2001	38	Memo–Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 3/8/01; granting the parties request that plttfs' time to respond to defts' opposition to Chief Magistrate Judge Francis' 2/9/01 discovery order is extended to 3/12/01, and defts' time to reply is extended to 3/16/01. (signed by Judge Allen G. Schwartz); Copies mailed. (sac) (Entered: 03/12/2001)
03/13/2001	39	Memo–Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 3/12/01; granting counsel for plttf's request for an extension of time to 3/19/01 to reply to defts response to Mag. Judge Francis' 2/9/01 discovery order ; (signed by Judge Allen G. Schwartz); Copies mailed. (lf) (Entered: 03/14/2001)
04/11/2001	40	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of 2/14/01. (moc) (Entered: 04/11/2001)
05/08/2001	41	SECOND STIPULATION of CONFIDENTIALITY and ORDER, regarding procedures that shall govern the handling of Confidential Information" and "Confidential Documents" . (signed by Judge Allen G. Schwartz) (ae) (Entered: 05/08/2001)
05/30/2001	42	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of 4/11/01 @2:20 p.m. (kg) (Entered: 05/30/2001)
06/21/2001	43	Memo–Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 6/19/01; granting counsel for the parties request for approval of the schedule as follows: plttfs will complete all discovery, including depositions by 12/31/01, plttfs will serve defts by hand delivery the results of their discovery by 12/31/01, defts will complete their review of plttfs discovery and complete their own discovery by 2/15/02; defts will serve a motion for summary judgment by 3/29/02. If plttfs decide to move for summary judgment, they will serve their motion by 3/29/02, plttfs and defts will serve their responses to or opposition to the motions for summary judgment by 4/19/02; plttfs and defts will serve replies by 4/26/02; service of all motions will be by Hand Delivery . (signed by Judge Allen G. Schwartz); Copies mailed. (jp) (Entered: 06/25/2001)
08/03/2001	44	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of 6/11/01. (yv) (Entered: 08/03/2001)
12/07/2001	45	Memo–Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 12/5/01; granting counsel for plttfs' request for a postponement of the schedule for the completion of discovery and filing of motions as follows: Plttfs will complete discovery, including depositions, by 2/15/02 . Plttfs will serve defts by hand delivery the results of their discovery . Defts will complete their review of deft's discovery and complete their own discovery by 3/31/02. Defts will serve a motion for summary judgment by 4/30/02. If plttfs decide to move for summary judgment, they will serve their motion by 4/30/02. Plttfs and defts will serve their response(s) to or opposition to the motion(s) for summary judgment by 5/17/02. Plttfs and defts will serve their replies by 5/31/02. Service of all motions will be by hand delivery . (signed by Judge Allen G. Schwartz); Copies mailed. (sn) (Entered: 12/10/2001)
12/11/2001	46	Memo–Endorsement on letter addressed to Judge Schwartz from Jose L. Velez, dated 12/7/01; granting in full plttfs' request for an extension of the discovery deadline until 2/15/02. (signed by Judge Allen G. Schwartz); Copies mailed. (sac) (Entered: 12/11/2001)

		12/12/2001)
07/15/2002	47	Letter filed by Brian J. Wing, Antonia Novello, James M. McGowen addressed to Judge Schwartz from Jose L. Velez, Assistant Attorney General, dated 7/12/02, re: Testimony of David Amiraian. (sb) (Entered: 07/18/2002)
08/07/2002	48	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for discovery disputes. Referred to Magistrate Judge James C. Francis IV. red pursuant to 28 USC 636(b)(1)(B) a report and recommendation shall be returned to the undersigned within ninety days unless for good cause shown the period is extended by the court. (signed by Judge Allen G. Schwartz) (rag) (Entered: 08/08/2002)
08/12/2002		Discovery Conference held before Magistrate Judge Theodore H. Katz. Ruling issued on Amtraian document production. (yv) (Entered: 08/16/2002)
09/05/2002	49	Transcript of record of proceedings before Judge Allen G. Schwartz for the date(s) of July 12, 2002. (jw) (Entered: 09/05/2002)
10/08/2002	50	NOTICE OF MOTION by Brian J. Wing, Antonia Novello, James M. McGowen for summary judgment purs to FRCP 56(b) dismissing the amended complaint ; Return Date 12/20/02 (cd) (Entered: 10/15/2002)
10/08/2002	50	RULE 56.1 STATEMENT filed by Brian J. Wing, Antonia Novello, James M. McGowen (cd) (Entered: 10/15/2002)
10/08/2002	51	AFFIDAVIT of Sebastian Addamo by Brian J. Wing, Antonia Novello, James M. McGowen in support of [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint . (cd) (Entered: 10/15/2002)
