

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-08331-CM**

Jobe O. et al v. Spitzer, et al.
Assigned to: Judge Colleen McMahon
Demand: \$0
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 10/20/2003
Date Terminated: 03/11/2008
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

G. William
TERMINATED: 06/27/2006

represented by **Daniel Adam Lebersfeld**
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Plaintiff

W. Walter
TERMINATED: 06/27/2006

represented by **Daniel Adam Lebersfeld**
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LEAD ATTORNEY

Shari Lynn Steinberg
(See above for address)
LEAD ATTORNEY

Plaintiff

Jobe O.

represented by **Daniel Adam Lebersfeld**
(See above for address)
LEAD ATTORNEY

Shari Lynn Steinberg
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Sabrina J.
TERMINATED: 07/25/2007

represented by **Daniel Adam Lebersfeld**
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LEAD ATTORNEY

Shari Lynn Steinberg
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ATTORNEY TO BE NOTICED

Plaintiff

James S.
TERMINATED: 07/18/2007

represented by **Daniel Adam Lebersfeld**
(See above for address)

LEAD ATTORNEY

Shari Lynn Steinberg
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

George Pataki
*in his official capacity as Governor of the
State of New York*
TERMINATED: 07/03/2007

represented by **Joanne Skolnick**
New York State Office of the Attorney
General (24th Floor)
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TERMINATED: 03/13/2007
LEAD ATTORNEY

Defendant

Sharon Carpinello
*in her official capacity as Acting
Commissioner of the New York State
Office of Mental Health*
TERMINATED: 07/03/2007

represented by **Joanne Skolnick**
(See above for address)
LEAD ATTORNEY

William Benjamin Jaffe
(See above for address)
TERMINATED: 03/13/2007
LEAD ATTORNEY

Defendant

William Gorman
*in his official capacity as Commissioner
of the New York State Office Alcohol and
Substance Abuse Services*
TERMINATED: 07/03/2007

represented by **Joanne Skolnick**
(See above for address)
LEAD ATTORNEY

William Benjamin Jaffe
(See above for address)
TERMINATED: 03/13/2007
LEAD ATTORNEY

Defendant

Brion Travis
*in his official capacity as Chairman and
Chief Executive Officer, New York State
Division of Parole*
TERMINATED: 07/03/2007

represented by **Joanne Skolnick**
(See above for address)
LEAD ATTORNEY

William Benjamin Jaffe
(See above for address)
TERMINATED: 03/13/2007
LEAD ATTORNEY

Defendant

Eliot Spitzer
*in his official capacity as Governor of the
 State of New York*

represented by **Joanne Skolnick**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Michael F. Hogan
*in his official capacity as Commissioner
 of the New York State Office of Mental
 Health*

represented by **Joanne Skolnick**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Karen M. Carpenter–Palumbo
*in her official capacity as Commissioner
 of the New York State Office of Alcohol
 and Substance Abuse Services*

represented by **Joanne Skolnick**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

George B. Alexander
*in his official capacity as Chairman and
 Chief Executive Officer, New York State
 Division of Parole*

represented by **Joanne Skolnick**
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/20/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 489392. (gmo) (Entered: 10/23/2003)
10/22/2003		Magistrate Judge Kevin N. Fox is so designated. (gmo) (Entered: 10/23/2003)
10/31/2003	2	AFFIDAVIT OF SERVICE of summons and complaint as to William Gorman by Carol Elmendorf, Secretary on 10/24/03 . Answer due on 11/13/03 for William Gorman . (yv) (Entered: 11/04/2003)
10/31/2003	3	AFFIDAVIT OF SERVICE of summons and complaint as to Sharon Carpinello by Alan H. Sunukjian, Assistant Counsel at the New York State Office of Mental Health on 10/24/03 . Answer due on 11/13/03 for Sharon Carpinello . (yv) (Entered: 11/04/2003)
10/31/2003	4	AFFIDAVIT OF SERVICE of summons and complaint as to Brion Travis by Robin Filmer, Secretary on 10/23/03 . Answer due on 11/12/03 for Brion Travis . (yv) (Entered: 11/04/2003)
10/31/2003	5	AFFIDAVIT OF SERVICE of summons and complaint as to George Pataki by Gregory J. Allen, Assistant Counsel to the Governor on 10/23/03 . Answer due on 11/12/03 for George Pataki . (yv) (Entered: 11/04/2003)
11/03/2003	6	Memo–Endorsement on letter addressed to Judge Casey from William B. Jaffe, dated 10/31/03: Request for extension of time is Granted. Reset answer due for 11/28/03 for Brion Travis, for William Gorman, for Sharon Carpinello, for George Pataki . (signed by Judge Richard C. Casey). (tp) (Entered: 11/04/2003)
12/01/2003	7	ENDORSED LETTER addressed to Judge Richard Conway Casey from William B. Jaffe, Assistant Attorney General, dated 11/18/03 re: Parties shall appear for a pre–motion conference on 12/5/03 at 9:30 A.M., in Courtroom 14C. (Signed by Judge Richard C. Casey on 12/1/03) (sac,) (Entered: 12/05/2003)
12/05/2003		Minute Entry for proceedings held before Judge Richard C. Casey : Initial Pretrial Conference held on 12/5/2003. Discovery stayed except for interrogatories and doc. production. Defendant to file motion to dismiss. Motions due by 12/23/2003. Replies due by 2/20/2004. Responses due by 1/30/2004. RCC said no case mgmt plan until after motion to dismiss decided. (ja,) (Entered: 12/19/2003)
12/05/2003		Minute Entry for proceedings held before Judge Richard C. Casey : Initial Pretrial Conference held on 12/5/2003. Discovery stayed except for interrogatories and doc. production. Deft. to file motion to dismiss. Motion due by 12/23/2003. Opposition

