

CLOSED, RELATED, STANDARD

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:94-cv-05831-JES

Pou, et al v. Coughlin, et al
Assigned to: Judge John E. Sprizzo
Demand: \$350000
Related Case: [1:93-cv-01434-DC](#)
Cause: 42:1983 Civil Rights Act

Date Filed: 08/11/1994
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Salvador Pou**

represented by **Ferdinand I. Ubozoh**
Prisoners' Legal Services
105 Chambers Street
New York, NY 10007
(212) 513-7373
LEAD ATTORNEY

Plaintiff**Hector Claussell**

represented by **Ferdinand I. Ubozoh**
(See above for address)
LEAD ATTORNEY

Plaintiff**Pedro Cruz**

represented by **Ferdinand I. Ubozoh**
(See above for address)
LEAD ATTORNEY

Plaintiff**Nelson Gomez**

represented by **Ferdinand I. Ubozoh**
(See above for address)
LEAD ATTORNEY

Plaintiff**Alonzo Greene**

represented by **Ferdinand I. Ubozoh**
(See above for address)
LEAD ATTORNEY

Plaintiff**Andre Rampal**

represented by **Ferdinand I. Ubozoh**
(See above for address)
LEAD ATTORNEY

Plaintiff**Leroy Bruff**

represented by **Ferdinand I. Ubozoh**
(See above for address)

LEAD ATTORNEY

Plaintiff

David Rodriguez

represented by **Ferdinand I. Ubozoh**
(See above for address)
LEAD ATTORNEY

V.

Defendant

Thomas A. Coughlin, III
*Commissioner, New York State
Department of Correctional Services*

represented by **Marion Buchbinder**
Dennis C. Vacco, Atty. Gen. of the
State of NY
120 Broadway
New York, NY 10271
(212)416-8639
LEAD ATTORNEY

Defendant

John Keane
*Superintendent of Sing Sing
Correctional Facility*

represented by **Marion Buchbinder**
(See above for address)
LEAD ATTORNEY

Defendant

Frank J. Sheridan

represented by **Marion Buchbinder**
(See above for address)
LEAD ATTORNEY

Defendant

Richard Higgins

Defendant

Cosmo Altieri

represented by **Marion Buchbinder**
(See above for address)
LEAD ATTORNEY

Defendant

Robert Rodriguez

represented by **Marion Buchbinder**
(See above for address)
LEAD ATTORNEY

Defendant

Sam Makhmaltchi

represented by **Marion Buchbinder**
(See above for address)
LEAD ATTORNEY

Defendant

Lieutenant Gowey

represented by **Marion Buchbinder**
(See above for address)

*LEAD ATTORNEY***Defendant****DR. Satish Kapoor**represented by **Marion Buchbinder**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
08/11/1994	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 120.00 RECEIPT # 221604 (jl) (Entered: 08/24/1994)
08/11/1994	2	Pltffs. RELATED CASE STATEMENT with 93 Civ. 1434(JES). (jl) (Entered: 08/24/1994)
08/11/1994		CASE REFERRED TO Judge Sprizzo (jl) (Entered: 08/24/1994)
08/19/1994	3	ORDER, plaintiffs are permitted to proceed in forma pauperis without prepayment of fees or costs or security therefore, in accordance with Title 28, U.S.C. Section 1915(a) (signed by Judge Loretta A. Preska, Part I); Copies mailed (jr) (Entered: 08/24/1994)
09/26/1994		Case accepted as related to 93 Cv 1434. Notice of assignment to follow. (sc) (Entered: 09/26/1994)
09/26/1994	4	Notice of asg _ to Judge John E. Sprizzo Copy of notice and judge's rules mailed to Attorney(s) of record: Ferdinand I. Ubozoh . (sc) (Entered: 09/26/1994)
10/06/1994	5	Case Information Statement Addendum and Case Designation to a Magistrate Judge filed. Purs. to statement, it is suggested that the case be classified as unknown. Case is designated to Magistrate Judge B. Lee. (sc) (Entered: 10/06/1994)
11/14/1994	6	STIPULATION and ORDER, extending time for said defts to respond to the complaint is extended from 11/7/94 to 1/20/95 , reset answer due for 1/20/95 for John Keane, for Cosmo Altieri, for Robert Rodriguez, for Sam Makhmaltchi, for Lieutenant Gowey, for Satish Kapoor (signed by Judge John E. Sprizzo). (kg) (Entered: 11/15/1994)
01/23/1995	7	ANSWER to Complaint by Thomas A. Coughlin III, John Keane, Frank J. Sheridan, Cosmo Altieri, Robert Rodriguez, Sam Makhmaltchi, Lieutenant Gowey, Satish Kapoor (Attorney Marion Buchbinder), ; by attorney Marion Buchbinder (emil) (Entered: 01/25/1995)
02/03/1995	8	WAIVER OF SERVICE Returned Executed as to Satish Kapoor mailed on 9/16/94 Answer due on 11/15/94 for Satish Kapoor (ae) (Entered: 02/07/1995)
02/03/1995	10	WAIVER OF SERVICE Returned Executed as to Sam Makhmaltchi mailed on 9/7/94. Answer due on 11/6/94 for Sam Makhmaltchi (emil) (Entered: 02/09/1995)

