

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:13-cv-04165-NGG-ST**

United States of America v. State of New York
Assigned to: Judge Nicholas G. Garaufis
Referred to: Magistrate Judge Steven Tiscione
Cause: 42:1201 Civil Rights (Disability)

Date Filed: 07/23/2013
Jury Demand: None
Nature of Suit: 445 Civil Rights:
Americans with Disabilities – Employment
Jurisdiction: U.S. Government Plaintiff

Special Master

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Date Filed	#	Docket Text
07/23/2013	<u>1</u>	COMPLAINT against State of New York, filed by United States of America. (Attachments: # <u>1</u> Civil Cover Sheet) (Bowens, Priscilla) (Entered: 07/23/2013)
07/23/2013	<u>2</u>	Summons Issued as to State of New York. (Bowens, Priscilla) (Entered: 07/23/2013)
07/23/2013	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Bowens, Priscilla) (Entered: 07/23/2013)
07/23/2013	<u>4</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Nicholas G. Garaufis and Magistrate Judge Marilyn D. Go for all further proceedings. Judge Roslynn R. Mauskopf, Magistrate Judge Viktor V. Pohorelsky no longer assigned to case. Ordered by Chief Judge Carol Bagley Amon on 7/23/2013. (Bowens, Priscilla) (Entered: 07/23/2013)

07/23/2013	<u>5</u>	UNSIGNED Stipulation and Order of Settlement. The parties agree that it is in their mutual interest to avoid the time, expense, and risk of litigation and hereby resolve the allegations by entering into this agreement. (Greene, Donna) (Entered: 07/23/2013)
08/01/2013	<u>6</u>	NOTICE of Appearance by Barbara K. Hathaway on behalf of State of New York (aty to be noticed) (Hathaway, Barbara) (Entered: 08/01/2013)
08/01/2013	<u>7</u>	NOTICE of Appearance by Katherine Brady Dirks on behalf of State of New York (aty to be noticed) (Dirks, Katherine) (Entered: 08/01/2013)
08/08/2013	<u>8</u>	Letter dated 7/31/2013 to Judge Garaufis from potential intervenors, requesting that the Court not approve the Proposed Stipulation of Settlement at this time. (Lee, Tiffeny) (Entered: 08/08/2013)
08/08/2013	<u>9</u>	Letter <i>responding to 7/31/13 letter</i> by United States of America (Maisels, Amanda) (Entered: 08/08/2013)
08/09/2013		ORDER: The court will hold an initial conference in this matter on Tuesday, August 20, 2013, at 11:00 a.m. Ordered by Judge Nicholas G. Garaufis on 8/9/2013. (Edelman, Keith) (Entered: 08/09/2013)
08/20/2013		Email Notification Test – DO NOT REPLY (Lee, Tiffeny) (Entered: 08/20/2013)
08/20/2013		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Initial Conference Hearing held on 8/20/2013. Counsel for all parties present. The court consolidated <u>United States v. New York</u> , 13-CV-4165, and <u>O'Toole v. Cuomo</u> , 13-CV-4166, without objection. In the near future, the parties will (1) file an unopposed motion for class certification, without a memorandum of law; (2) provide the court with the details concerning an upcoming fairness hearing, including the proposed notice to potential class members; and (3) confer and report to the court about the provisions of the Proposed Stipulation and Order of Settlement discussed at the hearing. (Court Reporter Holly Driscoll) (Edelman, Keith) (Entered: 08/20/2013)
08/20/2013		Case Consolidated. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 08/21/2013)
08/23/2013	<u>10</u>	Letter dated 8/21/2013 to Judge Garaufis from Harold Iselin, Esq., representing potential intervenors, re proposed consent judgment. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 08/23/2013)
09/16/2013	<u>11</u>	Letter MOTION for Settlement / <i>Modifying Settlement Agreement</i> by Andrew M. Cuomo, Steven Farrell, Raymond O'Toole, Nirav R. Shah, Ilona Spiegel, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York, United States of America. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Gordon, Andrew) (Entered: 09/16/2013)
10/10/2013	<u>12</u>	ORDER re (11) Motion for Settlement in case 1:13-cv-04165-NGG-MDG; and (11) Motion for Settlement in case 1:13-cv-04166-NGG-MDG. Some modifications proposed in the September 16, 2013, letter resolve prior deficiencies, and the court accepts proposed modifications 1 and 2. However, the Settlement Agreement still does not sufficiently establish mechanisms to enable court supervision of the settlement. Settlement agreements in similar Olmstead cases have established a more explicit and unrestricted monitoring role for the courts involved, and the agreements in these cases are instructive templates, see Order. If the parties have objections to provisions such as the ones excerpted above (see Order), they shall raise them with the court by letter. If not, the parties shall confer and provide the court with modifications to the current Settlement Agreement adopting sufficient similar provisions. Ordered by Judge Nicholas G. Garaufis on 10/4/2013. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 10/10/2013)
10/24/2013	<u>13</u>	Letter <i>requesting conference</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 10/24/2013)