		due 1/30/04; Reply due by 2/20/2004. Judge Casey said no case management plan until after motion to dismiss decided. (jeh,) (Entered: 01/16/2004)
12/19/2003	9	MOTION (FILED ON SERVICE DATE) to Dismiss complaint purs to Rule 12(b)(6) of the FRCP. Document filed by Sharon Carpinello, William Gorman, George Pataki, Brion Travis. Attached are affirmations in support of Tracy and Jaffe (djc,) (Entered: 03/02/2004)
02/03/2004	8	STIPULATION AND ORDER, Set Deadlines/Hearing as to defts motion to dismiss: Responses due by 2/6/2004, and Replies due by 2/27/2004. (Signed by Judge Richard C. Casey on 2/2/2004) (jp,) (Entered: 02/09/2004)
02/27/2004	10	MEMORANDUM OF LAW in Support re: 9 MOTION (FILED ON SERVICE DATE) to Dismiss. Document filed by Sharon Carpinello, William Gorman, George Pataki, Brion Travis. (djc,) (Entered: 03/02/2004)
02/27/2004	11	REPLY MEMORANDUM OF LAW in Support re: 9 MOTION (FILED ON SERVICE DATE) to Dismiss. Document filed by Sharon Carpinello, William Gorman, George Pataki, Brion Travis. (djc,) (Entered: 03/02/2004)
09/09/2004	12	MEMORANDUM OF LAW in Opposition re: 9 MOTION (FILED ON SERVICE DATE) to Dismiss.. Document filed by W. Walter, G. William. (pa,) (Entered: 09/13/2004)
08/12/2005	13	MEMORANDUM AND ORDER; For the reasons set forth herein, Defendants' motion to dismiss the complaint is Denied. The parties shall appear at a conference in this matter on September 16, 2005, at 9:30 a.m. in courtroom 14C. (Signed by Judge Richard C. Casey on 8/11/05) (djc,) (Entered: 08/16/2005)
08/19/2005	<u>14</u>	MEMORANDUM AND ORDER; Defendants' motion to dismiss the complaint is Denied. The parties shall appear at a conference in this matter on 9/16/05 at 9:30 a.m. in Courtroom 14C. (Signed by Judge Richard C. Casey on 8/11/05) (sac,) (Entered: 08/22/2005)
09/09/2005	16	NOTICE of Appearance by Shari Lynn Steinberg on behalf of G. William, W. Walter. Received in night deposit box on 9/9/05 at 7:15 p.m. (db,) (Entered: 09/13/2005)
09/12/2005	<u>15</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF CASE – ANSWER to Complaint. Document filed by George Pataki, Sharon Carpinello, William Gorman, Brion Travis.(Jaffe, William) Modified on 10/13/2005 (gf,). (Entered: 09/12/2005)
09/16/2005		MEMORANDUM TO THE DOCKET CLERK: Dft does not appear. Court instructs plaintiff to notify dft of next conference by certified letter. Next status conference set for 9/23/05. (dle,) (Entered: 09/26/2005)
10/07/2005		Minute Entry for proceedings held before Judge Richard C. Casey : Initial Pretrial Conference held on 10/7/2005. Case management plan submitted by the parties. All Discovery due by 4/7/2006. Status Conference set for 4/7/2006 at 9:30 AM before Judge Richard C. Casey. (sac,) (Entered: 10/19/2005)
10/13/2005		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – NON–ECF CASE ERROR. Note to Attorney William Jaffe to MANUALLY RE–FILE Document Answer to Complaint, Document No. 15. This case is not ECF. (gf,) (Entered: 10/13/2005)
10/13/2005	17	CASE MANAGEMENT PLAN: Amended Pleadings due by 1/15/2006. Joinder of Parties due by 12/16/2005. Discovery due by 4/7/2005. (Signed by Judge Richard C. Casey on 10/7/2005) (jmi,) (Entered: 10/14/2005)
01/18/2006	18	ANSWER to Complaint. Document filed by George Pataki, Sharon Carpinello, William Gorman, Brion Travis.(cd,) (Entered: 01/20/2006)
02/06/2006	19	ENDORSED LETTER addressed to Judge Richard C. Casey from Shari L. Steinberg dated 1/27/06. ENDORSEMENT: This, and other discovery disputes, have been transferred to Magistrate Judge Fox by separate order. So Ordered (Signed by Judge Richard C. Casey on 2/6/06) (js,) (Entered: 02/06/2006)