10/08/2002	52	AFFIDAVIT of Jose Velez by Brian J. Wing, Antonia Novello, James M. McGowen in support of [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint . (cd) (Entered: 10/15/2002)
10/08/2002	53	AFFIDAVIT of Jose Velez by Brian J. Wing, Antonia Novello, James M. McGowen in support of [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint . (cd) (Entered: 10/15/2002)
10/08/2002	54	AFFIDAVIT of Henry Pedicone by Brian J. Wing, Antonia Novello, James M. McGowen in support of [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint; accompanied by 5 volumes of exhibits (cd) (Entered: 10/15/2002)
10/08/2002	55	MEMORANDUM OF LAW by Brian J. Wing, Antonia Novello, James M. McGowen in support of [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint . (cd) (Entered: 10/15/2002)
10/31/2002	56	Memo-Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 10/30/02. Re.: counsel for plttf's are requesting a 10 page increase for leave to file one 60 page memorandum of law, due to the complex legal issues further set forth in said endorsed letter. Application granted , plaintiffs also request that this letter be considered a written request for reinstatement of plttf's motion for class certification. Application granted . (signed by Judge Allen G. Schwartz); Copies mailed by Chambers. (db) (Entered: 11/04/2002)
11/01/2002	57	Memo-Endorsement on letter addressed to Judge Schwartz from Jose L. Velez, dated 10/31/02; granting defts' request to file a 60 page memorandum of law in chief in opposition to defts' motion for summary judgment and in support of their own motion. (signed by Judge Allen G. Schwartz); (sac) (Entered: 11/04/2002)
11/04/2002	58	Memo-Endorsement on letter addressed to Judge Schwartz from Ian F. Feldman, dated 11/1/02: Sur-reply of 10 pages granted. Plaintiffs class certificate motion shall be held in abeyance granting the determination of defendants motion for summary judgment . (signed by Judge Allen G. Schwartz); Copies mailed by Chambers. (tp) (Entered: 11/06/2002)
11/07/2002	60	NOTICE OF MOTION (filed on service date) by Kiyokie Cortes, Catalina Cruz, Angel Ivel, Arlene Edelstein for an order, purs. to FRCP 24(b), permitting Kiyokie Cortes, Catalina Cruz, Angel Ivel, and Arlene Edelstein to intervene as plaintiffs, on

		the ground that their claims and the claims in the main action have questions of law or fact in common . No Return Date. Affirmation of Ian F. Feldman attached. (sb) Modified on 11/13/2002 (Entered: 11/13/2002)
11/08/2002	59	SEALED DOCUMENT placed in vault. (js) (Entered: 11/08/2002)
11/08/2002	61	MEMORANDUM OF LAW by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young, Robert Cooper, Oksana Yakubova, Bella Gurok, Kiyokie Cortes, Catalina Cruz, Angel Ivel, Arlene Edelstein in support of [60-1] motion for an order, purs. to FRCP 24(b), permitting Kiyokie Cortes, Catalina Cruz, Angel Ivel, and Arlene Edelstein to intervene as plaintiffs, on the ground that their claims and the claims in the main action have questions of law or fact in common . (sb) (Entered: 11/13/2002)
11/19/2002	62	Memo-Endorsement on letter addressed to Judge Schwartz from Jose L. Velez, dated 11/12/02. Re: counsel for dfts request that plttfs' motion for leave to intervene be similarly held in abeyance pending this Court's determination of dfts' motion for summary judgment. Dfts objection to the motion to intervene being made at this time is consistant with the Court's ruling that such motion should be made at the time the class certification is made and that both such motions should await the decision or the motion for summary judgment . (signed by Judge Allen G. Schwartz); Copies Mailed by Chambers. (db) Modified on 11/21/2002 (Entered: 11/21/2002)
11/25/2002	63	Memo-Endorsement on letter addressed to Judge Schwartz from Jose L. Velez, dated 11/21/02: Granting defendants' request for extension of time until 2/18/02 to submit their reply papers in further support of their [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint . (signed by Judge Allen G. Schwartz). (tp) (Entered: 11/26/2002)
01/07/2003	64	AFFIDAVIT of Sebastian Addamo in opposition to plaintiffs' motion for summary judgment and in further support of [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint. (jco) (Entered: 01/08/2003)
01/07/2003	65	AFFIDAVIT of Russell Hanks in opposition to Plaintiffs' motion for summary judgment and in further support of [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint. (jco) (Entered: 01/08/2003)
01/07/2003	66	Defendants' REPLY MEMORANDUM in opposition to plaintiffs' motion for summary judgment and in further support of defendants' motion for summary judgment. (jco) (Entered: 01/08/2003)