11/14/2013	<u>14</u>	Letter dated 11/13/2013 to Judge Garaufis from Jeffrey Sherrin, Esq. and Harold Iselin, Esq. on behalf of certain impacted adult homes regarding proposed modifications to the settlement. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 11/20/2013)
11/20/2013	<u>15</u>	Letter <i>responding to 11/13/13 Letter</i> by United States of America Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Nicholas) (Entered: 11/20/2013)
12/10/2013	<u>16</u>	Letter MOTION for Settlement / <i>Modifying Settlement Agreement</i> by Andrew M. Cuomo, Steven Farrell, Raymond O'Toole, Nirav R. Shah, Ilona Spiegel, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York, United States of America. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 12/10/2013)
01/09/2014	<u>17</u>	MOTION for Leave to File <i>an Amici Curiae Brief</i> by Mental Health Association in New York State, Inc., New York Association of Psychiatric Rehabilitation Services, New York Association on Independent Living, National Alliance on Mental Illness of New York City, Coalition of Institutionalized Aged and Disabled, Community Access, Long Term Care Community Coalition, Mental Health Empowerment Project, Inc., Schuyler Center for Analysis and Advocacy, Venture House. (Attachments: # <u>1</u> Declaration Declaration of Antony L. Ryan in Support of the consented-to Motion of Proposed Amici Curiae to Submit an Amici Curiae Brief, # <u>2</u> Memorandum in Support Memorandum of Law of Amici Curiae Mental Health Organizations in Support of Proposed Settlement Agreement) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Ryan, Antony) (Entered: 01/09/2014)
01/10/2014	<u>18</u>	ORDER granting (17) Motion for Leave to File AMICI CURIAE BRIEF in case 1:13-cv-04165-NGG-MDG; granting (34) Motion for Leave to File AMICI CURIAE BRIEF in case 1:13-cv-04166-NGG-MDG. So Ordered by Judge Nicholas G. Garaufis on 1/10/2014. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 01/10/2014)
01/13/2014	<u>19</u>	MEMORANDUM in Support re (5 in 1:13-cv-04165-NGG-MDG, 5 in 1:13-cv-04166-NGG-MDG) Order of Settlement filed by Coalition of Institutionalized Aged and Disabled, Community Access, Long Term Care Community Coalition, Mental Health Association in New York State, Inc., Mental Health Empowerment Project, Inc., National Alliance on Mental Illness of New York City, New York Association of Psychiatric Rehabilitation Services, New York Association on Independent Living, Schuyler Center for Analysis and Advocacy, Venture House. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Ryan, Antony) (Entered: 01/13/2014)
01/15/2014	<u>20</u>	ORDER re (16) Motion for Modification of Settlement in case 1:13-cv-04165-NGG-MDG; and (26) Motion for Modification of Settlement in case 1:13-cv-04166-NGG-MDG. On the basis of the parties' articulation of the proposed modification, the court GRANTS the parties' request to modify Section L of the Proposed Settlement Agreement with the language contained in the December 10, 2013, letter. The parties shall submit a revised proposed settlement agreement that incorporates this modification and the modifications approved by the court's October 10, 2013, Order. So Ordered by Judge Nicholas G. Garaufis on 1/14/2014. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 01/15/2014)
01/15/2014	<u>21</u>	Letter dated 1/14/2014 to Judge Garaufis from Jeffrey J. Sherrin, Esq., and Harold N. Iselin, Esq., representing Adult Home Residents and concerned businesses, re proposed modifications to the settlement. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 01/17/2014)
01/17/2014	<u>22</u>	Letter <i>concerning additional submissions</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 01/17/2014)

01/17/2014		ORDER. The court GRANTS Defendants' request <u>22</u> to make additional submissions before the court's final ruling on settlement. Any party that intends to make an additional submission to the court regarding settlement may do so on or before February 4, 2014. Ordered by Judge Nicholas G. Garaufis on 1/17/2014. (Holmes, Jennifer) (Entered: 01/17/2014)
01/30/2014	<u>23</u>	SETTLEMENT AGREEMENT <i>Amended Stipulation and Order of Settlement</i> by United States of America Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Nicholas) (Entered: 01/30/2014)
02/04/2014	<u>24</u>	Letter by United States of America Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Nicholas) (Entered: 02/04/2014)
02/04/2014	<u>25</u>	Letter by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 02/04/2014)
02/12/2014	<u>26</u>	Letter dated 2/6/2014 to Judge Garaufis from Jeffrey J. Sherrin, Esq., and Harold N. Iselin, Esq., representing Adult Home Residents and concerned businesses, in response to letters submitted to the Court on February 4, 2014 by the plaintiff class (Dkt. No. 54), the United States (Dkt. No. 55), and the defendants (Dkt. No. 56). Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 02/12/2014)
03/17/2014	<u>28</u>	ORDER: The court finds the proposed settlement to be fair, reasonable, and adequate. The court also finds the attorney's fees to be reasonable. Therefore Plaintiffs' Motion for Final Approval of the Proposed Settlement Agreement and Attorney's Fees in case No. 13-CV-4166 is GRANTED. For purposes of case No. 13-CV-4165, the Proposed Settlement Agreement serves as a Consent Judgment and is also APPROVED. Ordered by Judge Nicholas G. Garaufis on 3/17/2014. (Holmes, Jennifer) (Main Document 28 replaced on 3/18/2014) (Lee, Tiffeny). (Entered: 03/17/2014)
03/18/2014		ORDER. The March 17, 2014, Memorandum and Order (Document <u>28</u>) has been updated to correct footnote 10. Ordered by Judge Nicholas G. Garaufis on 3/18/2014. (Holmes, Jennifer) (Entered: 03/18/2014)
04/04/2014		ORDER. By April 11, 2014, the parties shall advise the court of the amount of funds for implementation of the Settlement in these actions appropriated in the budget recently passed by the New York State legislature for the Fiscal Year commencing April 1, 2014. Ordered by Judge Nicholas G. Garaufis on 4/4/2014. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG. (Holmes, Jennifer) (Entered: 04/04/2014)
04/11/2014	<u>29</u>	Letter <i>advising the court of funds appropriated for implementation of settlement</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 04/11/2014)
06/10/2014	<u>30</u>	STATUS REPORT by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York (Attachments: # <u>1</u> Quarterly Report: Jan. 23 to Apr. 23, 2014) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 06/10/2014)
06/24/2014		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 6/20/2014. In connection with Defendants' First Quarterly Report, the parties and the Independent Reviewer provided a status update to the court about the implementation of the settlement agreement. (Court Reporter Anthony Mancuso.) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Holmes, Jennifer) (Entered: 06/24/2014)
09/30/2014	<u>31</u>	STATUS REPORT by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York (Attachments: # <u>1</u> Appendix) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara)