02/09/2006		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox : Discovery Hearing held on 2/9/2006. (pl,) (Entered: 03/07/2006)
02/10/2006	20	ORDER: It is hereby ordered that on or before 3/2/2006, the parties shall submit a joint writing to the Court regarding the status of this action. (Signed by Magistrate Judge Kevin Nathaniel Fox on 2/9/2006) Copies Faxed By Chambers.(lb,) (Entered: 02/14/2006)
02/21/2006	21	STIPULATED PROTECTIVE ORDER: regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Kevin Nathaniel Fox on 2/15/06) (db,) (Entered: 02/21/2006)
03/24/2006	22	NOTICE OF APPEARANCE by Daniel Adam Lebersfeld on behalf of G. William, W. Walter (jmi,) (Entered: 03/27/2006)
03/31/2006	23	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Kevin Nathaniel Fox on 3/30/06) (js,) (Entered: 04/03/2006)
04/11/2006	24	ENDORSED LETTER addressed to Judge Kevin Nathaniel Fox from Shari L. Steinberg dated 4/6/06. ENDORSEMENT: The parties shall confer, on or before April 18, 2006 shall submit to the Court for it's review a proposed case management plan for all pretrial activities. So ordered. (Signed by Judge Kevin Nathaniel Fox on 4/7/06) (js,) (Entered: 04/11/2006)
04/25/2006	25	ENDORSED LETTER addressed to Judge Kevin Nathaniel Fox from William G. Jaffe dated 4/18/06 re: granting requests; All Discovery due by 5/31/2006. Telephonic Status Conference set for 5/15/2006 05:15 PM before Magistrate Judge Kevin Nathaniel Fox. (Signed by Judge Kevin Nathaniel Fox on 4/24/06) (pl,) (Entered: 04/27/2006)
05/15/2006		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox : Status Conference held on 5/15/2006. (jco,) (Entered: 06/13/2006)
06/06/2006	26	MOTION for Sanctions on deft Pataki and awarding plntfs' their reasonable expenses. Document filed by G. William, W. Walter. (cd,) (Entered: 06/07/2006)
06/06/2006	27	MEMORANDUM OF LAW in Support re: 26 MOTION for Sanctions.. Document filed by G. William, W. Walter. (cd,) (Entered: 06/07/2006)
06/15/2006	28	ENDORSED LETTER addressed to Magistrate Judge Kevin N. Fox from William B. Jaffe dated 6/13/2006 re: requesting the following briefing schedule for 2 existing motions: defendants' reply papers on their motion for a protective order, and their opposition papers to plaintiffs' motion for sanctions will be served no later than 6/23/2006. Plaintiffs' reply papers on their motion for sanctions will be served no later than 7/3/2006. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Kevin Nathaniel Fox on 6/14/2006) (lb,) (Entered: 06/16/2006)
06/23/2006	29	MEMORANDUM OF LAW in Opposition re: 26 MOTION for Sanctions. and in support of Defendants Motion for a protective Order. Document filed by George Pataki, Sharon Carpinello, William Gorman, Brion Travis. (jmi,) (Entered: 06/26/2006)
06/23/2006	30	DECLARATION of Williams B. Jaffe. Document filed by George Pataki, Sharon Carpinello, William Gorman, Brion Travis. (jmi,) (Entered: 06/26/2006)
06/27/2006	31	STIPULATION; William G. and Walter W. hereby withdraw their claims in this action without prejudice. Pursuant to FRCP Rule 24(b) Jobe O., Sabrina J. and James S. are granted leave to intervene as plaintiffs in this action. The caption is to be amended. The terms and conditions of the protective order shall apply to the additional plaintiffs. (Signed by Judge Richard C. Casey on 03-8331) (kco,) (Entered: 06/27/2006)
06/29/2006	32	ENDORSED LETTER addressed to Magistrate Judge Kevin N. Fox from Shari Steinberg dated 6/28/06 re: counsel requests an extension of time until 7/10/06 to submit their reply papers in connectionwith plaintiffs' motion for Rule 37 sanctions. The time for the plaintiff to submit their reply brief is enlarged to 7/10/06. Should the parties be unable to resolve the discovery disputess noted

		above, as they continue to discuss them, then each party must submit a writing to the court of no more than three pages, setting forth that party's position on the disputed matter(s). Thereafter, the court will fix a date and time for a conference. So Ordered. (Signed by Judge Kevin Nathaniel Fox on 6/29/06) (dle,) (Entered: 06/30/2006)
06/29/2006		Set/Reset Deadlines as to 26 MOTION for Sanctions.. Replies due by 7/10/2006. (dle,) (Entered: 06/30/2006)
07/12/2006	33	REPLY DECLARATION of Shari L. Steinberg in Support re: 26 MOTION for Sanctions. Exhibits attached.(jco,) (Entered: 07/13/2006)
07/12/2006	34	REPLY MEMORANDUM OF LAW in further Support re: 26 MOTION for Sanctions. Document filed by Jobe O., Sabrina J., James S. (jco,) (Entered: 07/13/2006)
07/14/2006	35	REPLY MEMORANDUM OF LAW in Support re: 26 MOTION for Sanctions. Document filed by Jobe O., Sabrina J., James S. (jco,) (Entered: 07/18/2006)
12/14/2006	<u>36</u>	NOTICE OF APPEARANCE by Joanne Skolnick on behalf of George Pataki, Sharon Carpinello, William Gorman, Brion Travis (Skolnick, Joanne) (Entered: 12/14/2006)
01/02/2007	<u>37</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF CASE– NOTICE OF APPEARANCE by Joanne Skolnick on behalf of George Pataki, Sharon Carpinello, William Gorman, Brion Travis (Skolnick, Joanne) Modified on 2/22/2007 (lb). (Entered: 01/02/2007)
02/22/2007		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – NON–ECF CASE ERROR. Note to Attorney Joanne Skolnick to MANUALLY RE–FILE Document NOTICE OF APPEARANCE, Document No. 37. This case is not ECF. (lb) (Entered: 02/22/2007)
03/13/2007	38	NOTICE OF APPEARANCE by Joanne Skolnick on behalf of George Pataki, Sharon Carpinello, William Gorman, Brion Travis (djc) (Entered: 03/15/2007)
03/15/2007	<u>39</u>	MEMORANDUM AND ORDER; the Court finds that, given the amount of time the Governor has been out of compliance with his discovery obligations, and the fact that the plaintiffs have a right, under the Federal Rules of Civil Procedure, to obtain from any defendant a response to properly served discovery demands, imposing a sanction on the Governor that will act as a specific and general deterrent to any party to a litigation that fails to meet its discovery obligations is warranted. Therefore, the plaintiffs cross–motion is granted. The Governor is directed to respond, on or before April 6, 2007, to the plaintiffs outstanding discovery demands, without lodging any objections, all of which have been waived by his failure to respond to the plaintiffs discovery demands timely. (Signed by Judge Kevin Nathaniel Fox on 3/15/07) (pl) Modified on 3/16/2007 (Lancaster, Patricia). (Entered: 03/16/2007)
03/19/2007	<u>40</u>	ORDER: A Telephonic Status Conference will be held in the above–captioned action on 4/10/2007 at 2:30p.m. The conference shall be initiated by counsel to the plts to (212) 805–3705. SO ORDERED. (Signed by Judge Kevin Nathaniel Fox on 3/19/2007) (jar) (Entered: 03/20/2007)
03/19/2007		Set/Reset Hearings: Telephone Conference set for 4/10/2007 02:30 PM before Magistrate Judge Kevin Nathaniel Fox. (jar) (Entered: 03/20/2007)
03/19/2007	41	NOTICE OF APPEARANCE by Joanne Skolnick on behalf of George Pataki, Sharon Carpinello, William Gorman, Brion Travis (cd) (Entered: 03/22/2007)
04/02/2007	42	Partial Objection re: <u>39</u> Memorandum and Order. Document filed by G. William, W. Walter, Jobe O., Sabrina J., James S.. (tro) (Entered: 04/04/2007)
04/10/2007		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox : Telephone Status Conference held on 4/10/2007. (mbe) (Entered: 05/18/2007)
04/13/2007	43	ENDORSED LETTER addressed to Judge Richard C. Casey from Joanne Skolnick dated 3/27/07 re: granting dfts requests for an extension of time for dfts to file objections to Mag. Fox's Memorandum and order dated 3/15/07 to 4/20/07. So

