

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-06350-RJS**

Hercules et al v. Doar et al
Assigned to: Judge Richard J. Sullivan
Referred to: Magistrate Judge Debra C. Freeman (Settlement)
Cause: 42:1983 Civil Rights Act

Date Filed: 08/24/2010
Date Terminated: 03/25/2013
Jury Demand: None
Nature of Suit: 444 Civil Rights: Welfare
(DISCONTINUED AFTER 1/1/2012)
Jurisdiction: Federal Question

Plaintiff

Joeann Hercules
*individually and on behalf of all others
similarly situated*

represented by **Danielle Feldman Tarantolo**
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Plaintiff

Ladorn Browne
*individually and on behalf of all others
similarly situated*

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Plaintiff

Elizabeth Colon
*individually and on behalf of all others
similarly situated*

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V.

Defendant

Robert Doar
*in his official capacity as Commissioner
of the New York City Human Resources
Administration*

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Defendant

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*in her official capacity as Executive
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Defendant

**New York State Office of Temporary
 and Disability Assistance**
TERMINATED: 09/14/2010

Date Filed	#	Docket Text
08/24/2010	<u>1</u>	COMPLAINT against Elizabeth Berlin, Robert Doar, New York State Office of Temporary and Disability Assistance. (Filing Fee \$ 350.00, Receipt Number 912955) Document filed by Joeann Hercules, Ladorn Browne. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(rdz) (Entered: 08/26/2010)
08/24/2010		SUMMONS ISSUED as to Robert Doar, New York State Office of Temporary and Disability Assistance. (rdz) (Entered: 08/26/2010)
08/24/2010		Magistrate Judge Theodore H. Katz is so designated. (rdz) (Entered: 08/26/2010)
08/24/2010		Case Designated ECF. (rdz) (Entered: 08/26/2010)
08/30/2010	<u>2</u>	NOTICE OF APPEARANCE by Elizabeth Cohen on behalf of Elizabeth Berlin (Cohen, Elizabeth) (Entered: 08/30/2010)
09/02/2010	<u>3</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Elizabeth Berlin served on 8/25/2010, answer due 9/15/2010. Service was accepted by Zenatul Zaman, Clerk at the NYS Office of Temporary and Disability Assistance. Document filed by Joeann Hercules; Ladorn Browne. (Hibshoosh, Daniel) (Entered: 09/02/2010)
09/02/2010	<u>4</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. Robert Doar served on 8/25/2010, answer due 9/15/2010. Service was accepted by Leslie Wyche, Community Coordinator for NYC Human Resources Administration. Document filed by Joeann Hercules; Ladorn Browne. (Hibshoosh, Daniel) (Entered: 09/02/2010)
09/02/2010	<u>5</u>	AFFIDAVIT OF SERVICE of Summons, Complaint, Civil Cover Sheet and Individual Practices of Richard J. Sullivan served on New York City Law Department on 08/25/10. Service was accepted by Dimitriy Aronov. Document filed by Ladorn Browne, Joeann Hercules. (Hibshoosh, Daniel) (Entered: 09/02/2010)
09/02/2010	<u>6</u>	AFFIDAVIT OF SERVICE of Summons, Complaint, Civil Cover Sheet and Individual Practices of Richard J. Sullivan served on Office of the Attorney General of the State of New York on 08/25/10. Service was accepted by Ms. Loui J, clerk at the office of the Attorney General of the State of New York. Document filed by Ladorn Browne, Joeann Hercules. (Hibshoosh, Daniel) (Entered: 09/02/2010)
09/08/2010	<u>7</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Elizabeth Cohen dated 9/1/10 re: Counsel requests a 45 day extension of time for Defendant Berlin to respond to the Complaint in this matter, from September 14, 2010 until October 29, 2010. ENDORSEMENT: SO ORDERED. Elizabeth Berlin answer due 10/29/2010. (Signed by Judge Richard J. Sullivan on 9/7/10) (dj) (Entered: 09/08/2010)
09/14/2010	<u>8</u>	NOTICE OF APPEARANCE by Kimberly Dorothy Conway on behalf of Robert Doar (Conway, Kimberly) (Entered: 09/14/2010)