		(Entered: 09/30/2014)
11/05/2014		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 11/3/2014. In connection with Defendants' Second Quarterly Report, the parties and the Independent Reviewer provided a status update to the court regarding the implementation of the Settlement Agreement. (Court Reporter Gene Rudolph.) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Izant, Jeffrey) (Entered: 11/5/2014) (Entered: 11/05/2014)
12/02/2014	<u>32</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 11/3/14, before Judge Garaufis. Court Reporter/Transcriber Rudolph. 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.File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 12/23/2014. Redacted Transcript Deadline set for 1/5/2015. Release of Transcript Restriction set for 3/2/2015. (Rudolph, Gene) (Entered: 12/02/2014)
12/12/2014	<u>33</u>	MOTION for Extension of Time to File <i>Quarterly Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 12/12/2014)
12/16/2014	<u>34</u>	ORDER granting (33) Motion for Extension of Time to File in case 1:13-cv-04165-NGG-MDG; granting (66) Motion for Extension of Time to File in case 1:13-cv-04166-NGG-MDG. So Ordered by Judge Nicholas G. Garaufis on 12/12/2014. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 12/16/2014)
01/16/2015	<u>35</u>	STATUS REPORT by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York (Attachments: # <u>1</u> Status Report) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 01/16/2015)
03/30/2015	<u>36</u>	ANNUAL REPORT submitted by Clarence J. Sundram, Independent Reviewer. (Attachments: # <u>1</u> Appendix) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Chee, Alvin) (Entered: 03/30/2015)
04/10/2015	<u>37</u>	MOTION for Extension of Time to File <i>Quarterly Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Goldberg, Jane) (Entered: 04/10/2015)
04/10/2015	<u>38</u>	ORDER granting <u>37</u> Motion for Extension of Time to File Quarterly Report. Defendants' Quarterly Report due April 21, 2015. Ordered by Judge Nicholas G. Garaufis on 4/10/2015. (Day, Lori) (Entered: 04/10/2015)
04/17/2015	<u>39</u>	Letter <i>Regarding Budget Appropriations</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 04/17/2015)
04/21/2015	<u>40</u>	STATUS REPORT by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock (Attachments: # <u>1</u> Exhibit) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 04/21/2015)
05/12/2015	<u>41</u>	NOTICE by Clarence J Sundram <i>Request for Court Order</i> (Attachments: # <u>1</u> Proposed Order) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Sundram, Clarence) (Entered: 05/12/2015)

05/12/2015	<u>42</u>	Letter <i>regarding Independent Reviewer's Proposed Order</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 05/12/2015)
05/13/2015	<u>43</u>	COURT EXHIBIT 1: Presentation on 2015 Annual Report by Independent Reviewer. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 05/14/2015)
05/14/2015	<u>44</u>	EXHIBIT 1 by <i>United States of America presented at court conference on May 13, 2015</i> by United States of America. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Goldberger, Michael) (Entered: 05/14/2015)
05/14/2015		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 5/13/2015. In connection with the Independent Reviewer's First Annual Report and Defendants' Fourth Quarterly Report, the Independent Reviewer and the parties provided a status update to the court regarding implementation of the Settlement Agreement. The court requested that Defendants provide an additional report to the court by July 1, 2015, responding to the specific issues raised by Plaintiffs and the Independent Reviewer. (Court Reporter Holly Driscoll.) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG. (Izant, Jeffrey) (Entered: 05/14/2015)
05/15/2015	<u>45</u>	ORDER regarding monitoring compliance. So Ordered by Judge Nicholas G. Garaufis on 5/13/2015. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 05/15/2015)
07/01/2015	<u>46</u>	STATUS REPORT by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York (Attachments: # <u>1</u> Status Report) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 07/01/2015)
07/06/2015	<u>47</u>	STATUS REPORT <i>Quarterly report dated July 6, 2015</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 07/06/2015)
07/06/2015	<u>48</u>	Letter <i>Cover letter to Quarterly report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 07/06/2015)
07/29/2015	<u>49</u>	Letter <i>responding to the State's July 1, 2015 report to the Court</i> by United States of America Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Goldberger, Michael) (Entered: 07/29/2015)
07/29/2015	<u>50</u>	MOTION to Withdraw as Attorney (<i>Katherine Brady Dirks</i>) by State of New York. (Dirks, Katherine) (Entered: 07/29/2015)
07/31/2015		ORDER granting Katherine Brady Dirks' <u>50</u> <u>84</u> Motion to Withdraw as Attorney and Veronica Seungwon Jung's <u>80</u> Motion to Withdraw as Attorney. Attorney Katherine Brady Dirks terminated in case 1:13-cv-04165-NGG-MDG and 1:13-cv-04166-NGG-MDG; Attorney Veronica Seungwon Jung terminated in case 1:13-cv-04166-NGG-MDG. Ordered by Magistrate Judge Marilyn D. Go on 7/31/2015. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Moo-Young, Jillian) (Entered: 07/31/2015)
08/10/2015		Status Conference set for 8/19/2015 at 02:30 PM in Courtroom 4D South before Judge Nicholas G. Garaufis. (Riquelme, Claudia) (Entered: 08/10/2015)
08/20/2015	<u>51</u>	EXHIBIT <i>Presented by defendants at Aug. 19, 2015 conference</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway,

		Barbara) (Entered: 08/20/2015)
08/20/2015	<u>52</u>	NOTICE of Appearance by Matthew Joseph Lawson on behalf of State of New York (aty to be noticed) (Lawson, Matthew) (Entered: 08/20/2015)
08/21/2015		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 8/19/2015. In connection with Defendants' <u>46</u> July 1, 2015, Status Report, and Defendants' <u>47</u> Fifth Quarterly Report, the parties and the Independent Reviewer provided a status update to the court regarding the implementation of the Settlement Agreement. (Court Reporter Lisa Schwam.) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Izant, Jeffrey) (Entered: 08/21/2015)
10/15/2015	<u>53</u>	STATUS REPORT <i>Quarterly Report Oct. 15, 2015</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 10/15/2015)
12/02/2015	<u>54</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on May 13, 2015, before Judge Garaufis. Court Reporter/Transcriber H. Driscoll, Telephone number 718-613-2274. Email address: hdrisc@aol.com. 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. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 12/23/2015. Redacted Transcript Deadline set for 1/4/2016. Release of Transcript Restriction set for 3/1/2016. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Driscoll, Holly) (Entered: 12/02/2015)
01/14/2016	55	SCHEDULING ORDER: Status Conference set for 2/19/2016 02:00 PM in Courtroom 4D South before Judge Nicholas G. Garaufis. Ordered by Judge Nicholas G. Garaufis on 1/14/2016. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Nelson, Jack) (Entered: 01/14/2016)
01/26/2016	<u>56</u>	STATUS REPORT <i>Quarterly Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 01/26/2016)
02/16/2016	<u>57</u>	ORDER: On February 8, 2016, the court received a letter from Jeffrey J. Sherrin of O'Connell & Aronowitz, who claims to represent "many of the adult homes identified in the Federal settlement" in the above-captioned actions but who has not filed an appearance in either action. The letter makes a number of serious allegations regarding the implementation of the settlement agreement. On February 12, 2016, Plaintiffs' counsel filed a response to Mr. Sherrin's letter on ECF. (Ltr. (Dkt. 91 in 13-CV-04166).) In light of Plaintiffs' counsel's response, the Clerk of Court is respectfully directed to file Mr. Sherrin's letter on ECF as a relevant document in both actions. The parties should be prepared to discuss both letters at the upcoming status conference. So Ordered by Judge Nicholas G. Garaufis on 2/12/2016. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 02/16/2016)
02/16/2016	<u>58</u>	Letter dated 2/8/2016 to Judge Nicholas G. Garaufis from Jeffrey J. Sherrin, Esq. regarding the implementation of the settlement agreement. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 02/16/2016)
02/17/2016	<u>59</u>	Letter by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 02/17/2016)
02/19/2016		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 2/19/2016. In connection with Defendants' <u>56</u> Seventh Quarterly Report, the parties and the Independent Reviewer provided a status update to the court