		Ordered. (Signed by Judge Kimba M. Wood, Part I on 7/13/07) (pl) (Entered: 04/16/2007)
04/13/2007	44	ORDER The defendants must comply with the order of the Court dated 3/15/07, unless directed to refrain from doing so by a district judge of this court. All Discovery due by 8/10/2007. Telephone Status Conference set for 6/25/2007 01:15 PM before Magistrate Judge Kevin Nathaniel Fox. So Ordered. (Signed by Judge Kevin Nathaniel Fox on 4/12/07) (jco) (Entered: 04/16/2007)
04/20/2007	45	Objection to Magistrate Judge Fox's Memorandum and Order. Document filed by George Pataki. (jpo) (Entered: 04/23/2007)
04/20/2007	46	DECLARATION of Joanne Skolnick in Support of 45 Objection to Magistrate Judge Fox's Memorandum and Order. document filed by Joanne Skolnick (jpo) (Entered: 04/23/2007)
05/02/2007	<u>47</u>	FILING ERROR – ELECTRONIC FILING IN NON–ECF CASE – NOTICE OF CHANGE OF ADDRESS by Jennifer Jean Parish on behalf of all plaintiffs. New Address: Urban Justice Center, 123 William Street, 16th floor, New York, NY, USA 10038, (646) 602–5644. (Parish, Jennifer) Modified on 5/3/2007 (lb). (Entered: 05/02/2007)
05/03/2007		***NOTE TO ATTORNEY TO RE–FILE DOCUMENT – NON–ECF CASE ERROR. Note to Attorney Jennifer Jean Parish to MANUALLY RE–FILE Document NOTICE OF CHANGE OF ADDRESS, Document No. 47. This case is not ECF. (lb) (Entered: 05/03/2007)
05/07/2007	48	RESPONSE re: 45 Objection to Magistrate Judge Fox's Memorandum and Order. Document filed by George Pataki. Document filed by Jobe O., Sabrina J., James S. [Received in the Night Deposit Box on 5/7/2007 at 11:33pm.] (jar) Modified on 5/10/2007 (Rivera, Jazmin). (Entered: 05/10/2007)
05/07/2007	49	DECLARATION of Shari L. Steinberg in Opposition re: 45 Objection to Magistrate Judge Fox's Memorandum and Order. Document filed by George Pataki. Document filed by Jobe O., Sabrina J., James S. [Received in Night Deposit Box on 5/7/2007 11:33pm. (jar) (Entered: 05/10/2007)
05/17/2007	51	ORDER This case was assigned to Judge Richard Conway Casey, who passed away on 3/22/07. The case will be reassigned to a new judge in the near future. You will be notified of the reassignment on ECF (for ECF cases) or in a form to be mailed to you (for non–ECF cases). The parties in this case are ordered to review the attorney/party information on the docket sheet and determine whether the information presently listed is incorrect. If an error exists, the affected party must submit updated contact information no later than 5/30/07. Parties should take care to remove the contact information for attorneys no longer involved in the case and to enter appearances for any current attorneys who are not listed. The parties are also ordered to submit a joint summary of the case no later 5/30/07. The Summary should be sent to Judge Caseys Chambers Attn: Law Clerks and will be provided to the new judge upon reassignment of the case. The Summary should be a bare statement of the case with any relevant procedural history. This includes, but is not limited to, the subject matter of the litigation, whether discovery is complete, whether the case is or has been before a magistrate judge, whether there are any motions or applications pending, and the subject matter of the pending motions or applications, if any. Be sure to indicate whether the parties have entered into a case management plan and list the relevant dates. The Summary is not a vehicle for arguing the merits of disputed issues and should be brief. If the defendant in this case has not yet appeared, the plaintiff should indicate this fact and need not make a joint submission. Parties in cases involving an incarcerated pro se litigant need not make a joint submission. Should matters arise prior to the reassignment, parties are directed to review the previously issued Notice to Parties with Pending Civil Cases Before Judge Casey, available at www.nysd.uscourts.gov and follow the directions therein. (Signed by Judge Kimba M. Wood on 05/16/2007) (mj) (Entered: 05/24/2007)
05/18/2007	50	NOTICE OF CASE REASSIGNMENT to Judge Colleen McMahon. Judge Richard C. Casey is no longer assigned to the case. (laq) (Entered: 05/23/2007)