09/14/2010	<u>9</u>	AMENDED COMPLAINT amending <u>1</u> Complaint, against Elizabeth Berlin, Robert Doar. Document filed by Joeann Hercules, Ladorn Browne, Elizabeth Colon. Related document: <u>1</u> Complaint, filed by Ladorn Browne, Joeann Hercules.(mro) (mro). (Entered: 09/15/2010)
09/16/2010	<u>10</u>	NOTICE OF APPEARANCE by Jonathan L. Pines on behalf of Robert Doar (Pines, Jonathan) (Entered: 09/16/2010)
09/20/2010	<u>11</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Kimberly Conway dated 9/14/10 re: Request that the time for City Defendant Robert Doar's time to respond to the complaint be extended to 10/29/10. ENDORSEMENT: SO ORDERED. Robert Doar answer due 10/29/2010. (Signed by Judge Richard J. Sullivan on 9/17/10) (db) (Entered: 09/20/2010)
09/22/2010	<u>12</u>	ORDER: Pursuant to the Court's Individual Practices, Rule 2.A, Plaintiffs shall respond to Defendants' 9/21/10 letter with their own letter of no more than three pages by September 24, 2010. IT IS FURTHER ORDERED that the parties shall attend a pre-motion conference at 10:00 a.m. on Wednesday, October 13, 2010 in Courtroom 21 C. (Pre-Motion Conference set for 10/13/2010 at 10:00 AM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan.) (Signed by Judge Richard J. Sullivan on 9/21/10) (db) (Entered: 09/22/2010)
10/06/2010	<u>13</u>	ORDER: Accordingly, the Court GRANTS the City's request and will disregard Plaintiffs' September 24 letter. Plaintiffs - as well as Defendants - shall not submit any other reply letter. Additionally, Plaintiffs October 1 letter indicates that the City has a conflict with the pre-motion conference scheduled for October 13, 2010. Although the Court has not heard from the City regarding its conflict, IT IS FURTHER ORDERED that the October 13, 2010 pre-motion conference is adjourned until 9:30 a.m. on Friday, October 22, 2010. (Signed by Judge Richard J. Sullivan on 10/5/2010) (jpo) (Entered: 10/06/2010)
10/22/2010	<u>14</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement: the parties shall contact Magistrate Judge Katz to schedule a settlement conference forthwith. Referred to Magistrate Judge Theodore H. Katz. (Signed by Judge Richard J. Sullivan on 10/22/10) (pl) (Entered: 10/25/2010)
10/26/2010	<u>15</u>	ORDER Status Letter due by 11/22/2010, apprising the Court of the status of this matter. Additionally, Defendants' time in which to answer or otherwise respond to the complaint is stayed pending the parties settlement negotiations. (Signed by Judge Richard J. Sullivan on 10/22/10) (cd) (Entered: 10/26/2010)
11/03/2010		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 11/3/2010. (mro) (Entered: 11/08/2010)
11/05/2010	16	TRANSCRIPT of proceedings held on 10/22/2010 before Judge Richard J. Sullivan. (mbe) (Entered: 11/08/2010)
11/15/2010	<u>17</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Kimberly Conway dated 11/12/10 re: counsel writes in response to Your Honor's request that the City Defendant apprise the Court of whether City Defendant will agree to consider a monetary settlement in this case. ENDORSEMENT: Provide a status report by December 13, 2010 and, in consultation with Plaintiffs' counsel, propose dates for a settlement conference. (Status Report due by 12/13/2010.) (Signed by Magistrate Judge Theodore H. Katz on 11/15/10) (djc) (Entered: 11/15/2010)
12/06/2010	<u>18</u>	ORDER: IT IS HEREBY ORDERED that parties shall submit a joint letter, to be received by January 5, 2011, apprising the Court of the status of settlement negotiations in this action. Additionally, Defendants' time in which to answer or otherwise respond to the complaint is stayed pending the parties' settlement negotiations. (Signed by Judge Richard J. Sullivan on 12/2/10) (mro) (Entered: 12/06/2010)
12/16/2010	<u>19</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Kimberly Conway dated 12/15/10 re: Request for an adjournment of the 12/17/10 settlement conference. ENDORSEMENT: The settlement conference is adjourned to 1/19/11, at 2:00 pm. The Court expects the defendants to be in a position to have a meaningful settlement discussion. (Settlement Conference reset for 1/19/2011 at 02:00