		regarding the implementation of the Settlement Agreement. The next status conference will be held on June 3, 2016, at 02:00 PM in Courtroom 4D South. (Court Reporter Stacy Mace.) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Nelson, Jack) (Entered: 02/19/2016)
03/10/2016	<u>60</u>	MOTION for Extension of Time to File <i>Response to letter</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 03/10/2016)
03/14/2016	<u>61</u>	ORDER granting (60) Motion for Extension of Time to File in case 1:13-cv-04165-NGG-MDG; and granting (95) Motion for Extension of Time to File in case 1:13-cv-04166-NGG-MDG. So Ordered by Judge Nicholas G. Garaufis on 3/10/2016. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 03/14/2016)
03/25/2016	<u>62</u>	Letter <i>in response to Feb. 8, 2016 letter of Mr. Sherrin</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 03/25/2016)
04/01/2016	<u>63</u>	STATUS REPORT <i>Annual Report</i> by Clarence J Sundram Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Sundram, Clarence) (Entered: 04/01/2016)
04/08/2016	<u>64</u>	Notice of Related Case (Bowens, Priscilla) (Entered: 04/08/2016)
04/18/2016	<u>65</u>	STATUS REPORT <i>Quarterly Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 04/18/2016)
04/20/2016	<u>66</u>	ORDER re 16-CV-1683, 13-CV-4165, and, 13-CV-4166: The court notes that the <u>10</u> and <u>13</u> letters requesting reassignment do not comply with the court's individual rules requiring parties to request a pre-motion conference prior to filing a motion. However, the court waives that requirement in this case and DENIES as unnecessary the motion for a pre-motion conference, (Dkt. <u>11</u> in 16-CV-1683).). However, if Residents and Families Plaintiffs and Empire Plaintiffs wish to move for the reassignment and/or remand of Residents and Families United, they must make a formal, omnibus motion to that effect. The court sets the following briefing schedule: Residents and Families Plaintiffs and Empire Plaintiffs shall serve their motions upon all parties in all three above-captioned cases by April 29, 2016; those parties shall serve their responses upon Residents and Families Plaintiffs and Empire Plaintiffs by May 13, 2016; and Residents and Families Plaintiffs and Empire Plaintiffs shall serve their replies, if any, upon the other parties and electronically file the fully briefed motions by May 20, 2016. Finally, the court GRANTS Defendants' motion for an extension of time to answer the Second Amended Complaint in Residents and Families United, until fourteen (14) days following a decision on Plaintiffs' anticipated motions. (See First Mat. for Extension of Time (Dkt. <u>7</u> in 16-CV-1683).) So Ordered by Judge Nicholas G. Garaufis on 4/20/2016. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Tiffeny) (Entered: 04/20/2016)
05/31/2016		SCHEDULING ORDER: Status Conference originally set for 6/3/2016 is rescheduled for 6/20/2016 at 11:00 AM in Courtroom 4D South. Ordered by Judge Nicholas G. Garaufis on 5/31/2016. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Nelson, Jack) (Entered: 05/31/2016)
06/20/2016		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 6/20/2016. Counsel for all parties present. In connection with the Independent Reviewer's <u>63</u> Annual Report and Defendants' <u>65</u> Quarterly Report, the parties and the Independent Reviewer provided a status update to the court regarding the implementation of the Settlement Agreement. The court ordered Defendants to file a formal response to the Independent Reviewer's recommendations by June 23, 2016. The Independent Reviewer will canvass the parties and suggest a date for the next

		status conference. (Court Reporter Sherry Bryant.) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Nelson, Jack) (Entered: 06/20/2016)
06/24/2016	<u>67</u>	STATUS REPORT <i>Response to Independent Reviewer's Annual Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 06/24/2016)
08/02/2016	<u>68</u>	STATUS REPORT <i>Quarterly Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 08/02/2016)
09/12/2016	<u>69</u>	MOTION to Withdraw as Attorney <i>NICHOLAS C. LEE</i> by United States of America. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lee, Nicholas) (Entered: 09/12/2016)
09/14/2016		ORDER granting (69) Motion to Withdraw as Attorney. Attorney Nicholas Lee terminated in case 1:13-cv-04165-NGG-MDG. Ordered by Magistrate Judge Marilyn D. Go on 9/14/2016. Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hugh, Lewis) (Entered: 09/14/2016)
09/19/2016	<u>70</u>	Letter <i>re Status of implementation of Settlement</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York (Attachments: # <u>1</u> Exhibit) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Hathaway, Barbara) (Entered: 09/19/2016)
10/04/2016		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 9/30/2016. Counsel for all parties present. In connection with the Independent Reviewer's 71 Special Report on In-Reach and Contractor Staffing, Defendants' <u>67</u> Response to the Independent Reviewer's <u>63</u> Annual Report, and Defendants' <u>68</u> Quarterly Report, the parties and the Independent Reviewer provided a status update to the court regarding the implementation of the Settlement Agreement. The court DIRECTED Defendants to file the following items by October 31, 2016: (1) a formal response to the Independent Reviewer's Special Report on In-Reach and Contractor Staffing recommendations; (2) a supplemental report addressing outstanding issues that have been identified by the parties concerning Defendants' responses to the Independent Reviewer's Annual Report recommendations; and (3) a list of the adult homes and, with respect to each home, the number of beds and the percentage of residents with mental illness residing at that home. The court further DIRECTED Plaintiffs to submit a letter by October 31, 2016, which details their concerns regarding involuntary discharges at certain adult homes. The court set a date for the next status conference but due to a scheduling conflict, the Independent Reviewer will canvass the parties and suggest a new date for the next status conference. (Court Reporter Charleane M. Heading.) Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Weigel, Jessica) (Entered: 10/04/2016)
10/11/2016		SCHEDULING ORDER: Status Conference originally set for 12/16/2016 is rescheduled for 1/18/2017 at 11:00 AM in Courtroom 4D South. Ordered by Judge Nicholas G. Garaufis on 10/11/2016. (Weigel, Jessica) (Entered: 10/11/2016)
10/31/2016	<u>72</u>	STATUS REPORT <i>Response to the Court's inquiries from 9/30/2016 conference</i> by Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-MDG, 1:13-cv-04166-NGG-MDG (Lawson, Matthew) (Entered: 10/31/2016)
11/23/2016		Case Reassigned to Magistrate Judge Robert M. Levy. Magistrate Judge Marilyn D. Go no longer assigned to the case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Marziliano, August) (Entered: 11/23/2016)