01/07/2003	67	DECLARATION of Jose L. Velez in support Re: [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint. (jco) (Entered: 01/08/2003)
01/07/2003	69	RESPONSE by Brian J. Wing, Antonia Novello, James M. McGowen to plaintiffs' Statement pursuant to Local Civil Rules 56.1. (jco) (Entered: 01/08/2003)
01/07/2003	68	SEALED DOCUMENT placed in vault. (dcap) (Entered: 01/27/2003)
01/31/2003	70	SEALED DOCUMENT placed in vault. (wv) (Entered: 01/31/2003)
04/16/2003	72	Notice of Case reassignment to Judge Sidney H. Stein . Copy of notice and judge's rules mailed to Attorney(s) of record: Ian F. Feldman, Jose L. Velez, Patrick J. Horvath, Susan R. Sternberg, Warren B. Scharf, Esperanza Colon, Steven Godeski, Marshall Green, Richard E. Blum, Scott R. Rosenberg, Helaine M. Barnett, Rebecca Lynn Scharf, Marc Cohan, Henry A. Freedman, Matthew Schneider, Yisroel Schulman . (gf) (Entered: 04/23/2003)
04/21/2003	71	REPLY DECLARATION of Marc Cohen by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young, Robert Cooper, Oksana Yakubova, Bella Gurok in support in further support of plttfs motion for summary judgment. (db) (Entered: 04/23/2003)
04/21/2003	73	REPLY DECLARATION of Richard Blum by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young, Robert Cooper, Oksana Yakubova, Bella Gurok in further support of plttf motion for summary judgment. (db) (Entered: 04/23/2003)

04/21/2003	74	REPLY MEMORANDUM by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young, Robert Cooper, Oksana Yakubova, Bella Gurok in support plttfs cross-motion for summary judgment. (db) (Entered: 04/23/2003)
04/21/2003	75	DECLARATION of Ian F. Feldman by Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young, Robert Cooper, Oksana Yakubova, Bella Gurok in opposition Re: [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint and in support of plttf motion for summary judgment. (db) (Entered: 04/23/2003)
09/25/2003	76	ORDER, dismissing, without prejudice, [60-1] motion for an order, purs. to FRCP 24(b), permitting Kiyokie Cortes, Catalina Cruz, Angel Ivel, and Arlene Edelstein to intervene as plaintiffs, on the ground that their claims and the claims in the main action have questions of law or fact in common, dismissing, without prejudice, [50-1] motion for summary judgment purs to FRCP 56(b) dismissing the amended complaint, set pretrial conference for 9:00 a.m. on 11/13/03 . (signed by Judge Sidney H. Stein); (kw) (Entered: 09/29/2003)
10/07/2003	77	Order that case be referred to the Clerk of Court for assignment to Magistrate Judge Francis for Settlement. (signed by Judge Sidney H. Stein) (tp) (Entered: 10/08/2003)
11/13/2003	78	Memo-Endorsement on letter addressed to Judge Sidney H. Stein from Ian F. Feldman, dated 11/10/03; the conference is adjourned to 12/19/03 at 10:00 A.M. (signed by Judge Sidney H. Stein); (sac) (Entered: 11/17/2003)
12/18/2003	79	NOTICE OF CASE REASSIGNMENT to Judge P. Kevin Castel. Judge Sidney H. Stein no longer assigned to the case. (gf,) (Entered: 01/07/2004)
12/19/2003		Minute Entry for proceedings held before Judge P. Kevin Castel : Interim Pretrial Conference held on 12/19/2003. The parties are present. The parties will continue their settlement negotiations. Next Pretrial Conference set for 2/27/2004 10:15 AM before P. Kevin Castel. The parties will prepare and submit a new scheduling order prior to 02/27/04. (jeh,) (Entered: 01/15/2004)
12/19/2003		Minute Entry for proceedings held before Judge P. Kevin Castel : Status Conference held on 12/19/2003. (jeh,) (Entered: 01/21/2004)
02/24/2004	80	ENDORSED LETTER addressed to Judge Castel from Counsel for both Parties dated 2/23/04 re: 1. There is no pending summary judgment motion according too my heading of the docket sheet (see Docket Entry 76, 9/25/03). if defendants wish to refile a new motion for summary judgment, they may do so by serving and filing a new notice of motion. Prior briefs and affidavits may be relied upon. 2. Fact discovery is closed. 3. All expert designations and all expert discovery to be completed by 4/30/04. Parties should arrange their own time periods within that parameter and present it to the Court of the 2/27/04 conference. (Signed by Judge P. Kevin Castel on 2/23/04) Copies Faxed By Chambers.(tp,) (Entered: 02/25/2004)
02/27/2004		Minute Entry for proceedings held before Judge P. Kevin Castel : Interim Pretrial Conference held on 2/27/2004. (dle,) (Entered: 03/02/2004)
02/27/2004		Minute Entry for proceedings held before Judge P. Kevin Castel : Interim Pretrial Conference held on 2/27/2004. (dle,) (Entered: 03/02/2004)