		PM before Magistrate Judge Theodore H. Katz.) (Signed by Magistrate Judge Theodore H. Katz on 12/16/10) (cd) (Entered: 12/16/2010)
01/06/2011	<u>20</u>	ORDER: It is hereby ordered that the parties shall submit a letter, to be received by January 21, 2011, apprising the Court of the status of settlement negotiations. (Signed by Judge Richard J. Sullivan on 1/6/2011) (jpo) (Entered: 01/06/2011)
01/19/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 1/19/2011. (mro) (Entered: 01/24/2011)
01/21/2011	<u>21</u>	ENDORSED LETTER: addressed to Judge Richard J. Sullivan from Kenneth R. Stephens dated 1/21/2011 re: Counsel writes to provide the Court with an updated status report. The parties conferred by telephone on January 14, 2011. A settlement conference was held before Magistrate Judge Katz on January 19, 2011. The parties are in partial agreement on certain issues but remain in disagreement on others. Counsel has agreed to confer again in two weeks, and have scheduled a settlement conference with Magistrate Judge Katz on February 23, 2011, in an attempt to reach agreement on additional issues. While at this point it is unclear whether they can reach a settlement, the parties believe it would be fruitful to continue trying in ta least one more meeting with Magistrate Judge Katz. ENDORSEMENT: It is hereby ordered that the parties shall submit a joint letter apprising the Court of the status of settlement negotiations by February 25, 2011. So Ordered. (Signed by Judge Richard J. Sullivan on 1/21/11) (js) (Entered: 01/24/2011)
02/22/2011	<u>22</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from The City of New York Law Department dated 2/18/11 re: Counsel requests an adjournment of the settlement conference. ENDORSEMENT: The conference is adjourned to March 8, 2011 at 2:00 p.m. (Settlement Conference set for 3/8/2011 at 02:00 PM before Magistrate Judge Theodore H. Katz.) (Signed by Magistrate Judge Theodore H. Katz on 2/18/11) (djc) (Entered: 02/22/2011)
02/28/2011	<u>23</u>	ORDER, that the Court is in receipt of a letter, from Defendants, apprising the Court that the parties' settlement negotiations are ongoing. IT IS HEREBY ORDERED that the parties shall submit a joint letter, to be received by April 1, 2011, apprising the Court of the status of settlement discussions in this action. (Status Report due by 4/1/2011.) (Signed by Judge Richard J. Sullivan on 2/25/11) (pl) (Entered: 02/28/2011)
03/08/2011	<u>24</u>	ORDER: 1. By March 18, 2011, the State Defendants shall complete their analysis of computerized data indicating which of the those individuals in the "early cure" group received a fairness hearing and did not have their benefits cut or had their benefits restored. 2. By April 4, 2011, the City Defendants shall apprise Plaintiffs of their settlement position with respect to members of the "early cure" group who did not receive fairness hearings or have their benefits restored. 3.The parties shall appear for another settlement session with the Court on April 12, 2011, at 2:00 P.M. So Ordered. (Settlement Conference set for 4/12/2011 at 02:00 PM before Magistrate Judge Theodore H. Katz) (Signed by Magistrate Judge Theodore H. Katz on 3/8/2011) (lnl) (Entered: 03/08/2011)
03/08/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 3/8/2011. (mro) (Entered: 03/10/2011)
04/04/2011	<u>25</u>	ORDER, that the parties shall submit a joint letter, to be received by May 2, 2011, apprising the Court of the status of settlement discussions in this action. (Status Report due by 5/2/2011.) (Signed by Judge Richard J. Sullivan on 4/4/11) (pl) (Entered: 04/04/2011)
04/12/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 4/12/2011. (eef) (Entered: 04/14/2011)
05/02/2011	<u>26</u>	ORDER. IT IS HEREBY ORDERED that the parties shall submit a joint letter, to be received by June 6, 2011, apprising the Court of the status of settlement discussions in this action. (Signed by Judge Richard J. Sullivan on 5/2/11) (rjm) (Entered: 05/03/2011)
05/23/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 5/23/2011. (eef) (Entered: 05/26/2011)