05/23/2007		Mailed notice to the attorney(s) of record. (laq) (Entered: 05/23/2007)
05/24/2007	52	DEFENDANT GOVERNER'S REPLY MEMORANDUM OF LAW in Further Support re: 45 Objection to the Magistrate's Memorandum and Order. Document filed by George Pataki. [Received in the night deposit box on 5/24/2007 at 9:54am.](jar) Modified on 5/29/2007 (Rivera, Jazmin). (Entered: 05/29/2007)
05/24/2007	53	DECLARATION of Joanne Skolnick re: 52 DEFENDANT GOVERNER'S REPLY MEMORANDUM OF LAW in Further Support re: 45 Objection to the Magistrate's Memorandum and Order. [Received in the night deposit box on 5/24/2007 at 9:54am.] Document filed by George Pataki. (jar) (Entered: 05/29/2007)
05/31/2007	54	ORDER The following procedures will apply to all cases transferred from Judge Caseys docket to Judge McMahon:I. PROCEDURES FOR CASES IN WHICH THERE ARE NO PRO SE PARTIES:1. Individual Rules: First and most important, please download a copy of Judge McMahons Individual Rules, which can be found on the courts web site (www.nysd.uscourts.gov), under Judges Rules (click on Judge McMahons name). Read them carefully. Judge McMahons Rules differ somewhat from the rules of other judges. She expects counsel to be familiar with her rules and to follow them. 2. Compilation of Chambers Files: Judge McMahon will receive from Judge Caseys chambers a copy of the letter submitted by counsel pursuant to the Order of Chief Judge Wood dated May 16, 2007. She will also receive courtesy copies of motion papers. In order to assemble an up-to-date chambers file, she needs to receive the following from counsel: (A) If Judge Casey entered a scheduling order or a case management order, please mail or fax to chambers a courtesy copy of the most recent such order. (B) If your case has been referred to a magistrate judge for any purpose, please send a copy of the order of reference to chambers.(C) If a Joint Pre-Trial Order has been filed, please send a courtesy copy to chambers. 3. Discovery Deadlines Where Prior Scheduling Order in Place: If you have a scheduling order in place containing a discovery deadline that has not yet passed, please adhere to that deadline. Judge McMahon does NOT routinely grant adjournments or extend the time to complete discovery. She expects cases to be ready for trial within six months of the filing of the complaint (or, in the case of transferred cases, within six months from the date of transfer). If your discovery deadline has passed, she is not going to give you additional time to complete discovery even if you have not conducted any discovery to date. If you have a discovery schedule, the date by which you must submit your Joint Pre-Trial Order and other pre-trial papers required by Jude McMahons Individual Rules is forty-five days after the discovery deadline. This rule supercedes any prior order of Judge Casey on this subject. If your discovery deadline passed more than 45 days ago, you have 45 days from the date of this order to submit a Final Pre-trial Order and you are subject to be called for trial on 48 hours notice, beginning July 15, 2007. Judge McMahon does not delegate to the magistrate judges authority to alter the discovery schedule that she sets. She will not honor any prior delegation of such authority made by Judge Casey. If you want the magistrate to have the authority to extend the discovery deadline from whatever it is today (whether that deadline was set by the Magistrate Judge or by Judge Casey), Judge McMahon will be happy to sign an order referring your case to the Magistrate Judge for all purposes, including trial. Unless you go to the Magistrate Judge for all purposes, Judge McMahon will retain control over your discovery deadline. 4. Case Management Orders In Cases Where None Has Been Entered: If you do NOT have a case management or scheduling order in place, you can put one in place in one of two ways: by consent of counsel or after a Rule 16 conference with Judge McMahon. Download Judge McMahons form of scheduling order, which can be found on-line at www.nysd.uscourt.gov . If counsel can agree on a set of dates that gets the case ready for trial in six months from the date the case was transferred, fill out the order, sign it and submit it the chambers via fax (212-805-6326) for the judges signature. Consent scheduling orders in transferred cases must be received in Chambers by June 6, 2007. If the time frame comports with the judges rules, she will sign the order and send you an order of reference to the magistrate judge for discovery supervision and non-dispositive motions. If counsel cannot agree on a scheduling order by June 6, 2007, you will be notified of the time and date for a Rule 16 conference, at which an order conforming to Judge McMahons rules will be entered. Judge McMahon does NOT adjourn Rule 16

conferences except in extraordinary circumstances.5. Joint Pre-Trial Orders Not Yet Filed: If the discovery deadline imposed by Judge Caseys or the Magistrate Judges most recent case management order has passed but you have not filed a Joint Pre-Trial Order, you have forty-five days from the date of this order to file a Joint Pre-Trial Order, along with all other pre-trial papers required by Judge McMahons Individual Rules. Papers to be filed along with the Joint Pre-Trial Order include proposed jury instructions (jury trials) or findings of fact and conclusions of law (bench trials), as well as trial briefs, if necessary. Do not file motions in limine. Motions in limine will be denied without prejudice if they are filed along with the Joint Pre-Trial Order. They should be filed when the case is noticed for a Final Pre-Trial Conference. **YOU MUST FILE THE JOINT PRE-TRIAL ORDER AND RELATED DOCUMENTS, EVEN IF YOU HAVE A MOTION FOR SUMMARY JUDGMENT PENDING OR YOU PLAN TO FILE SUCH A MOTION.** Judge McMahon does not waive the filing of trial-ready papers just because dispositive motions have been made or are contemplated. Judge McMahon will NOT grant any extension of the forty-five day deadline for filing trial-ready papers in cases in which discovery is, or should have been, completed. This order supercedes any other order previously entered by Judge Casey concerning the filing of a Joint Pre-Trial Order or other pre-trial papers. 6. Electronic Discovery: Judge McMahons rules governing electronic discovery (which can be found at www.nysd.uscourts.gov) apply automatically to any case assigned to her docket unless and until the parties agree on a different electronic discovery order. If Judge Casey or a Magistrate Judge previously entered an electronic discovery order, that order will control in your case; otherwise, you are subject to Judge McMahons rules unless you present something different for her signature. 7. Special Rules for Section 1983 Cases: Counsel representing individual defendants in Section 1983 cases who are asserting the defense of qualified immunity should read Judge McMahons Individual Rule concerning qualified immunity motions, and should take or complete the plaintiffs deposition and make the motion required by Judge McMahons rules within sixty days of the date of this order, regardless of the state of discovery. Judge McMahon will not extend this deadline for any reason. Please read the rule carefully: Judge McMahon will not consider anything on a qualified immunity motion except the testimony of the plaintiff, which testimony must be taken prior to filing papers in support of the motion. Any defendant who does not make a motion as required by Judge McMahons rules waives his right to have the issue of qualified immunity decided on motion prior to trial. 8. Special Rules for Patent Cases: Judge McMahon has procedures for handling patent cases that differ from her procedure in other cases. If your case is a patent case, you will be called in for a status conference. If you are presently engaged in discovery pursuant to a Scheduling Order entered by Judge Casey, please continue with discovery until your conference can be held. 9. Special Rules for IDEA and ERISA Denial of Benefits Cases: Instead of entering to a scheduling order that provides for discovery, either counsel should agree on a schedule for making cross-motions for summary judgment on the administrative record and submit that schedule to the Court, or the court will impose such a briefing schedule at a status conference. 10. Special Rules for Cases Subject to the Private Securities Litigation Reform Act: Judge McMahon will conference your case and set a schedule in keeping with the statute. **II. FOR CASES IN WHICH THERE IS A PRO SE PARTY:**In general, Judge McMahons normal rules apply. Pro se parties, like all other parties, are required to become familiar with Judge McMahons Individual Rules and to follow them. This section sets out any variations from her usual rules for cases in which any party is pro se.1. Scheduling Order. If there is a scheduling order in place, please adhere to that scheduling order. The Magistrate Judge has authority in cases in which any party is pro se to extend the scheduling order for good cause shown. If there is no scheduling order in place, Judge McMahon will conference your case, set a scheduling order and issue an order of reference to the Magistrate Judge for discovery supervision. 2. Final Pre-Trial Orders: In cases involving pro se parties, the pro se party and parties represented by counsel file separate Pre-Trial Orders and related papers. All such papers are due forty-five days after the expiration of the discovery deadline. 3. Prisoner Cases: In cases involving incarcerated pro se parties, counsel for any represented party or parties shall arrange for a copy of all scheduling orders, orders of reference, pending motion papers and other papers needed to assemble an up-to-date chambers file to be forwarded to chambers. (Signed by