03/31/2004	81	ENDORSED LETTER addressed to Judge P. Kevin Castel from Vincent Leong dated 3/30/04 re: counsel for defendants request an extension of time for them to file their motion for summary judgment until 4/14/04 and that plaintiffs response be adjourned to 5/14/04. The applicaiton to adjust the briefing schedule as set forth in Mr. Leong's letter is GRANTED. The scope of the motions have been tailored and Mr. Leong's request for a 60 page brief--more than double the usual page limit is DENIED without prejudice to explaining why such an extraordinary length is now required in light of the narrowing of the issues. (Signed by Judge P. Kevin Castel on 3/31/04) Copies Faxed by Chambers.(db,) (Entered: 04/02/2004)
03/31/2004		Set Deadlines/Hearings: Motions due by 4/14/2004. Responses due by 5/14/2004 (db,) (Entered: 04/02/2004)
04/14/2004	82	ENDORSED LETTER addressed to Judge P. Kevin Castel from Vincent Leong dated 4/13/04 re: dfts request with plaintiffs' counsel consent, permission to submit a

		memorandum of law in support of dft's motion for summary judgment (currently due 4/14/04); the parties are directed to appear before me on 4/19/04 @ 11:00 a.m. There appears to be fundamental misunderstanding of the forthcoming motion. Prior to and at our last conference 2/27/04, plaintiffs expressed a desire to refile their summary judgment motion and dfts expressed a desire to refile their summary judgment motion. We recessed to permit the parties to confer privately. thereafter, it was agreed that I would set a trial date of 9/7/04.that the summary judgment motions would not be refiled at that defendants would present their legal defenses by way of motion... specifically, I recall Mr. Leong referring to an 11th argument, Mr. Leong's letter of 4/13/04 appears to proceed from the premise that none of the foregoing transpired on 2/27. His requests is denied. (Signed by Judge P. Kevin Castel on 4/14/04) (pl,) Modified on 4/19/2004 (pl,). (Entered: 04/19/2004)
04/19/2004	83	ENDORSED LETTER addressed to Judge P. Kevin Castel from Vincent Leong dated 4/16/04 re: granting NYS Attorney General's request for confirmation of the following pursuant to 4/14/04 telephone conference: dfts' resubmission of their summary judgment motion 4/21/04; plaintiffs' opposition would be due 5/21/04 and dfts' reply due 6/4/04; the court also extended the page limitation to 40 pages for dfts' memorandum of law and plaintiffs' opposing memorandum of law and 20 pages for dfts' reply memo, also granting request that the court vacate the 4/19/04 conference date. (Signed by Judge P. Kevin Castel on 4/16/04) (dle,) (Entered: 04/20/2004)
04/19/2004		Set/Reset Deadlines: Motions due by 4/21/2004. Replies due by 6/4/2004. Responses due by 5/21/2004 (dle,) (Entered: 04/20/2004)
04/26/2004	84	NOTICE OF MOTION for Summary Judgment & dismiss the amended complt.attached Local Rule 56.1 statement of material facts. (nite dep. box) Document filed by James M. McGowen, Antonia Novello, Brian J. Wing. Return Date set for 6/11/2004. (pa,) (Entered: 04/27/2004)
04/26/2004	85	MEMORANDUM OF LAW in Support re: 84 MOTION for Summary Judgment. (nite dep. box). Document filed by James M. McGowen, Antonia Novello, Brian J. Wing. (pa,) (Entered: 04/27/2004)
04/26/2004	86	ENDORSED LETTER addressed to Judge P. Kevin Castel from Marc Cohan dated 4/23/04 re: Counsel for plaintiffs writes to request that the Court dismiss defendants' motion for summary judgment, with leave to refile within 10 days upon condition that the motion is limited solely to legal defenses. Defendants are will aware of the representation they have made to the Court as to the scope of their motion. If they have exceeded the scope of their representation, then I will address it in my ruling on the motion. Plaintiffs should respond in accordance with the existing schedule. As I understand what I will be reading from defendants it will ask me to assume arguendo ad solo for the purposes of the motion that plaintiffs' facts are true. So Ordered (Signed by Judge P. Kevin Castel on 4/23/04) (jco,) Modified on 4/27/2004 (jco,). (Entered: 04/27/2004)
05/11/2004	87	NOTICE of Change of Address by Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. New Address: New York Legal Assistance Group, 450 West 33rd Street, 11th Floor, New York, New York, 10001, (212) 750-0800. (dle,) (Entered: 05/13/2004)
05/21/2004	88	PLAINTIFFS' RULE 56.1(a) STATEMENT. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (db,) (Entered: 05/24/2004)
05/21/2004	89	MEMORANDUM OF LAW in Opposition re: 84 Motion for Summary Judgment. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (db,) Modified on 5/24/2004 (db,). (Entered: 05/24/2004)