06/02/2011	<u>27</u>	NOTICE OF APPEARANCE by Danielle Feldman Tarantolo on behalf of Ladorn Browne, Elizabeth Colon, Joeann Hercules (Tarantolo, Danielle) (Entered: 06/02/2011)
06/08/2011	<u>28</u>	ORDER that the parties shall submit a joint letter, to be received by 7/6/11, apprising the Court of the status of settlement discussions in this action. In the event that settlement negotiations have terminated, the parties shall submit to the Court a proposed case management plan and scheduling order along with the 7/6/11, and as further set forth in this document. (Signed by Judge Richard J. Sullivan on 6/7/11) (cd) (Entered: 06/08/2011)
06/09/2011	<u>29</u>	NOTICE OF APPEARANCE by William Harvey Bristow, III on behalf of Elizabeth Berlin (Bristow, William) (Entered: 06/09/2011)
07/07/2011	<u>30</u>	ORDER. IT IS HEREBY ORDERED THAT the parties shall submit a joint letter, to be received by August 8, 2011, apprising the Court of the status of settlement discussions. In the event that settlement negotiations have terminated, the parties shall submit to the Court a proposed case management plan and scheduling order along with the August 8, 2011 letter. A template for the order is available at http://www1.nysd.uscourts.gov/judge_info.php?id=99 . (Signed by Judge Richard J. Sullivan on 7/7/11) (rjm) (Entered: 07/07/2011)
08/09/2011	<u>31</u>	ORDER that the parties shall submit a joint letter, to be received by September 8, 2011, apprising the Court of the status of settlement discussions. In the event that settlement negotiations have terminated, the parties shall submit to the Court a proposed case management plan and scheduling order along with the September 8, 2011 letter. A template for the order is available at http://www1.nysd.uscourts.gov/judge_info.php?id=99 . (Signed by Judge Richard J. Sullivan on 8/9/11) (cd) (Entered: 08/09/2011)
09/13/2011	<u>32</u>	ORDER: The Court is in receipt of a letter from Plaintiffs, dated September 13, 2011, informing the Court that the parties' settlement negotiations are ongoing. Accordingly, IT IS HEREBY ORDERED THAT the parties shall submit a joint letter, to be received by October 10, 2011, apprising the Court of the status of settlement discussions. In the event that settlement negotiations have terminated, the parties shall submit to the Court a proposed case management plan and scheduling order along with the October 10, 2011 letter. A template for the order is available at http://www1.nysd.uscourts.gov/judge_info.php?id=99 . (Signed by Judge Richard J. Sullivan on 9/13/2011) (lmb) (Entered: 09/14/2011)
09/22/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 9/22/2011. (eef) (Entered: 09/26/2011)
10/12/2011	<u>33</u>	ORDER: The Court is in receipt of a letter from Plaintiffs, dated October 11, 2011, informing the Court that the parties' settlement negotiations are ongoing and that the parties have scheduled an appearance before Magistrate Judge Katz on November 4, 2011. Accordingly, IT IS HEREBY ORDERED THAT the parties shall submit a joint letter, to be received by November 11, 2011, apprising the Court of the status of settlement discussions. In the event that settlement negotiations have terminated, the parties shall submit to the Court a proposed case management plan and scheduling order along with the November 10, 2011 letter. A template for the order is available at http://www1.nysd.uscourts.gov/judge_info.php?id=99 . (Signed by Judge Richard J. Sullivan on 10/11/2011) (mro) Modified on 10/17/2011 (mro). (Entered: 10/12/2011)
11/04/2011	<u>34</u>	ENDORSED LETTER addressed to Magistrate Judge Theodore H. Katz from Kimberly Conway dated 11/3/2011 re: City Defendant requests an adjournment of the settlement conference. ENDORSEMENT: The next conference shall take place on November 21, 2011 at 2:00 p.m. (Settlement Conference set for 11/21/2011 at 02:00 PM before Magistrate Judge Theodore H. Katz.) (Signed by Magistrate Judge Theodore H. Katz on 11/4/2011) (djc) Modified on 11/9/2011 (djc). (Entered: 11/04/2011)
11/14/2011	<u>35</u>	ORDER. IT IS HEREBY ORDERED THAT the parties shall submit a joint letter, to be received by December 12, 2011, apprising the Court of the status of settlement discussions. In the event that settlement negotiations have terminated, the parties shall submit to the Court a proposed case management plan and scheduling order along with the November 10, 2011 letter, and as further set forth. (Signed by Judge Richard J.