11/28/2016	<u>73</u>	Letter in Response to Plaintiffs' October 28, 2016 Letter Regarding Non-Transitional Discharges by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 11/28/2016)
11/30/2016	<u>74</u>	NOTICE of Appearance by Erin P. Kandel on behalf of State of New York (aty to be noticed) (Kandel, Erin) (Entered: 11/30/2016)
12/22/2016	<u>75</u>	STATUS REPORT <i>Quarterly Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 12/22/2016)
01/19/2017		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 1/18/2017. Counsel for all parties present. In connection with the Defendants' <u>75</u> Quarterly Report, the parties and the Independent Reviewer provided a status update to the court regarding the implementation of the <u>23</u> Settlement Agreement. The court requested that the Governor's Appointments Office expedite the hiring of a replacement for the Director of the Office of Community Transitions at the New York State Department of Health. The parties informed the court that they intend to meet and confer concerning possible changes to the structure of the Settlement Agreement. The court DIRECTED the parties to file a joint status report by April 1, 2017, reporting on their progress towards amending the Settlement Agreement. The parties further reported to the court that they have not reached an agreement with respect to Plaintiffs' request for information concerning non-transitional discharges. The court DIRECTED the parties to advise the court by March 1, 2017, as to whether the parties have resolved this issue. The next status conference will be held on April 5, 2017, at 11:00 AM in Courtroom 4D South. (Court Reporter Michele Nardone.) Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Weigel, Jessica) (Entered: 01/19/2017)
01/20/2017	<u>76</u>	NOTICE of Appearance by Todd Alan Spiegelman on behalf of All Defendants (aty to be noticed) (Spiegelman, Todd) (Entered: 01/20/2017)
01/26/2017	<u>77</u>	NOTICE of Appearance by Eliza Dermody on behalf of United States of America (aty to be noticed) Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Dermody, Eliza) (Entered: 01/26/2017)
02/15/2017		ORDER re Class Plaintiffs' Application for Status Conference [Dkt. 118 in Case No. 13-CV-4166]. Class Plaintiffs seek a status conference on the disputed issue of class counsel's ability to monitor and observe in-reach at the adult homes. Class Plaintiffs are DIRECTED to bring this dispute to the attention of the Independent Reviewer pursuant to Section L.6.f. of the Amended Settlement Agreement. If the parties are unable to resolve this dispute with the help of the Independent Reviewer, the court will hold a status conference on February 22, 2017, at 3:30 PM in Courtroom 4D South. Ordered by Judge Nicholas G. Garaufis on 2/15/2017. (Weigel, Jessica) (Entered: 02/15/2017)
02/21/2017		SCHEDULING ORDER: A status conference is set for February 22, 2017, at 3:30 PM in Courtroom 4D South before Judge Nicholas G. Garaufis. All parties are DIRECTED to appear at the conference. Ordered by Judge Nicholas G. Garaufis on 2/21/2017. (Weigel, Jessica) (Entered: 02/21/2017)
02/22/2017		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 2/22/2017. Counsel for all parties present. Class counsel moved the court to order Defendants to allow class counsel's expert, Elizabeth Jones, to observe the in-reach process. The court reserved judgment on the Motion. Defendants reported to the court that they consented to the February 16, 2017, Order from the New York State Supreme Court in <i>John Doe v. Howard Zucker, et al.</i> , Index No. 07079/2016, which temporarily restrained and enjoined the New York State Department of Health and the New York State Office of Mental Health from enforcing or implementing the following regulations: 18 N.Y.C.R.R. § 487.4(c); 8 N.Y.C.R.R. §§ 487.13(c), (d), (e), (f), (g); 14 N.Y.C.R.R. § 580.6(c)(2); 14 N.Y.C.R.R. § 582.6(c)(2) (the "Regulations"). Entry of the Temporary Restraining Order ("TRO") enjoining the Regulations triggers Section O of the Settlement Agreement, which requires the parties to meet and confer "in good faith at least three times during a

		<p>period of 120 days after such court order" in order to "determine appropriate modifications to th[e] [Settlement Agreement] that would give effect to the original intent of the [parties to the Settlement Agreement]." The court DIRECTED the parties to submit a letter to the court by no later than June 16, 2017, the end of the 120-day period, informing the court as to whether the parties have reached an agreement on appropriate modifications to the Settlement Agreement. The court further ORDERED that if the parties are unable to reach an agreement, the court will hold a trial in this case, to commence on July 10, 2017. The parties are DIRECTED to work with Magistrate Judge Robert M. Levy to prepare a proposed joint pre-trial order ("JPTO"). The parties are further DIRECTED to submit the proposed JPTO to this court by June 9, 2017. The court ORDERED the Attorney General of the State of New York to appear at the next status conference on April 5, 2017, at 11:00 AM in Courtroom 4D South. If the Attorney General is not available on April 5, 2017, the court will consider another date in early April when the Attorney General is available and will reschedule the status conference accordingly. All other dates and deadlines in this case shall remain in effect. So Ordered by Judge Nicholas G. Garaufis on 02/22/2017. (Court Reporter Charleane Heading.) Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Weigel, Jessica) (Entered: 02/22/2017)</p>
02/23/2017		<p>ORDER re April 5, 2017, Status Conference: Howard A. Zucker, M.D., J.D., Commissioner of Health for New York State, and Ann Marie T. Sullivan, M.D., Commissioner of Mental Health for New York State, are ORDERED to appear at the next status conference on April 5, 2017, at 11:00 AM in Courtroom 4D South. The Commissioners should be prepared to testify under oath about their decision to consent to entry of a Temporary Restraining Order in the Albany County Supreme Court regarding the regulations referenced in the Settlement Agreement. Ordered by Judge Nicholas G. Garaufis on 2/23/2017. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML. (Weigel, Jessica) (Entered: 02/23/2017)</p>
02/28/2017	<u>78</u>	<p>Letter <i>Requesting Leave to Allow Kent Stauffer, Esq. to Appear at Status Conference</i> by State of New York Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 02/28/2017)</p>
02/28/2017	<u>79</u>	<p>Letter MOTION to Withdraw as Attorney <i>Request to Allow the New York State Office of the Attorney General to Withdraw as Counsel</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York. (Attachments: # <u>1</u> Declaration of Kent T. Stauffer in Support of the New York State Office of Attorney General's Request to Withdraw as Counsel) Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 02/28/2017)</p>
03/01/2017	<u>80</u>	<p>ORDER re the New York State Office of the Attorney General's ("OAG") Motion to Withdraw as Counsel. The court ORDERS: (1) OAG to submit a memorandum of law in support of its Motion by no later than March 6, 2017; and (2) Plaintiffs to advise the court in writing as to whether they consent or object to the Motion and state their reasons for taking such position by no later than March 13, 2017. The court will hold a hearing on the Motion on March 22, 2017, at 11:00 AM in Courtroom 4D South. Counsel for all parties are DIRECTED to review the attached Order for instructions as to who is required to appear at the hearing. Ordered by Judge Nicholas G. Garaufis on 3/1/2017. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML. (Weigel, Jessica) (Entered: 03/01/2017)</p>
03/01/2017	<u>81</u>	<p>Letter <i>Regarding Non-Transitional Discharges</i> by Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 03/01/2017)</p>
03/06/2017	<u>82</u>	<p>MEMORANDUM in Support re (120 in 1:13-cv-04166-NGG-RML, 79 in 1:13-cv-04165-NGG-RML) Letter MOTION to Withdraw as Attorney <i>Request to Allow the New York State Office of the Attorney General to Withdraw as Counsel</i> filed by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, State of New York. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 03/06/2017)</p>

