

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:98-cv-01938-AMW**

WATERMAN, et al v. FARMER, et al  
Assigned to: Judge Alfred M. Wolin  
Demand: \$0  
Case in other court: 98-06261  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/24/1998  
Date Terminated: 07/23/1998  
Jury Demand: None  
Nature of Suit: 555 Prison Condition  
Jurisdiction: Federal Question

**Plaintiff**

**RICHARD WATERMAN**

represented by **RICHARD WATERMAN**  
DN-2216  
ADULT DIAGNOSTIC & TREATMENT  
CENTER  
8 PRODUCTION WAY  
AVENEL, NJ 07001  
PRO SE

**LAWRENCE S. LUSTBERG**  
GIBBONS, PC  
ONE GATEWAY CENTER  
NEWARK, NJ 07102-5310  
(973) 596-4731  
Email: [llustberg@gibbonslaw.com](mailto:llustberg@gibbonslaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**MICHAEL CURTIS**

represented by **MICHAEL CURTIS**  
ADULT DIAGNOSTIC & TREATMENT  
CENTER  
P.O. BOX 190  
8 PRODUCTION WAY  
AVENEL, NJ 07001  
PRO SE

**LAWRENCE S. LUSTBERG**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**PETER VERNIERO**  
*Attorney General*

represented by **RONALD L. BOLLHEIMER**  
OFFICE OF NJ ATTORNEY GENERAL  
R.J. HUGHES JUSTICE COMPLEX  
PO BOX 112  
TRENTON, NJ 08625  
(609) 292-8582  
**TERMINATED: 08/30/2000**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**JACK TERHUNE**  
*N.J. Commissioner of Corrections*

represented by **DAVID MARCOS RAGONESE**  
OFFICE OF THE NJ ATTORNEY  
GENERAL  
RJ HUGHES JUSTICE COMPLEX

PO BOX 112  
 TRENTON, NJ 08625  
 (609) 633-7786  
 Email: [david.ragonese@dol.lps.state.nj.us](mailto:david.ragonese@dol.lps.state.nj.us)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**RONALD L. BOLLHEIMER**  
 (See above for address)  
 TERMINATED: 08/30/2000  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**WILLIAM PLANTIER**  
*Superintendent of The Adult Diagnostic  
 & Treatment Center, individually and in  
 their official capacity*

represented by **DAVID MARCOS RAGONESE**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**RONALD L. BOLLHEIMER**  
 (See above for address)  
 TERMINATED: 08/30/2000  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/24/1998	1	APPLICATION to proceed in forma pauperis (femp) (Entered: 04/29/1998)
04/24/1998	2	CONDITIONAL ORDER granting in forma pauperis, directing initial partial filing fee of \$43.17, accepting check for \$25.00 and ordering balance of \$18.17 to be paid within 120 days ( signed by Judge Alfred M. Wolin ) (femp) (Entered: 04/29/1998)
05/07/1998	3	COMPLAINT filed FILING FEE \$ 25.00 Sub total \$\$50.00 RECEIPT # 0251514 (nr) Modified on 08/14/1998 (Entered: 05/12/1998)
05/07/1998	4	NOTICE of by RICHARD WATERMAN, MICHAEL CURTIS for waiver of service of summons and complt. (nr) (Entered: 05/12/1998)
05/07/1998	5	APPLICATION/motion to dispense with security requirement (nr) (Entered: 05/12/1998)
05/07/1998	6	APPLICATION/motion for assignment of counsel with proof of service. (nr) (Entered: 05/12/1998)
05/07/1998	7	APPLICATION/motion for temporary restraining order (nr) (Entered: 05/12/1998)
05/07/1998	8	APPLICATION/motion for class certification (nr) (Entered: 05/12/1998)
05/07/1998	9	LETTER By RICHARD WATERMAN, MICHAEL CURTIS in support of pltf's motion for temporary restraining order (nr) (Entered: 05/12/1998)
05/12/1998	10	NOTICE of Allocation and Assignment filed. Magistrate Judge Joel A. Pisano (nr) (Entered: 05/12/1998)
05/12/1998		SUMMONS(ES) issued for PETER VERNIERO, JACK TERHUNE, WILLIAM PLANTIER ( 20 Days) (Place in USM box) (nr) Modified on 05/12/1998 (Entered: 05/12/1998)
05/19/1998	11	ORDER denying temporary restraining order; reserving decision of application to proceed in forma pauperis and directing Magistrate Pisano to decide the issue appointing counsel ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 05/20/1998)
05/21/1998	12	OPINION ( signed by Mag. Judge Joel A. Pisano ) (mn) (Entered: 05/22/1998)