		Judge Colleen McMahon on 05/25/2007) (mj) (Entered: 05/31/2007)
06/18/2007	55	ORDER: IT IS HEREBY ORDERED that the telephonic Status conference, previously scheduled for June 25, 2007 will be held on June 19, 2007, at 10:30 a.m. The Telephonic Conference shall be initiated by counsel to the plaintiffs to (212) 805-6705. (Signed by Judge Kevin Nathaniel Fox on 6/15/07) Copies Faxed By Chambers.(tro) (Entered: 06/19/2007)
06/19/2007		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox : Telephone Status Conference held on 6/19/2007. (tro) (Entered: 07/16/2007)
06/21/2007	56	ORDER Amended Pleadings (Complaint) due by 7/3/2007,Interrogatories due by 6/28/2007,Responses due by 7/27/2007,Replies due by 8/27/2007. SO ORDERED. (Signed by Judge Kevin Nathaniel Fox on 6/19/2007) (jmi) (Entered: 06/22/2007)
06/21/2007	57	ORDER; plaintiffs have ten days from today's date to file a pleading that sets forth the basis for their belief that Governor Pataki was personally involved in the matters in suit. After reviewing that submission, this Court will decide whether Governor Pataki has to respond to any interrogatories, or whether the depositions of the relevant commissioners and the thousand of pages of documents hereto turned over by the State will suffice. At the end of those ten days, this Court will also set a schedule for the filing of a joint pretrial order so that this matter can be tried as soon as possible. The case is four years old. It will not see its fifth birthday in this court. (Signed by Judge Colleen McMahon on 6/20/07) Copies Mailed By Chambers.(kco) (Entered: 06/25/2007)
07/03/2007	62	AMENDED COMPLAINT against Eliot Spitzer, Michael F. Hogan, Karen M. Carpenter-Palumbo, George B. Alexander.Document filed by Jobe O., Sabrina J., James S..(jp) (Entered: 07/11/2007)
07/03/2007		SUMMONS ISSUED as to Eliot Spitzer, Michael F. Hogan, Karen M. Carpenter-Palumbo, George B. Alexander. (jp) (Entered: 07/12/2007)
07/05/2007	59	ORDER: Pursuant to Fed. R. Civ. P. 30(2), The defendants may depose plaintiff Jobe Overton, DIN 03-A-3308, at Sing Sing Correctional, Facility, Ossining, New York, on July 18, 2007, at 10:00 a.m. So Ordered. (Signed by Judge Kevin Nathaniel Fox on 7/2/07) Copies Faxed By Chambers.(js) (Entered: 07/09/2007)
07/05/2007		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox : Telephone Conference held on 7/5/2007. Re: discovery. (db) (Entered: 08/15/2007)
07/06/2007	58	ENDORSED LETTER addressed to Kevin Nathaniel Fox from Shan L. Steinberg dated 7/3/07 re: an extension of time to file an amended complaint with respect to Sabrina J. It is also respectfully requested that the Court approve the dismissal of Mr. S's. claim without prejudice pursuant to FRCP 41(a)(2). ENDORSEMENT: In light of the June 20, 2007 determination by Judge McMahon, which inter alia, fixed a date for the parties to file their joint pretrial order, and considering Judge McMahons standing rules regarding all cases previously assigned to Judge Casey, which reserves to the assigned district judge all authority to fix milestone dates for the completion of all pretrial activities, the request to enlarge the time to amend the pleadings should be made to Judge McMahon. Furthermore, since the withdrawal of the complaint by Mr. S. is a dispositive action, that too must be handled by Judge McMahon. SO ORDERED. (Signed by Judge Kevin Nathaniel Fox on 7/3/07) (tro) (Entered: 07/09/2007)
07/06/2007	60	DECLARATION of Shari L. Steinberg. (jco) (Entered: 07/11/2007)
07/06/2007	61	SUPPLEMENTAL MEMORANDUM OF LAW pursuant to the Court's Order dated June 20, 2007. Document filed by Jobe O., Sabrina J., James S. (jco) (Entered: 07/11/2007)
07/12/2007	64	ORDER re: 61 Memorandum of Law filed by James S., Jobe O., Sabrina J.:After reviewing the Plaintiffs' Supplemental Memorandum of Law, filed pursuant to the Court's order dated June 20, 2007, I conclude that there is absolutely no basis for plaintiffs to assert that they require additional discovery from George Pataki personally,...See document for more details. (Signed by Judge Colleen McMahon on 07/10/07) Clerk's Office Mailed Copies..(dcr) (Entered: 07/18/2007)