		Sullivan on 11/14/2011) (rjm) (Entered: 11/14/2011)
11/21/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 11/21/2011. (eef) (Entered: 11/28/2011)
12/15/2011		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Telephone/Settlement Conference held on 12/15/2011. (eef) (Entered: 12/19/2011)
12/16/2011	<u>36</u>	ORDER: the parties shall submit a joint letter, to be received by January 17,2012, apprising the Court of the status of settlement discussions. In the event that the parties have not concluded a settlement, the parties shall submit to the Court a proposed case management plan and scheduling order along with the January 17, 2012 letter. A template for the order is available at http://www.nysd.uscourts.gov/cases/show.php?db=judge info&id=34 (Signed by Judge Richard J. Sullivan on 12/15/2011) (cd) (Entered: 12/16/2011)
01/23/2012	<u>37</u>	ORDER: Accordingly, IT IS HEREBY ORDERED THAT the parties shall submit a joint letter, to be received by January 30, 2012, apprising the Court of the status of settlement discussions. In the event that the parties have not concluded a settlement, the parties shall submit a proposed case management plan and scheduling order along with the January 30, 2012 letter, and as further set forth in this document. (Signed by Judge Richard J. Sullivan on 1/23/2012) (cd) (Entered: 01/23/2012)
01/30/2012	<u>38</u>	ORDER: Accordingly, IT IS HEREBY ORDERED THAT the parties shall submit updated pre-motion letters that articulate the basis for these contemplated motions by February 2, 2012. Replies shall be submitted by February 7, 2012. IT IS FURTHER ORDERED THAT the parties shall appear for a pre-motion conference on February 21, 2012 at 3:00p.m. (Signed by Judge Richard J. Sullivan on 1/27/2012) (js) (Entered: 01/30/2012)
02/03/2012		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Telephone Status Conference held on 2/3/2012. (eef) (Entered: 02/09/2012)
02/21/2012	<u>40</u>	Minute Entry for proceedings held before Judge Richard J. Sullivan: Conference held on 2/21/2012. (cd) (Entered: 02/22/2012)
02/22/2012	<u>39</u>	ORDER: As stated at the conference held on February 21, 2012, IT IS HEREBY ORDERED THAT the parties shall submit a joint letter, to be received by March 30, 2012, apprising the Court of the status of settlement discussions and proposing what action the Court should take in this matter. (Signed by Judge Richard J. Sullivan on 2/21/2012) (mro) (Entered: 02/22/2012)
03/22/2012		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 3/22/2012. (djc) (Entered: 04/05/2012)
03/29/2012	<u>41</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from William O'Brien dated 3/29/2012 re: In view of the above, the parties respectfully propose that they submit a joint letter on April 13 apprising the Court of the status of the settlement discussions and proposing what action the Court should take. ENDORSEMENT: The request is granted. The parties shall submit an updated joint status letter by April 13, 2012. (Signed by Judge Richard J. Sullivan on 3/29/2012) (djc) (Entered: 03/29/2012)
04/16/2012	<u>42</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from William O'Brien dated 4/13/12 re: Counsel writes on behalf of the parties to submit an update to Your Honor on the current status of the settlement negotiations and will report to Your Honor again by 4/20/12. ENDORSEMENT: So ordered. (Signed by Judge Richard J. Sullivan on 4/13/2012) (mro) Modified on 4/17/2012 (mro). (Entered: 04/16/2012)
04/19/2012		Minute Entry for proceedings held before Magistrate Judge Theodore H. Katz: Settlement Conference held on 4/19/2012. (mro) (Entered: 04/24/2012)
04/23/2012	<u>43</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from William O'Brien dated 4/20/2012 re: In light of the foregoing, the parties respectfully suggest that they provide Your Honor with another status report on May 26, 2012. ENDORSEMENT: The parties shall submit an updated Joint Status Letter by May 25, 2012. (Signed by Judge Richard J. Sullivan on 4/23/2012) (djc) (Entered: 04/23/2012)