05/21/1998	13	ORDER granting [6-1] pltfs' application for appt. of counsel; & appointing Laurence Lustberg, Esq. to represent pltfs.( signed by Mag. Judge Joel A. Pisano ) (mn) (Entered: 05/22/1998)
05/28/1998	14	ORDER granting pltf's motion to proceed in forma pauperis ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 05/29/1998)
06/01/1998	15	TRO & ORDER TO SHOW CAUSE: why a preliminary injunction should not be issue Show Cause Hearing set for 10:00 6/16/98 ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 06/02/1998)
06/02/1998	16	RETURN OF SERVICE executed 5/18/98 on ADTC (nr) (Entered: 06/02/1998)
06/02/1998	17	RETURN OF SERVICE executed 5/28/98 Answer due on 10:00 6/16/98 Depart of Corrections (nr) (Entered: 06/02/1998)
06/08/1998	18	Partial payment fee as to RICHARD WATERMAN Receipt No. 0251992 Amount Paid \$ 25.00 Subtotal \$ 75.00 (nr) Modified on 08/14/1998 (Entered: 06/08/1998)
06/08/1998	19	APPLICATION by PETER VERNIERO and Clerk's Order extending time to answer. Answer due 7/6/98 for PETER VERNIERO (nr) (Entered: 06/09/1998)
06/08/1998	20	APPLICATION by JACK TERHUNE and Clerk's Order extending time to answer. Answer due 7/2/98 for JACK TERHUNE (nr) (Entered: 06/09/1998)
06/08/1998	21	APPLICATION by WILLIAM PLANTIER and Clerk's Order extending time to answer. Answer due 6/22/98 for WILLIAM PLANTIER (nr) (Entered: 06/09/1998)
06/12/1998	24	AFFIDAVIT of TIMOTHY P. FOLEY on behalf of PETER VERNIERO, JACK TERHUNE, WILLIAM PLANTIER Re: (nr) (Entered: 06/12/1998)
06/12/1998	25	CERTIFICATE OF SERVICE by RICHARD WATERMAN, MICHAEL CURTIS of letter reply brief re prelinj etc (pv) (Entered: 06/15/1998)
06/15/1998	26	Partial payment fee as to RICHARD WATERMAN Receipt No. 0252091 Amount Paid \$ 50.00 Subtotal \$ 125.00 (nr) Modified on 08/14/1998 (Entered: 06/15/1998)
06/16/1998	27	CERTIFICATION of CHARLES TRIMBLET on behalf of pltf. (nr) (Entered: 06/17/1998)
06/16/1998	28	CERTIFICATION of RICHARD J. WATERMAN (nr) (Entered: 06/17/1998)
06/16/1998	29	CERTIFICATION of MICHAEL N. CURTIS on behalf of pltf. (nr) (Entered: 06/17/1998)
06/16/1998	30	CERTIFICATION of MICHAEL SILVESTRI on behalf of RICHARD WATERMAN (nr) (Entered: 06/17/1998)
06/16/1998	31	Minute entry: Proceedings recorded by Ct-Reporter: McGuire; Minutes of: 06.16.98; The following actions were taken, [15-1] order taken under advisement, rule 78 By Judge Alfred M. Wolin (nr) (Entered: 06/18/1998)
06/22/1998	32	ANSWER to Complaint by PETER VERNIERO, JACK TERHUNE, WILLIAM PLANTIER (nr) (Entered: 06/22/1998)
06/29/1998	33	OPINION (Copy to NJLJ) ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 06/30/1998)
06/29/1998	34	ORDER, vacating temporary restraints and preliminarily enjoining the State of New Jersey from prohibiting the inmates at Adult Diagnostic Treatment Center from possessing and viewing movies with "R" and "NC-13" ratings, setting trial date for 10:00 7/20/98 ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 06/30/1998)
07/15/1998	35	Minute entry: Proceedings recorded by Ct-Reporter: n; Minutes of: 07.15.98; The following actions were taken, Pretrial conferenc. Pursuant to 65(a)(21) consolidation of hrg. with trial on merits, shall be decided pursuant to Rule 78 By Judge Alfred M. Wolin (nr) (Entered: 07/17/1998)
07/22/1998	36	OPINION (Copy to NJLJ) ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 07/23/1998)