07/16/2007	63	ORDER: The Order of the Court dated July 2, 2007, concerning the date, time and location for the deposition of plaintiff Jobe O. remains in full force and effect; The deposition of Sabrina J. will be held on July 23, 2007; The deposition of Terry Saunders will be held on July 25, 2007; The deposition of John Casey will be held on July 27, 2007; The deposition of Barbara Cohn will be held on July 30, 2007; The deposition of Sharon Carpinello will be held on August 1, 2007; The deposition of Dr. Francis McCorry will be held on August 3, 2007; and the deposition of any person(s) conducted pursuant to Fed. R. Civ. P.30(b)(6) will be held on August 6, 2007, August 7, 2007, and, if necessary, August 8, 2007. It appears from correspondence the Court received from the parties that an application(s) or an order pursuant to fed. R. Civ. P. 26(c) may be sought. Any party who determines to make such an order must do so expeditiously. In addition, the defendants have made the Court aware, via correspondence, that the plaintiffs failed to respond appropriately to the defendants outstanding discovery demands. So Ordered. (Signed by Judge Kevin Nathaniel Fox on 7/13/07) (js) (Entered: 07/17/2007)
07/18/2007	65	MEMO ENDORSEMENT on NOTICE OF DISMISSAL OF PLAINTIFF JAMES S. Pursuant to Fed. R. Civ. P. 41 (a)(i), plaintiff James S. hereby dismisses all claims in this action without prejudice. So Ordered. (Signed by Judge Colleen McMahon on 7/18/07) (tro) (Entered: 07/19/2007)
07/18/2007		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox : Telephone Conference held on 7/18/2007. (db) (Entered: 08/15/2007)
07/20/2007		Minute Entry for proceedings held before Judge Colleen McMahon : Telephone Conference held on 7/20/2007. Motions due by 7/25/2007. Pretrial Order due by 11/16/2007. Responses due by 7/24/2007. Answer to Amended Complaint Due 7/27/07. (js) (Entered: 07/31/2007)
07/25/2007	66	NOTICE of Voluntary Dismissal pursuant to Rule 41(a)(1) of the F.R.C.P. of plaintiff Sabrina J. w/out prejudice. (Signed by Judge Colleen McMahon on 7/20/07) (ae) (Entered: 07/26/2007)
07/25/2007	67	MEMO ENDORSEMENT on NOTICE OF MOTION for an Order,purs. to FRCP 37 compelling defendants to respond to all discovery. This motion to compel is DENIED. Defendants have turned over numerous documents and provided the names of numerous potential witnesses. If during depositions, the witnesses identify unprivileged documents that have not been turned over, rest assured that this court will immediately (1) compel their production and (2) order sanctions in the form of costs should further depositions be required due to the belated production. All documents on the privilege log should be turned on to the Court forthwith for in camera inspection. (Signed by Judge Colleen McMahon on 7/25/07) (tro) (Entered: 07/27/2007)
07/27/2007	68	ANSWER to Amended Complaint. Document filed by Eliot Spitzer, Michael F. Hogan, Karen M. Carpenter-Palumbo, George B. Alexander. Related document: 62 Amended Complaint filed by James S., Jobe O., Sabrina J. (cd) (Entered: 07/30/2007)
07/27/2007	69	DECLARATION of Shari L. Steinberg in Support of plaintiff's motion for class certification pursuant to Rule 23 of the F.R.C.P. Document filed by Jobe O. (pl) (Entered: 08/01/2007)
07/27/2007	70	MOTION for an order pursuant to Rule 23 of the F.R.C.P. to CLASS CERTIFICATION. Document filed by Jobe O.(pl) Modified on 8/1/2007 (Lancaster, Patricia). (Entered: 08/01/2007)
07/27/2007	71	MEMORANDUM OF LAW in Support re: 70 MOTION to Certify Class. Document filed by Jobe O. (pl) (Entered: 08/01/2007)
07/27/2007	72	DECLARATION of Karen Bower in Support re: 70 MOTION to Certify Class.. Document filed by Jobe O.. (pl) (Entered: 08/01/2007)
07/27/2007	73	DECLARATION of Kenneth Stephens in Support re: 70 MOTION to Certify Class. Document filed by Jobe O.. (pl) (Entered: 08/01/2007)