03/07/2017	<u>83</u>	ORDER re the Office of the Attorney General's ("OAG") Motion to Withdraw as Counsel: OAG is DIRECTED to file a supplemental brief by no later than March 9, 2017, advising the court as to whether there are any exceptions to OAG's statutory duty to defend that would justify it withdrawing from its representation of the State Defendants. Ordered by Judge Nicholas G. Garaufis on 3/7/2017. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML. (Weigel, Jessica) (Entered: 03/07/2017)
03/09/2017	<u>84</u>	MEMORANDUM in Support re (120 in 1:13-cv-04166-NGG-RML, 79 in 1:13-cv-04165-NGG-RML) Letter MOTION to Withdraw as Attorney <i>Request to Allow the New York State Office of the Attorney General to Withdraw as Counsel (The OAG's Supplemental Memorandum of Law)</i> filed by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 03/09/2017)
03/13/2017	<u>85</u>	Letter <i>re the New York State Office of the Attorney General's Motion to Withdraw as Counsel</i> by United States of America Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Dermody, Eliza) (Entered: 03/13/2017)
03/15/2017	<u>86</u>	NOTICE of Appearance by Jennifer Bronson on behalf of United States of America (aty to be noticed) Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Bronson, Jennifer) (Entered: 03/15/2017)
03/16/2017	<u>87</u>	Letter <i>Regarding Procedure for March 22 Hearing</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 03/16/2017)
03/16/2017		ORDER re Plaintiffs' Motion to Compel (<i>see</i> Dkt. 130 in Case No. 13-CV-4166). Defendants are DIRECTED to respond to Plaintiffs' Motion by no later than 2:00 PM on March 17, 2017. Plaintiffs shall file their reply, if any, by no later than 9:00 AM on March 20, 2017. Ordered by Judge Nicholas G. Garaufis on 3/16/2017. (Weigel, Jessica) (Entered: 03/16/2017)
03/17/2017	<u>88</u>	Letter <i>Regarding Plaintiffs' Motion to Compel</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 03/17/2017)
03/17/2017	<u>89</u>	RESPONSE to Motion re (130 in 1:13-cv-04166-NGG-RML) Letter MOTION to Compel <i>expedited production of documents</i> filed by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Lawson, Matthew) (Entered: 03/17/2017)
03/17/2017	<u>90</u>	ORDER re Defendants' Application to Stay Plaintiffs' Motion to Compel Expedited Production of Documents: The Application is DENIED. Ordered by Judge Nicholas G. Garaufis on 3/17/2017. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Weigel, Jessica) (Entered: 03/17/2017)
03/20/2017		ORDER re Plaintiffs' Application for Extension of Time (Dkt. 136 in No. 13-CV-4166) to Reply in Further Support of Plaintiffs' Motion to Compel (Dkt. 130 in No. 13-CV-4166). The Application is GRANTED. Plaintiffs' deadline to file their Reply is extended <u>nunc pro tunc</u> until 9:00 AM on March 21, 2017. Ordered by Judge Nicholas G. Garaufis on 3/20/2017. (Weigel, Jessica) (Entered: 03/20/2017)
03/22/2017		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: The court held a hearing on the Office of the Attorney General's ("OAG") Motion to Withdraw as Counsel for the State Defendants. Counsel for all parties present. The court reserved judgment on the Motion to Withdraw. The court granted Class Plaintiffs' Motion for Additional Discovery (Dkt. 138 in No. 13-CV-4166) and set the following deadlines for discovery: (1) The State Defendants