05/29/2012	<u>44</u>	ORDER:Accordingly, IT IS HEREBY ORDERED THAT the parties shall submit an updated status letter on June 29, 2012. However, the parties do not appear to have made substantial progress in resolving the instant dispute since their last status letter, submitted on April 20, 2012. Therefore, IT IS FURTHER ORDERED THAT in the event that the parties have not reached a settlement in this matter, the parties shall comply with the following briefing schedule for Plaintiffs' motion for class certification and Defendants' motion to dismiss:July 27, Modified on 5/29/2012 2012 The parties shall file their motions and opening briefs.August 31, 2012 The parties shall file their opposition briefs September 14, 2012 The parties shall file their replies. (Signed by Judge Richard J. Sullivan on 5/25/2012) (js) (Entered: 05/29/2012)
06/18/2012	<u>45</u>	NOTICE OF REDESIGNATION TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Debra C. Freeman. Please note that this is a reassignment of the designation only. (pgu) (Entered: 06/19/2012)
06/18/2012	<u>46</u>	NOTICE OF REASSIGNMENT OF A REFERRAL TO ANOTHER MAGISTRATE JUDGE. The referral in the above entitled action has been reassigned to Magistrate Judge Debra C. Freeman, for Settlement. Magistrate Judge Theodore H. Katz no longer referred to the case. (pgu) (Entered: 06/19/2012)
06/25/2012	<u>47</u>	ORDER: the briefing schedule set forth in the Court's Order of May 25, 2012 is adjourned. The parties shall submit an updated status letter on July 27, 2012. In the event that the parties have not reached a settlement by July 27, 2012, IT IS FURTHER ORDERED THAT they shall comply with the following briefing schedule for Plaintiffs' motion for class certification and Defendants' motion to dismiss: Motion due by 8/27/2012. Responses due by 9/28/2012, Replies due by 10/12/2012. (Signed by Judge Richard J. Sullivan on 6/25/2012) (cd) (Entered: 06/25/2012)
07/30/2012	<u>48</u>	ORDER: the request to adjourn the briefing schedule is denied. The parties shall comply with the briefing schedule set forth in the Court's order of June 25, 2012. (Signed by Judge Richard J. Sullivan on 7/27/2012) (pl) (Entered: 07/30/2012)
08/22/2012	<u>49</u>	JOINT MOTION to Certify Class. Document filed by Elizabeth Berlin, Ladorn Browne, Elizabeth Colon, Robert Doar, Joeann Hercules, New York State Office of Temporary and Disability Assistance. (Attachments: # <u>1</u> Exhibit Stipulation and Proposed Order of Class Certification)(Tarantolo, Danielle) (Entered: 08/22/2012)
08/22/2012	<u>50</u>	STIPULATION AND ORDER OF CLASS CERTIFICATION: IT IS HEREBY STIPULATED AND AGREED, BY AND BETWEEN THE UNDERSIGNED, THAT THIS ACTION SHOULD BE CERTIFIED AS A CLASS ACTION PURSUANT TO RULE 23 OF THE FEDERAL RULES OF CIVIL PROCEDURE, ON THE FOLLOWING TERMS: A class is certified consisting of: All Safety Net Assistance Recipients living in New York City who, after August 24, 2007, lost or will lose Benefits as a result of being issued Incorrect– Duration Sanction Notices while a member of a household with at least one minor child, as defined in SSL § 345, on the sanctioned individual's case for public assistance or food stamps as further set forth in this order. Attorneys from The Legal Aid Society, the New York Legal Assistance Group, and Cooley LLP are designated as class counsel and as further set forth in this order., Motions terminated: <u>49</u> JOINT MOTION to Certify Class filed by Robert Doar, New York State Office of Temporary and Disability Assistance, Elizabeth Colon, Ladorn Browne, Elizabeth Berlin, Joeann Hercules. (Signed by Judge Richard J. Sullivan on 8/22/2012) (lmb) (Entered: 08/23/2012)
08/22/2012	<u>51</u>	ORDER: The Court is in receipt of a letter from the parties, dated August 22, 2012, informing the Court that Defendants have consented to class certification and attaching a proposed order of class certification. Accordingly, in light of the fact that the Court has endorsed this stipulation, IT IS HEREBY ORDERED THAT the parties do not need to brief the motion for class certification. The letter also notes that the parties continue to engage in settlement negotiations and proposes that the parties provide the Court with either a proposed settlement of all issues or a pre–trial scheduling order on or before September 24, 2012. The letter, however, makes no mention of Defendants' contemplated motion to dismiss, which the Court directed to be filed on or before August 27, 2012. Accordingly, IT IS HEREBY ORDERED THAT the parties request to submit an updated status report on September 24, 2012 is granted. However, should Defendants wish to pursue a motion to dismiss, they must do so in compliance with the briefing schedule set forth in the Court's Order of June 25, 2012 (Doc. No. 47). (Signed by Judge Richard J. Sullivan on 8/22/2012) (lmb) (Entered: 08/23/2012)