05/21/2004	90	DECLARATION of Ian F. Feldman in Opposition of defendants 84 MOTION for Summary Judgment. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (db,) (Entered: 05/24/2004)
05/21/2004	91	REPLY DECLARATION of Richard Blum in Opposition to defendants 84 MOTION for Summary Judgment. Document filed by Maria Calderon, Robert Cooper, Bella

		Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (db,) (Entered: 05/24/2004)
05/21/2004	92	REPLY DECLARATION of Marc Cohan in Opposition to defendants 84 MOTION for Summary Judgment. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (db,) (Entered: 05/24/2004)
05/21/2004	93	DECLARATION of Bella Gurok. Document filed by Bella Gurok. (db,) (Entered: 05/24/2004)
05/21/2004	94	DECLARATION of Marc Cohan. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (db,) (Entered: 05/24/2004)
05/21/2004	95	EXPERT REPORT OF RICHARD FAUST. (db,) (Entered: 05/24/2004)
05/21/2004	96	MOTION to Intervene in this action as plaintiffs pursuant to Rule 24(b) of the FRCP. Supporting documents attached. Document filed by Kiyokie Cortes, Catalina Cruz, Arlene Edelstein, Angel Ivel. (db,) (Entered: 05/24/2004)
06/07/2004	97	REPLY MEMORANDUM OF LAW in Support re: 84 MOTION for Summary Judgment.. Document filed by James M. McGowen, Antonia Novello, Brian J. Wing. (ps,) (Entered: 06/09/2004)
07/19/2004	98	ORDER denying Defendants' 84 Motion for Summary Judgment. (Signed by Judge P. Kevin Castel on 7/19/2004) (kkc,) (Entered: 07/20/2004)
08/02/2004		Minute Entry for proceedings held before Judge P. Kevin Castel : Interim Pretrial Conference held on 8/2/2004, Telephone Conference held on 8/2/2004. The Court cancels the 9/7/04 trial date. Parties given 72 hour notice of the trial date. Motions in limine due 9/14/04. Joint pre-trial order due 8/20/04. Defendants response to plaintiffs motion to intervene due 8/10/04; plaintiffs reply due 8/17/04. The final pre-trial conference is scheduled for 9/1/04 at 2:00 p.m. (db,) (Entered: 08/03/2004)
08/02/2004		Set Deadlines/Hearings: Motions in limine due by 9/14/2004. Pretrial Order due by 8/20/2004. Final Pretrial Conference set for 9/1/2004 02:00 PM before P. Kevin Castel. (db,) (Entered: 08/03/2004)
08/02/2004		Set/Reset Deadlines as to 96 MOTION to Intervene.. Responses due by 8/10/2004 Replies due by 8/17/2004. (db,) (Entered: 08/03/2004)
08/11/2004	99	MEMORANDUM OF LAW in Opposition re: 96 MOTION to Intervene.. Document filed by James M. McGowen, Antonia Novello, Brian J. Wing. (pa,) (Entered: 08/13/2004)
08/17/2004	100	ENDORSED LETTER addressed to Judge P. Kevin Castel from Vincent Leong dated 8/16/04 re: plaintiffs shall promptly provide to defendants the dataset upon which the expert's supplemental report is based in Excel Spreadsheet format. (Signed by Judge P. Kevin Castel on 8/17/04) (db,) (Entered: 08/18/2004)
08/17/2004	101	ENDORSED LETTER addressed to Judge P. Kevin Castel from Marc Cohen dated 8/17/04 re: upon reconsideration, I adhere to my prior ruling regarding data in Excel. (Signed by Judge P. Kevin Castel on 8/17/04) (db,) (Entered: 08/18/2004)
08/23/2004	102	ENDORSED LETTER addressed to Judge Castel from Vincent Leong dated 8/19/04; application to extend time to submit joint pretrial order granted. All other requests will be taken up at the 9/1/04 conference. (Signed by Judge P. Kevin Castel on 8/19/04) copies sent by chambers(cd,) (Entered: 08/24/2004)
08/23/2004	103	REPLY MEMORANDUM OF LAW to Defendants' Memorandum of Law in Opposition to Motion to Intervene. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (djc,) (Entered: 08/25/2004)
08/31/2004	104	ORDER re: 96 MOTION to Intervene filed by Kiyokie Cortes, Catalina Cruz, Angel Ivel, Arlene Edelstein. The motion for intervention by Kyokie Cortes, Catalina Cruz, Angel Ivel, and Arlene Edelstein is therefore Granted. So Ordered. (Signed by Judge P. Kevin Castel on 8/30/04) (jco,) (Entered: 08/31/2004)

09/01/2004		Minute Entry for proceedings held before Judge P. Kevin Castel : Final Pretrial Conference held on 9/1/2004. Court reporter Martha Hess is present. See transcript. The Court schedules the trial for 10/25/04. The parties will submit a revised pretrial order by 9/21/04. Plaintiffs' counsel will file their proposed findings of fact and conclusions of law by 9/21/04, the defense will file their findings of fact and conclusions of law by 9/30/04, and the plaintiff's reply will filed on 10/6/04. Plaintiffs' counsel will submit a draft order indicating the relief sought and a brief regarding proof of the pattern. The motions in liming will be filed by 9/24/04, response due 9/30/04, and replies to be filed by 10/6/04. (jco,) (Entered: 09/09/2004)
09/14/2004	105	TRANSCRIPT of proceedings held on 9/1/2004 before Judge P. Kevin Castel.(jp,) (Entered: 09/14/2004)