07/27/2007	74	DECLARATION of Jennifer J. Parish in Support re: 70 MOTION to Certify Class. Document filed by Jobe O. (pl) (Entered: 08/01/2007)
08/02/2007	75	ORDER,I will give defendants until noon on August 1 (Wednesday) to fax me some explanatory material. I will consider it as part of their in camera submission, so it does not need to be faxed to plaintiff' counsel as well. (Signed by Judge Colleen McMahon on 7/30/2007) (jmi) (Entered: 08/03/2007)
08/02/2007	76	DISCOVERY DISPUTE RESOLUTION ORDER: The defendants' motion for a protective order against the Rule 30(b)(6) deposition designations is denied. (Signed by Judge Colleen McMahon on 7/27/2007) (jmi) (Entered: 08/03/2007)
08/03/2007	77	ORDER: defendants have advised the Court that they intend to turn over document #8. Plaintiffs are relieved of the obligation to apprise the Court of cases that would tend to negate the existence of a deliberate privilege in the litigation context. (Signed by Judge Colleen McMahon on 8/2/07) Copies Faxed By Chambers.(kco) (Entered: 08/06/2007)
08/21/2007	78	REPLY MEMORANDUM OF LAW in Support re: 70 MOTION to Certify Class. Document filed by Jobe O. (pl) (Entered: 08/27/2007)
08/21/2007	79	REPLY DECLARATION of Shari L. Steinberg in Support re: 70 MOTION to Certify Class. Document filed by Jobe O.. (pl) (Entered: 08/27/2007)
08/24/2007	80	DECLARATION of Ana L. Russell re: personal knowledge of facts herein. Document filed by Eliot Spitzer, Michael F. Hogan, George B. Alexander. (pl) (Entered: 08/28/2007)
08/24/2007	81	MEMORANDUM OF LAW in Opposition re: 70 MOTION to Certify Class. Document filed by Eliot Spitzer, George B. Alexander. (pl) (Entered: 08/28/2007)
08/24/2007	82	DECLARATION of Joanne Skolnick in Opposition re: 70 MOTION to Certify Class. Document filed by Eliot Spitzer, Michael F. Hogan, Karen M. Carpenter-Palumbo, George B. Alexander. (pl) (Entered: 08/28/2007)
09/14/2007	83	ENDORSED LETTER addressed to Judge Colleen McMahon from Shari L. Steinberg dated 9/7/07 re: a request that the Court compel the Attorney General's office to produce additional documents that they have received from the Division of Parole. ENDORSEMENT: produce the documents by 12 noon on 9/11/2007 or I will entertain a motion to preclude. (Signed by Judge Colleen McMahon on 9/10/07) Copies Mailed by Chambers on 9/10/2007(kco) (Entered: 09/17/2007)
09/18/2007	84	ORDER RESOLVING DISCOVERY DISPUTES: Plaintiff Jobie O's deposition will be continued for no more than four additional hours. The deposition will take place at the Great Meadow Correctional Facility, where plaintiff is currently incarcerated. Defendant will complete production of all requested documents by 9/21/07, at noon. Thereafter, neither party may make any further request for the production of documents, whether in writing or orally (at deposition). Should the court learn that documents that were previously requested have not been produced by the specified date, sanctions will be ordered, provided plaintiff provides documentary proof (in the form of a Rule 34 notice or transcript references) that the documents were requested. Request for Production of Documents due by 9/21/2007. (Signed by Judge Colleen McMahon on 9/18/07) Copies Faxed By Chambers.(tro) (Entered: 09/19/2007)
09/24/2007	85	ENDORSED LETTER addressed to Judge Colleen McMahon from Joanne Skolnick dated 9/21/07 re: Request that the time for production be enlarged. ENDORSEMENT: OK. (Signed by Judge Colleen McMahon on 9/21/07) Copies Mailed by Chambers.(db) (Entered: 10/10/2007)
10/31/2007	<u>86</u>	CALENDAR NOTICE: Pretrial Conference set for 11/7/2007 at 9:30 AM in Courtroom 21B, 500 Pearl Street, New York, NY 10007 before Judge Colleen McMahon. (Signed by Judge Colleen McMahon on 10/31/07) Copies faxed by chambers on 10/31/07(kco) (Entered: 11/01/2007)
11/07/2007		Minute Entry for proceedings held before Judge Colleen McMahon: Status Conference held on 11/7/2007. Decision: Status Conference held. Motions for summary judgment due 12/14/2007; responses due 1/18/2008; replies due

		1/25/2008. Pre-trial order due 12/21/2007. (Submitted by Zack Shankman). (mde) (Entered: 12/05/2007)
11/07/2007		Minute Entry for proceedings held before Judge Colleen McMahon: Status Conference held on 11/7/2007. Motions for summary judgment due 12/14/07; responses due 1/18/08; replies due 1/25/08. Pretrial order due 12/21/07. (ae) (Entered: 12/05/2007)
11/07/2007		Set Deadlines/Hearings: Motions due by 12/14/2007. Pretrial Order due by 12/21/2007. Responses due by 1/18/2008 Replies due by 1/25/2008. (ae) (Entered: 12/05/2007)
11/16/2007		Minute Entry for proceedings held before Judge Colleen McMahon : Telephone Conference held on 11/16/2007. Decision: Telephone Conference held to clarify the issues. (Submitted by Zack Shankman). (mde) (Entered: 11/16/2007)
11/26/2007	<u>87</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Joanne Skolnick dated 11/21/2007 re: request that the summary judgment date be readjusted to again allow defendants at least a 30 day period to submit summary judgment papers following the Courts decision on the class certification, with one week thereafter for the pretrial order. ENDORSEMENT: Ok – you are getting a decision this week. (Signed by Judge Colleen McMahon on 11/26/2007) (jar) Modified on 12/11/2007 (jar). (Entered: 11/26/2007)
11/27/2007	<u>88</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Shari L. Steinberg dated 11/26/07 re: Counsel for plaintiff requests leave to take the deposition of Dr. Sederer in advance of the deadline for filing summary judgment motions. ENDORSEMENT: No additional discovery at this time. So Ordered. (Signed by Judge Colleen McMahon on 11/27/07) (js) (Entered: 11/27/2007)
12/05/2007	<u>89</u>	DECISION AND ORDER DISMISSING THE AMENDED COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION, AND, IN THE INTEREST OF JUDICIAL ECONOMY, GRANTING LEAVE TO SUBSTITUTE AN APPROPRIATE NAMED PLAINTIFF AND MOVE FOR CLASS CERTIFICATION WITHIN NINETY DAYS...For the reasons stated below, plaintiffs claim is dismissed for lack of standing. As a result, this court has no occasion to address the parties arguments regarding class certification under Rules 23(a) and 23(b)(2). In the interest of judicial economy, however, this court grants leave to substitute an appropriate named plaintiff who has standing to seek injunctive relief, and to move again for class certification, within ninety days. If no such plaintiff is found, or no such motion is made, within the prescribed period, the Court will dismiss the case... I am giving class counsel ninety days (and not one day more) to bring in a new named plaintiff or plaintiffs, and to move for class certification. The action will be dismissed on March 5, 2008, unless class counsel manages to comply with this Order. At that point they will have had four and a half years to make this lawsuit work, and enough will indeed be enough. (Signed by Judge Colleen McMahon on 12/5/2007) "Copies Sent By Chambers".(mde) . (Entered: 12/05/2007)
03/11/2008	<u>90</u>	ORDER DISMISSING COMPLAINT, accordingly, as promised in the 12/5/08 opinion, this action is dismissed. (Signed by Judge Colleen McMahon on 3/11/08) (cd) (Entered: 03/11/2008)