07/22/1998	37	ORDER permanently enjoining the State of New Jersey from enforcing N.J.S.A. 2C:47-10 and dismissing action ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 07/23/1998)
07/22/1998	38	Letter Opinion amending opinion of 6-29-98 ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 07/23/1998)
07/23/1998		Case closed (nr) (Entered: 07/23/1998)
07/29/1998	39	Partial payment fee as to RICHARD WATERMAN Receipt No. 0252921 Amount Paid \$ 25.00 Subtotal \$ 150.00 (nr) Modified on 08/14/1998 (Entered: 07/30/1998)
07/29/1998	40	RETURN OF SERVICE executed as to PETER VERNIERO 7/10/98 Answer due on 7/30/98 for PETER VERNIERO (nr) (Entered: 07/30/1998)
08/11/1998	41	ORDER permanently enjoining defts. form prohibiting the inmate population of Adult Diagnostic and Treatment Center from possessing and viewing recreational movies, etc. ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 08/13/1998)
08/21/1998	43	NOTICE OF APPEAL filed at 8:30a.m. by PETER VERNIERO, JACK TERHUNE, WILLIAM PLANTIER Re: [37-1] order . Fee Status: \$105.00. Copies of notice of appeal sent to USCA and Attorney(s): RONALD LEE BOLLHEIMER, LAWRENCE S. LUSTBERG, MICHAEL CURTIS, RICHARD WATERMAN (nr) (Entered: 08/21/1998)
08/21/1998		Record complete for purposes of appeal. (nr) (Entered: 08/21/1998)
08/21/1998		Record on appeal sent to U.S. Court of Appeals: [43-1] appeal (nr) (Entered: 08/21/1998)
08/28/1998	44	NOTICE of Docketing ROA from USCA Re: [43-1] appeal USCA NUMBER: 98-6261 (jd) (Entered: 08/28/1998)
09/04/1998	45	Transcript Purchase Order RE: [43-1] appeal; indicating none (sr) (Entered: 09/04/1998)
09/30/1998		Record return from USCA (nr) (Entered: 09/30/1998)
10/08/1998	46	Letter Order postponing decision on pltf's application for attorney's fees pending decision on appeal ( signed by Mag. Judge Joel A. Pisano ) (nr) (Entered: 10/09/1998)
07/01/1999	47	Certified Copy Of Order from the USCA substituting John Farmer Jr. as Attorney General in place of Peter Verniero (nr) (Entered: 07/02/1999)
08/09/1999	48	Copy to OPINION from USCA (nr) (Entered: 08/10/1999)
08/09/1999	49	ORDER on Mandate from USCA reversing and remanding action to USDC for further proceeding with costs (nr) (Entered: 08/10/1999)
08/30/1999	50	ORDER on mandate reversing and remanding action to USDC for further proceedings, etc. ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 09/01/1999)
09/30/1999	51	LETTER By RICHARD WATERMAN in further support of pltf's application for attorney's fees (nr) (Entered: 10/07/1999)
10/25/1999	52	AFFIDAVIT of Karen J. Wells in support of defts' opposition to pltf's application for attorney's fees (nr) (Entered: 10/26/1999)
10/25/1999	53	AFFIDAVIT of MARILYN GILL in opposition to pltf's application for attorney's fees (nr) (Entered: 10/26/1999)
03/01/2000	54	OPINION ( signed by Judge Alfred M. Wolin *** ) (nr) (Entered: 03/06/2000)
03/03/2000	55	ORDER denying plts. application for attorney fees and costs ( signed by Judge Alfred M. Wolin ) (nr) (Entered: 03/06/2000)
03/20/2000	56	NOTICE of APPEAL by RICHARD WATERMAN, MICHAEL CURTIS of Magistrate decision to District Court RE: [55-1] order Hearing on magistrate appeal set for 4/24/00 (nr) (Entered: 03/21/2000)

04/24/2000	57	Minute entry: Proceedings recorded by Ct-Reporter: none; Minutes of: 04.24.00; The following actions were taken, [56-1] Magistrate appeal taken under advisement, rule 78 By Judge Alfred M. Wolin (nr) (Entered: 04/25/2000)
08/30/2000	58	Substitute attorney for JACK TERHUNE, WILLIAM PLANTIER ; Terminated attorney RONALD L. BOLLHEIMER for WILLIAM PLANTIER, attorney RONALD L. BOLLHEIMER for JACK TERHUNE, attorney RONALD L. BOLLHEIMER for PETER VERNIERO ; Added, DAVID M. RAGONESE (nr) (Entered: 08/31/2000)
09/27/2000	59	Copy of Certified Copy Of Order from the USCA (amending cost) Cost taxed against the appellees/dfts and in favor the appellants/pltfs in the amount of \$598.40. (DS) (Entered: 09/28/2000)
10/05/2000	60	ORDER on mandate reversing and remanding action to USDC and entering judgment for \$598.40 in favor of defts. Peter Verniero, Jack Terhune and William Plantier and against pltfs. Richard Waterman and Michael Curtis ( signed by Judge Alfred M. Wolin ) (nr) Modified on 10/06/2000 (Entered: 10/06/2000)