09/15/2004		Minute Entry for proceedings held before Judge Miriam Goldman Cedarbaum : Initial Pretrial Conference held on 9/15/2004. (djc,) (Entered: 09/17/2004)
09/21/2004	106	ENDORSED LETTER addressed to Judge Castel from Marc Cohan dated 9/20/04: the date for filing JPTO is extended to 9/24. Date for response to in limine motions is extended to 10/3. (Signed by Judge P. Kevin Castel on 9/21/04) copies sent by chambers.(cd,) (Entered: 09/23/2004)
10/01/2004	109	MEMORANDUM OF LAW responsive to question posed by the Court at the 9/1/04 Court conference. Document filed by Antonia Novello, Brian J. Wing. (pl,) (Entered: 10/06/2004)
10/04/2004	107	ENDORSED LETTER addressed to Judge Castel from Marc Cohan dated 10/1/2004 re: plaitiff's response to defendant's motion in limine be filed by 10/4/2004. So ordered. (Signed by Judge P. Kevin Castel on 10/1/2004) copies faxed by chambers.(jsa,) (Entered: 10/04/2004)
10/04/2004		Set Deadlines/Hearings: Responses due by 10/4/2004 (jsa,) (Entered: 10/04/2004)
10/04/2004	108	MEMORANDUM OF LAW in Opposition to Defendants' Motion in Limine. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young. (ps,) (Entered: 10/06/2004)
10/06/2004	110	REPLY MEMORANDUM OF LAW in Support of their motion in limine. Document filed by James M. McGowen, Antonia Novello, Brian J. Wing. (ps,) (Entered: 10/08/2004)
10/06/2004	111	REPLY MEMORANDUM OF LAW responsive to questions posed by court at the 9/1/04 pre-trial conference. Document filed by James M. McGowen, Antonia Novello, Brian J. Wing. (ps,) (Entered: 10/08/2004)
10/06/2004	112	Proposed Findings of Fact and Conclusions of Law. Supplemental Proposed Findings of Fact attached. Document filed by Maria Calderon, Robert Cooper, Bella Gurok, Tyetta Meacham, Nery Rosado, Alejandro Urena, Oksana Yakubova, Anthony Young.(ps,) (Entered: 10/08/2004)
10/07/2004	113	ANSWER to Intervenors' Complaint. Document filed by James M. McGowen, Antonia Novello, Brian J. Wing.(sac,) (Entered: 10/08/2004)
10/18/2004	114	TRANSCRIPT of proceedings held on 09/15/04 before Judge P. Kevin Castel.(Simpson, Evon) (Entered: 10/18/2004)
10/22/2004	115	ENDORSED LETTER addressed to Judge Castel from Vincent Leong dated 10/21/2004 re: In the context of this non jury trial, I will take defendant's motion in limine under advisement and rule on it with my decision on the merits. The parties are free to call or not call whoever they choose in view of the foregoing. So ordered (Signed by Judge P. Kevin Castel on 10/22/2004) (jsa,) (Entered: 10/26/2004)
10/25/2004		Minute EntryMinute Entry for proceedings held before Judge P. Kevin Castel : Bench Trial held on 10/25/2004. See transcript. The parties have informed the Court that the case has settled and request a postponement of the trial-granted. The parties will need additional time to prepare the settlement proposals. The Court schedules a pretrial conference by 11/09/2004 at 11:00 AM. (jeh,) (Entered: 10/27/2004)

11/08/2004	116	ENDORSED LETTER addressed to Judge P. Kevin Castel from George A. Alvarez dated 11/5/04. Application granted. Conference adjourned from November 9 at 11 a.m. to November 16, 2004 at 9:30 a.m. (Signed by Judge P. Kevin Castel on 11/8/04) Copies Faxed By Chambers.(kw,) (Entered: 11/09/2004)
11/08/2004		Set Deadlines/Hearings: Pretrial Conference set for 11/16/2004 09:30 AM before P. Kevin Castel. (kw,) (Entered: 11/09/2004)
11/16/2004		Minute Entry for proceedings held before Judge P. Kevin Castel : Interim Pretrial Conference held on 11/16/2004. Court Reporter Tom Murray is present. See transcript. The parties are continuing with settlement negotiations, the parties request additional time to resolve the attorney's fees. The Court refers the case to Magistrate Judge Francis for settlement. Pretrial Conference set for 12/20/2004 09:30 AM before P. Kevin Castel. (jeh,) (Entered: 12/07/2004)
11/24/2004	117	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge James C. Francis. (Signed by Judge P. Kevin Castel on 11/16/2004) (jsa,) (Entered: 11/24/2004)
12/20/2004		Minute Entry for proceedings held before Judge P. Kevin Castel : Pretrial Conference held on 12/20/2004; Rule 23 hearing set for 2/10/05 at 4:30 pm. (cd,) (Entered: 12/28/2004)
01/06/2005	118	ORDER PURSUANT TO FED.R.CIV.PRO. 23(e)...a hearing pursuant to RULE 23(e) shall be held on February 10, 2005 at 4:30 p.m. be for the Hon. P. Kevin Castel in Courtroom 12C, for the purposes of determining whether the proposed settlement agreement is fair, reasonable and adequate. At least twenty days before the hearing, the New York State Office of Temporary and Disability Assistance will post exact copies of the court-approved notice at all fair hearing sites in New York City. ANY member of the class may appear at the hearing and object to the proposed settlement. Written objections are due by February 7, 2005.....So Ordered. (Signed by Judge P. Kevin Castel on 1/5/2005) Copies Faxed to Chambers.(D'Agostino, Andrew) (Entered: 01/06/2005)