08/27/2012	<u>52</u>	STIPULATION AND ORDER: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, BY AND BETWEEN THE UNDERSIGNED, THAT: Plaintiffs are not seeking retroactive benefits or any form of monetary relief from the State defendant in this matter. Nothing herein, however, shall limit any rights that the plaintiffs may have to recover costs and reasonable attorneys fees, as provided for under 42 U.S.C. § 1988, from the State defendant. SO ORDERED. (Signed by Judge Richard J. Sullivan on 8/27/2012) (ama) (Entered: 08/27/2012)
09/24/2012	<u>53</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Kenneth R. Stephens dated 9/24/2012 re: We respectfully request that the parties be given until October 23, 2012, to submit the proposed settlement and plan for providing class notice, with the understanding that the parties will move as expeditiously as possible to submit the documents before that date. ENDORSEMENT: The request is granted. The parties shall submit their proposed settlement and plan for providing class notice on or before October 23, 2012. SO ORDERED. (Signed by Judge Richard J. Sullivan on 9/24/2012) (ama) (Entered: 09/24/2012)
10/24/2012	<u>54</u>	ENDORSED LETTER: addressed to Judge Richard J. Sullivan from William H. Bristow dated 10/23/2012 re: Counsel for defendant requests three additional days, until October 26, 2012, for the parties to submit their proposed settlement and Plan providing class notice. Counsel for plaintiffs and the City defendant have consented to this application. ENDORSEMENT: The request is granted. The parties shall submit their proposed settlement and plan for providing class notice on or before October 26, 2012. (Signed by Judge Richard J. Sullivan on 10/23/2012) (js) (Entered: 10/24/2012)
11/05/2012	<u>55</u>	STIPULATION AND ORDER REGARDING NOTIFICATION OF PROPOSED CLASS ACTION SETTLEMENT: IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned attorneys for the Plaintiffs and Defendants, that members of the Plaintiff Class should be sent the Notice of Proposed Class Action Settlement attached hereto as Exhibit A, and that the procedures for notifying Class members of the proposed Stipulation and Order of Settlement, attached hereto as Exhibit B, and the holding of the Fairness Hearing shall be as follows, subject to the approval of the Civil pursuant to Rule 23(e) of the Federal Rules of Civil Procedure: And as set forth in this Order. SO ORDERED. (Fairness Hearing set for 1/15/2013 at 03:00 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Sullivan.) (Signed by Judge Richard J. Sullivan on 11/04/2012) (ama) Modified on 11/13/2012 (ama). (Entered: 11/05/2012)
11/08/2012	<u>56</u>	NOTICE of NYLAG temporary contact information. Document filed by Ladorn Browne, Elizabeth Colon, Joeann Hercules. (Stevens, Jane) (Entered: 11/08/2012)
11/16/2012	<u>57</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Jonathan Pines dated 11/15/2012 re: I respectfully request that the deadline for mailing Notices, as well as the date of the Fairness Hearing currently scheduled for January 15, 2013, be adjourned sine die and that City defendant be permitted to provide the Court and the parties a written status report by December 10, 2012. ENDORSEMENT: The request is granted. In light of the impact that Superstorm Sandy has had, IT IS HEREBY ORDERED that (1) the deadline for mailing notices to class members, and (2) the fairness hearing previously scheduled for January 15, 2013, are adjourned sine die. IT IS FURTHER ORDERED THAT the parties shall submit a joint status report on or before December 10, 2012. (Signed by Judge Richard J. Sullivan on 11/15/2012) (lmb) (Entered: 11/16/2012)
12/11/2012	<u>58</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Jonathan Pines dated 12/10/2012 re: Counsel for City Defendant writes to apprise the Court of the current status of HRA and, regrettably, to request a continuing adjournment of the deadline within which to send notices to the plaintiff class of the fairness hearing relating to the settlement of this class action. ENDORSEMENT: The request is granted. In light of the hardships that Superstorm Sandy has posed, IT IS HEREBY ORDERED that (1) the deadline for mailing notices to class members, and (2) the fairness hearing previously scheduled for January 15, 2013, remain adjourned sine die. IT IS FURTHER ORDERED THAT the parties shall submit a status report on or before December 21, 2012. (Signed by Judge Richard J. Sullivan on 12/10/2012) (pl) (Entered: 12/11/2012)