		<p>shall provide a privilege log to Plaintiffs by no later than March 29, 2017, at 5:00 P.M.; (2) discovery, including depositions, shall be complete by no later than May 5, 2017; (3) the court will hold a hearing on the full record on May 17, 2017, at 10:00 AM in Courtroom 4D South. The court instructed the parties that all discovery issues should be raised with Magistrate Judge Robert M. Levy. The court advised the State Defendants that they may retain separate counsel (besides OAG) for the limited purpose of responding to Plaintiffs' discovery requests. The State Defendants shall promptly advise the court as to who they have retained.</p> <p>With regard to <u>Doe v. Zucker, et al.</u>, Index No. 07079/2016 (N.Y. Sup. Ct.), Howard A. Zucker, M.D., J.D., Commissioner of Health for the State of New York, advised the court that the Department of Health ("DOH") consents to the John Doe plaintiff's request to return to the Oceanview Manor adult home. Accordingly, the court directed OAG to: (1) advise the state court that <u>Doe v. Zucker</u> is now moot and that the Temporary Restraining Order ("TRO") entered in that case should therefore be rescinded; (2) inform the state court of the existence of this federal action and the <u>DAI Settlement Agreement</u>; and (3) advise this court when the issues of the rights of John Doe and the TRO have been resolved.</p> <p>The parties' deadline to file a joint status report, reporting on their progress towards amending the Settlement Agreement, is adjourned <u>sine die</u>. The status conference set for April 5, 2017, is also adjourned and will be rescheduled at a later date. (Court Reporter Annette Montalvo.) Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Weigel, Jessica) (Entered: 03/22/2017)</p>
03/23/2017	<u>91</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3-22-2017, before Judge Nicholas G. Garaufis. Court Reporter/Transcriber Annette M. Montalvo, Telephone number 718-804-2711. Email address: annette.montalvo@gmail.com. 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. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 4/13/2017. Redacted Transcript Deadline set for 4/24/2017. Release of Transcript Restriction set for 6/21/2017. Associated Cases: 1:13-cv-04165-NGG-RML, 1:13-cv-04166-NGG-RML (Montalvo, Annette) (Entered: 03/23/2017)</p>
03/24/2017		<p>Magistrate Judge Steven Tiscione randomly assigned. Magistrate Judge Robert M. Levy no longer assigned to case. (Brown, Marc) (Entered: 03/24/2017)</p>
03/24/2017	<u>92</u>	<p>NOTICE of Appearance by Robert L. Begleiter on behalf of State of New York (aty to be noticed) (Begleiter, Robert) (Entered: 03/24/2017)</p>
03/24/2017	<u>93</u>	<p>Letter to Judge Garaufis regarding representation of defendants by Andrew M. Cuomo, The New York State Department of Health, The New York State Office of Mental Health, State of New York Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Begleiter, Robert) (Entered: 03/24/2017)</p>
03/24/2017	<u>94</u>	<p>NOTICE of Appearance by Gary J. Malone on behalf of State of New York (aty to be noticed) (Malone, Gary) (Entered: 03/24/2017)</p>
03/24/2017	<u>95</u>	<p>NOTICE of Appearance by Jean Kim on behalf of State of New York (aty to be noticed) (Kim, Jean) (Entered: 03/24/2017)</p>
03/24/2017	<u>96</u>	<p>STATUS REPORT <i>Defendants' Quarterly Report</i> by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Lawson, Matthew) (Entered: 03/24/2017)</p>
03/28/2017	<u>97</u>	<p>Letter to Judge Garaufis by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York (Attachments: # <u>1</u> Letter to Justice Hartman and Justice O'Connor, # <u>2</u> Amended Stipulation and Order of Settlement, # <u>3</u> Minute Entry, 3/22/17, # <u>4</u> Cover page of Hearing Transcript, 3/22/17) Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Spiegelman, Todd) (Entered: 03/28/2017)</p>

03/29/2017	<u>98</u>	Letter by Andrew M. Cuomo, The New York State Department of Health, The New York State Office of Mental Health, State of New York Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Begleiter, Robert) (Entered: 03/29/2017)
03/29/2017	<u>99</u>	Letter to Judge Garaufis by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York (Attachments: # <u>1</u> Supplemental Declaration of Kent T. Stauffer) Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Spiegelman, Todd) (Entered: 03/29/2017)
03/30/2017	<u>100</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on February 22, 2017, before Judge Garaufis. Court Reporter/Transcriber Charleane M. Heading, Telephone number 718-613-2643. Email address: cheading@aol.com. 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. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 4/20/2017. Redacted Transcript Deadline set for 5/1/2017. Release of Transcript Restriction set for 6/28/2017. (Heading, Charleane) (Entered: 03/30/2017)
03/30/2017		ORDER re the New York State Office of the Attorney General's ("OAG") <u>99</u> Letter. Plaintiffs are DIRECTED to submit a response to OAG's letter by no later than April 3, 2017. In their response, Plaintiffs shall advise the court as to whether they intend to seek sanctions against the State Defendants. Ordered by Judge Nicholas G. Garaufis on 3/30/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Weigel, Jessica) (Entered: 03/30/2017)
03/30/2017	<u>101</u>	Letter from Kent Stauffer regarding correspondence with Albany Supreme Court by Andrew M. Cuomo, Nirav R. Shah, The New York State Department of Health, The New York State Office of Mental Health, Kristin M. Woodlock, State of New York Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Lawson, Matthew) (Entered: 03/30/2017)
04/03/2017	<u>102</u>	NOTICE by Clarence J Sundram <i>Third Annual Report filed</i> Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Sundram, Clarence) (Entered: 04/03/2017)
04/03/2017	<u>103</u>	Letter responding to the submission of the New York State Office of the Attorney General dated March 29, 2017, and to advise the Court whether the United States intends to seek sanctions against the State Defendants. by United States of America Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Goldberger, Michael) (Entered: 04/03/2017)
04/05/2017	<u>104</u>	TRANSCRIPT of Proceedings held on June 20, 2016, before Judge Garaufis. Court Reporter/Transcriber SHERRY BRYANT. Email address: sbryant102@verizon.net. 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. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 4/26/2017. Redacted Transcript Deadline set for 5/8/2017. Release of Transcript Restriction set for 7/4/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Hong, Loan) (Entered: 04/05/2017)
05/04/2017	<u>105</u>	MOTION to Approve Consent Judgment To Amend the Amended Consent Judgment and Seeking Cancellation of the Hearing Scheduled for May 17, 2017 by United States of America. (Attachments: # <u>1</u> Stipulation and Order Amending the Amended Consent Judgment and Seeking Cancellation of the Hearing Scheduled for May 17, 2017, # <u>2</u> Second Amended Stipulation and Order of Settlement) Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Goldberger, Michael) (Entered: 05/04/2017)
05/05/2017		ORDER re the parties' <u>105</u> Motion to Approve Consent Judgment: By no later than May 8, 2017, at 9:00 AM, the parties are DIRECTED to jointly submit a redline, comparing the proposed [105-2] Second Amended Stipulation and Order of