02/01/2005	119	ORDER ADJOURNING HEARING DATE...There is presently scheduled a hearing, pursuant to Rule 23(e), Fed.R.Civ.P., to determine whether the proposed settlement between and among the parties in the above-captioned matter is fair, reasonable and adequate. The hearing had been scheduled for February 10, 2005 at 4:30 p.m. in Courtroom 12C. The hearing is hereby adjourned to February 14, 2005 at 11:30 a.m. in Courtroom 12C. I am requesting that counsel to the parties make best efforts to inform all persons, organizations and agencies who have expressed an interest in this hearing of the adjourned date, time and place. A copy of this Order will be posted outside of Courtroom 12C at the originally scheduled time and the Clerk is directed to place notice of the adjourned date, time and place in the New York Law Journal.Any person wishing to object at the hearing must first do so in writing and the date for written objections remains February 7, 2005. (Signed by Judge P. Kevin Castel on 2/1/2005) (D'Agostino, Andrew) (Entered: 02/01/2005)
02/03/2005	120	NOTICE of Hearing: Settlement hearing adjourned to 2/14/2005 11:30 AM before P. Kevin Castel. (cd,) (Entered: 02/10/2005)
02/10/2005	121	DECLARATION of Marc Cohan pursuant tto Rule 23(e) of the F.R.C.P. in support of the proposed Stipulation and Order of Settlement. Document filed by Oksana Yakubova, Bella Gurok, Tyetta Meacham, Maria Calderon, Nery Rosado, Alejandro Urena, Anthony Young, Robert Cooper. (pl,) (Entered: 02/16/2005)
02/14/2005		MEMORANDUM TO THE DOCKET CLERK: The parties are present and a Rule 23 hearing is held. Court reporter Mike McDaniel is present. See transcript. Counsel for the plaintiffs will submit affidavits and copies of exhibits by 3/3/2005. The defendants will respond by 3/10/2005. A conference is scheduled for 3/14/2005 at 9:45am. (jog,) (Entered: 02/22/2005)
03/08/2005	122	MEMORANDUM AND ORDER....such a result cannot be squared with Rule 23(a), Fed.R.Civ.P., or principles of due process, the settlement in its present posture is not approved under Rule 23(e)...I will defer on all other issues relating to the Proposed Settlement until the parties have had an opportunity to consider whether they wish to submit a revised settlement. (Signed by Judge P. Kevin Castel on 3/8/2005) Copies

		Faxed by Chambers.(D'Agostino, Andrew) (Entered: 03/08/2005)
03/09/2005	123	TRANSCRIPT of proceedings held on 2/14/2005 before Judge P. Kevin Castel. (kj,) (Entered: 03/09/2005)
03/23/2005	126	MOTION for Reconsideration of The March 8,2005 Memorandum and Order Pursuant to Rule 6.3 of Local Rules of This Court; (2) Approving the Stipulation and Order of Settlement Presented to the Court by Plaintiffs' Counsel on February 10,2005, and; (3) for Such Other and Further Relief as the Court Deems Just and Proper. Document filed by Brian J. Wing, Antonia Novello, James M. McGowen. (jmi,) (Entered: 03/29/2005)
03/23/2005	127	DEFENDANTS' MEMORANDUM OF LAW in Support re: 126 MOTION for Reconsideration.. Document filed by Brian J. Wing, Antonia Novello, James M. McGowen. (jmi,) (Entered: 03/29/2005)
03/24/2005	124	TRANSCRIPT of proceedings held on 02/14/05 before Judge P. Kevin Castel. (es,) (Entered: 03/24/2005)
03/25/2005	125	MEMORANDUM AND ORDER UPON CONSIDERATION...Defendants' well-intentioned memorandum reinforces my conclusion that there are problems with the proposed Settlement as drafted. Defendants concede that the preclusive effect of a judgment as to a future-eligible class member "who came to participate in a fair hearing with a mailing issue at some date in the future following the expiration of the Settlement may have been less than artfully expressed." (Def. Mem. at 7) (em-phasis in original) The proposed Settlement refers to the class dissolving after "the expira-tion of the term of this Stipulation," but the proposed Settlement itself has no date of expi-ration, and, as I read Paragraph III(B) of the Proposed Settlement, class members "forever discharge" their released claims. At a minimum, this is confusing. Defendants propose a modification that they say remedies the problem. In their view, the proposed revision makes it clear that only future eligible persons who file claims for public assistance before the period of time that the defendants complete their implementation will be barred, and only during the period of implementation which is expected to continue into 2007. I have