12/27/2012	<u>59</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Jonathan Pines dated 12/21/2012 re: Request for a further stay of any deadlines for another two weeks, and propose reporting to the Court at that time, on January 4, 2013, in order to permit the defendants time to proceed with provision and testing of the data, and to propose a mail-out schedule for the fairness hearing notice at that time. ENDORSEMENT: So ordered. (Signed by Judge Richard J. Sullivan on 12/21/2012) (cd) (Entered: 12/27/2012)
01/07/2013	<u>60</u>	ENDORSED LETTER addressed to Judge Richard J. Sullivan from Jonathan Pines dated 1/4/2013 re: Counsel writes on behalf of all parties to provide the Court with a status update. ENDORSEMENT: The parties are hereby ordered to submit a status report on January 14, 2013. (Signed by Judge Richard J. Sullivan on 1/7/2013) (ft) (Entered: 01/07/2013)
01/11/2013	<u>61</u>	STIPULATION AND ORDER REGARDING NOTIFICATION OF PROPOSED CLASS ACTION SETTLEMENT: That members of the Plaintiff Class should be sent the Notice of Proposed Class Action Settlement attached hereto as Exhibit A, and that the procedures for notifying Class members of the proposed Stipulation and Order of Settlement, attached hereto as Exhibit B, and the holding of a Fairness hearing shall be as follows, subject to the approval of the Court pursuant to Rule 23(3) of the Federal Rules of Civil Procedure and as further set forth herein. A Fairness hearing will be held before Judge Richard Sullivan on March 22, 2013 at 2:00 p.m. in Courtroom 905 at the United States Courthouse 40 Foley Square, New York, New York, at which time the Court will determine whether the proposed Stipulation and Order of Settlement should finally be approved as fair, reasonable, and adequate and whether the Stipulation and Order of Settlement shall be entered as the Final Judgment in this case between Plaintiffs and City and State Defendants. (Fairness Hearing set for 3/22/2013 at 02:00 PM in Courtroom 905, 40 Centre Street, New York, NY 10007 before Judge Richard J. Sullivan.) (Signed by Judge Richard J. Sullivan on 1/10/2013) (ago) (Entered: 01/11/2013)
03/22/2013		Minute Entry for proceedings held before Judge Richard J. Sullivan: Fairness Hearing held on 3/22/2013. Counsel for Plaintiff Class was present. Counsel for Defendants was present. Several dozen class members were present, and one voiced a limited objection but declined to seek exclusion from the Class. The Court approved the proposed settlement, which will be docketed separately. (ja) (Entered: 03/25/2013)
03/25/2013	<u>62</u>	ORDER: For these reasons and for the reasons set forth more fully on the record at the Fairness Hearing, IT IS HEREBY ORDERED THAT the settlement agreement is approved as being fair, reasonable, and adequate in accordance with Federal Rule of Civil Procedure 23(e)(2). SO ORDERED. (Signed by Judge Richard J. Sullivan on 3/25/2013) (ama) (Entered: 03/25/2013)
03/25/2013	<u>63</u>	STIPULATION AND ORDER OF SETTLEMENT: ENDORSEMENT: The parties have further stipulated to, and the Court approves, the following modifications to this agreement: (1) At the third and fourth lines of paragraph 36, the phrase "until the Court's jurisdiction terminates" is replaced with "for the 34 months after the Effective Date." (2) Section VII shall include an additional paragraph that reads: "To compensate for Superstorm Sandy related delay, the Court's jurisdiction will be extended by four months, but only to enforce City Defendant's obligation to conduct reviews of its computer system and to oversee identification of, and payment of benefits to, class members who have newly returned to the public assistance rolls and who are therefore eligible to receive retroactive benefits under this Settlement." SO ORDERED. (Signed by Judge Richard J. Sullivan on 3/22/2013) (ama) Modified on 3/28/2013 (ama). (Entered: 03/25/2013)