		Settlement to the <u>23</u> Amended Stipulation and Order of Settlement. Ordered by Judge Nicholas G. Garaufis on 5/5/2017. Associated Cases: 1:13-cv-04165 NGG-ST, 1:13-cv-04166-NGG-ST (Weigel, Jessica) (Entered: 05/05/2017)
05/05/2017	<u>106</u>	STIPULATION <i>REDLINED</i> , <i>COMPARING</i> Amended Stipulation and Order of Settlement to Second Amended Stipulation and Order of Settlement, pursuant to the Court's order dated May 5, 2017 by United States of America Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Goldberger, Michael) (Entered: 05/05/2017)
05/09/2017	<u>107</u>	ORDER, that the May 17, 2017, hearing on the New York State Office of the Attorney General's ("OAG") motion to withdraw (Mot. to Withdraw (Dkt. 79) is converted to a status conference and is rescheduled from May 17, 2017, at 10:00 a.m., to May 17, 2017, at 2:00 p.m. Counsel for all parties in the above captioned matters shall be present. In addition, the following individuals are ORDERED to appear: Alphonso B. David, Counsel to the Governor; Paul Francis, Deputy Secretary to the Governor for Health and Human Services for the New York State; Keith J. Starlin, Assistant Attorney General; Howard A. Zucker, M.D., J.D., Commissioner of Health for New York State; Michael G. Bass, Director of the Bureau of Litigation at New York State Department of Health; Ann Marie T. Sullivan, M.D., Commissioner of Mental Health for New York State; and Mark Noordsy, Deputy Counsel for Litigation at New York State Office of Mental Health. (See Order for further detail.) So Ordered by Judge Nicholas G. Garaufis on 5/8/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Lee, Tiffeny) (Entered: 05/09/2017)
05/10/2017		ORDER re May 17, 2017, hearing: The State shall be prepared to advise the court of the amount of funds appropriated in the New York State FY 2017-18 Budget for implementation of the Settlement in these actions. Ordered by Judge Nicholas G. Garaufis on 5/10/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Weigel, Jessica) (Entered: 05/10/2017)
05/11/2017	<u>108</u>	Letter by Andrew M. Cuomo, The New York State Department of Health, The New York State Office of Mental Health, State of New York Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Begleiter, Robert) (Entered: 05/11/2017)
05/15/2017	<u>109</u>	NOTICE of Appearance by Harrison J. McAvoy on behalf of State of New York (aty to be noticed) (McAvoy, Harrison) (Entered: 05/15/2017)
05/17/2017		Minute Entry for proceedings held before Judge Nicholas G. Garaufis: Status Conference held on 5/17/2017. Counsel for all parties present. In connection with the Independent Reviewer's Third Annual Report and Defendants' Quarterly Report, the Independent Reviewer and the parties provided a status update to the court regarding the implementation of the Settlement Agreement. The next status conference will be held on July 10, 2017, at 2:00 PM in Courtroom 4D South. (Court Reporter Lisa Schmid) Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Weigel, Jessica) (Entered: 05/17/2017)
05/17/2017	<u>110</u>	COURT EXHIBITS 1-3 Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Lee, Tiffeny) (Entered: 05/18/2017)
05/18/2017	<u>111</u>	STIPULATION AND ORDER, amending the Agreement (Amended Stipulation and Order of Settlement, Doc. <u>28</u>) to delete section O.1, and withdrawing specified discovery requests. See Document for complete detail. So Ordered by Judge Nicholas G. Garaufis on 5/17/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Lee, Tiffeny) (Entered: 05/18/2017)
05/18/2017	<u>112</u>	SECOND AMENDED STIPULATION AND ORDER OF SETTLEMENT. So Ordered by Judge Nicholas G. Garaufis on 5/17/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Lee, Tiffeny) (Entered: 05/18/2017)
06/06/2017	<u>113</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5-17-2017, before Judge Nicholas Garaufis. Court Reporter/Transcriber Lisa Schmid, Telephone number (718)613-2644. Email address: LisaSchmidCCR.RMR@gmail.com. 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. File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 6/27/2017. Redacted Transcript Deadline set for 7/7/2017. Release of Transcript Restriction set for 9/4/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Schmid, Lisa) (Entered: 06/06/2017)
06/08/2017	<u>114</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 150, receipt number 0207-9590106. by State of New York. (Attachments: # <u>1</u> Notice of Motion in Support, # <u>2</u> Exhibit Certificate of Good Standing) (Scott, William) (Entered: 06/08/2017)
06/09/2017		ORDER granting <u>114</u> Motion for Leave to Appear Pro Hac Vice. Having reviewed the Pro Hac Vice application <u>114</u> submitted by William A. Scott for Defendant State of New York and found it to be in compliance with the local rules concerning attorney admissions, the application is approved. If not already done, the attorney shall register for ECF which is available online at the NYED's homepage. Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notifications of activity in this case. Also, the attorney shall ensure that the \$150 admission fee is submitted to the Clerk's Office. So Ordered by Magistrate Judge Steven Tiscione on 6/9/2017. (Vasquez, Lea) (Entered: 06/09/2017)
06/09/2017	<u>115</u>	NOTICE of Appearance by William Scott on behalf of State of New York (notification declined or already on case) (Scott, William) (Entered: 06/09/2017)
06/15/2017	<u>116</u>	ORDER: The court APPOINTS Katya Jestin of Jenner & Block LLP to serve as a guardian ad litem for the Class Member Plaintiffs. The court further DIRECTS Jeffrey Sherrin, counsel for the plaintiffs in the Regulations Actions, to provide the court with (1) the names of the anonymous Class Member Plaintiffs; and (2) contact information for each of the Class Member Plaintiffs. Ordered by Judge Nicholas G. Garaufis on 6/15/2017. (Attachments: # <u>1</u> Exhibit Roberts Deposition Transcript) Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Weigel, Jessica) (Entered: 06/15/2017)
06/21/2017	<u>117</u>	Letter <i>requesting change in time of the status conference scheduled for July 10, 2017</i> by United States of America (Goldberger, Michael) (Entered: 06/21/2017)
06/21/2017		SCHEDULING ORDER: The status conference originally set for July 10, 2017, at 2:00 PM is rescheduled to July 10, 2017, at 11:45 AM in Courtroom 4D South before Judge Nicholas G. Garaufis. Ordered by Judge Nicholas G. Garaufis on 6/21/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Weigel, Jessica) (Entered: 06/21/2017)
06/22/2017	<u>118</u>	ORDER: The court finds that, for the purposes of Mental Hygiene Law § 33.13(c)(1), the need for the guardian ad litem to access otherwise confidential information (including protected health information as defined in 45 C.F.R. § 160.103) in order to carry out her duties as set forth in the court's June 15, 2017, Order significantly outweighs the need for confidentiality. Pursuant to 45 C.F.R. § 164.512(e)(1)(i) and the inherent authority of the court, it is hereby ORDERED that the guardian ad litem shall have access to the Class Member Plaintiffs' protected health information and other confidential information that is necessary for the guardian ad litem to conduct her duties. Ordered by Judge Nicholas G. Garaufis on 6/22/2017. Associated Cases: 1:13-cv-04165-NGG-ST, 1:13-cv-04166-NGG-ST (Weigel, Jessica) (Entered: 06/22/2017)