reviewed the proposed language and conclude that it does not reconcile the "forever discharge" requirement with the purported "expiration of the term of this Stipulation." More importantly, the proposed modification does not address the adequacy of representation (as well as the intermeshed typicality and commonal-ity issues, see March 8, 2005 Mem. and Order n.1) and due process concerns. Defendants argue that the Settlement, in its modified form, presents only a slight burden on future eligible persons because they would not be forever barred from bringing equitable and declaratory claims but only barred until the defendants implement training and monitoring measures. These measures are expected to be complete by early 2007. Defendants concede that their concern is that future eligible persons will come forward during the period of implementation and seek other or different relief. The fact that the defendants' concern is bona fide validates the proposition that the future eligible persons would be forced to give up a valuable right. Defendants' concern about exposure to claims by future-eligible persons does not trump Rule 23(a) and the notice requirements of due process. Defendants would be fully capable of arguing in subsequent litigation that further injunctive and declaratory relief would be unwarranted, given the substantial steps they will be undertaking to remedy their own procedures through enhanced training and monitoring. Defendants cite Joel A. v. Giuliani, 218 F.3d 132 (2d Cir. 2000), considered by this Court but not cited in the Memorandum and Order of March 8. The objections before the Court in Joel A. were not those asserted on behalf of future eligible persons, but rather, were asserted on behalf of "alleged victims of bias-related violence, harassment and discrimination at the hands of their heterosexual peers in the foster care system and by the City and State officials responsible for overseeing the child welfare system." Id. at 137. As the Court's opinion notes, "[t]he Joel A. objectors asserted in the district court and claim here that they could not be adequately represented within the Marisol subclass three, since the class consists of the very peers who have been victimizing them, and that the dis-trict court took insufficient steps to ensure that they were adequately represented in settlement discussions." Id. at 138. Joel A. arose in the context of a settlement approval and the Court expressly declined to revisit issues of class certification. Id. at 143. The Court af-firmed the district court's finding of fairness of a settlement that precluded individuals from bringing claims during a finite period

		during which compliance was implemented. Id. at 142. In the case before me, it is not the substantive fairness of the settlement that warrants concern, but Rule 23 and due process as applied to persons to whom notice is not possible. The motion is denied. I will take up remaining matters at a conference scheduled for March 28, 2005 at 10:00 a.m. (Signed by Judge P. Kevin Castel on 3/22/2005) Copies Faxed by Chambers.(D'Agostino, Andrew) (Entered: 03/25/2005)
03/28/2005		Minute Entry for proceedings held before Judge P. Kevin Castel : Interim Pretrial Conference held on 3/28/2005. The parties are present and a pretrial conference is held. Court Reporter Connie Kuhl is present. See transcript. The parties will submit a settlement agreement to the Court by 4/4/05. The Court schedules a pretrial conference for 4/20/05 at 10:00 a.m. (jco,) (Entered: 04/06/2005)
04/04/2005	128	TRANSCRIPT of proceedings held on 03/28/05 before Judge P. Kevin Castel. (es,) (Entered: 04/04/2005)
04/20/2005		Minute Entry for proceedings held before Judge P. Kevin Castel : Hearing In Aid Of Judgment held on 4/20/2005. The parties are present and the Court approves the class action settlement. See transcript. See Stipulation & Order of Settlement dated April 20, 2005. (Court Reporter Steve Griffing) (D'Agostino, Andrew) (Entered: 04/20/2005)
04/20/2005	129	STIPULATION AND ORDER OF SETTLEMENT (Signed by Judge P. Kevin Castel on 4/20/2005) Copies Faxed by chambers.(D'Agostino, Andrew) (Entered: 04/20/2005)
05/02/2005	130	TRANSCRIPT of proceedings held on 04/20/05 before Judge P. Kevin Castel. (es,) (Entered: 05/02/2005)
11/23/2005	131	SEALED MATERIALS RETRIEVED: Document(s) 59 were retrieved. Law Firm retrieving records: The Legal Aid Society. Person retrieving records: Jose Ayala on 11/23/2005.(kj,) (Entered: 11/23/2005)
11/23/2005	132	SEALED MATERIALS RETRIEVED: Document(s) 70 were retrieved. Law Firm retrieving records: The Legal Aid Society. Person retrieving records: Jose Ayala on 11/23/2005.(kj,) (Entered: 11/23/2005)