02/03/1995	11	WAIVER OF SERVICE Returned Executed as to Lieutenant Gowey mailed on 9/7/94. Answer due on 11/6/94 for Lieutenant Gowey (emil) (Entered: 02/09/1995)
02/03/1995	12	WAIVER OF SERVICE Returned Executed as to Robert Rodriguez mailed on 9/7/94. Answer due on 11/6/94 for Robert Rodriguez (emil) (Entered: 02/09/1995)
02/03/1995	13	WAIVER OF SERVICE Returned Executed as to Cosmo Altieri mailed on 9/7/94. Answer due on 11/6/94 for Cosmo Altieri (emil) (Entered: 02/09/1995)
02/03/1995	14	WAIVER OF SERVICE Returned Executed as to Frank J. Sheridan mailed on 11/15/94. Answer due on 1/14/95 for Frank J. Sheridan (emil) (Entered: 02/09/1995)
02/03/1995	15	WAIVER OF SERVICE Returned Executed as to John Keane mailed on 9/7/94. Answer due on 11/6/94 for John Keane (emil) (Entered: 02/09/1995)
02/03/1995	16	WAIVER OF SERVICE Returned Executed as to Thomas A. Coughlin III mailed on 11/15/94. Answer due on 1/14/95 for Thomas A. Coughlin III (emil) (Entered: 02/09/1995)
02/08/1995	9	Order classifying case. Purs. to the Civil Justice Expense and Delay Reduction Plan, this case has been determined to be Standard . (signed by Judge John E. Sprizzo) (emil) (Entered: 02/09/1995)
02/15/1995	17	ORDER, reset discovery due for 6/1/95 , set pretrial conference for 10:30 6/23/95 (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 02/15/1995)
03/31/1995	18	ORDER, defts may depose plttf Leroy Bruff at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	19	ORDER, defts may depose plttf Alonzo Greene at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	20	ORDER, defts may depose plttf Andre Rampal at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	21	ORDER, defts may depose plttf Nelson Gomez at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	22	ORDER, defts may depose plttf Pedro Cruz at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	23	ORDER, defts may depose plttf David Rodriguez at a NYS Correction facility upon notice (signed by Judge John E. Sprizzo); Copies mailed

		(emil) (Entered: 03/31/1995)
03/31/1995	24	ORDER, defts may depose ptfff Leroy Bruff at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	25	ORDER, defts may depose ptfff Andre Rampal at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	26	ORDER, defts may depose ptfff Alonzo Greene at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	27	ORDER, defts may depose ptfff Nelson Gomez at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	28	ORDER, defts may depose ptfff Pedro Cruz at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	29	ORDER, defts may depose ptfff Hector Claussell at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	30	ORDER, defts may depose ptfff Salvador Pou at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	31	ORDER, defts may depose ptfff Salvador Pou at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	32	ORDER, defts may depose ptfff Hector Claussell at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
03/31/1995	33	ORDER, defts may depose ptfff David Rodriguez at a NYS Correctional facility upon notice (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/31/1995)
06/30/1995	34	ORDER, set scheduling order deadlines: Discovery cutoff 9/29/95 ; Pretrial conference set for 10/6/95 ; (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 07/03/1995)
07/10/1995	35	ORDER, consolidating this case w/ 95 CV 1441 for purposes of discovery (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 07/11/1995)
07/27/1995	36	ORDER, consolidating this case w/ 95 CV 1141 for purposes of discovery (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 07/28/1995)
10/12/1995	37	ORDER, ptfff may designate an expert by name on or before 11/6/95;

		otherwise plttf shall not be allowed to present an expert at trial. Defts may designate an expert by name on or before 11/6/95; otherwise defts shall not be allowed to present an expert at trial , reset discovery due for 12/6/95 , set pretrial conference for 12/15/95 (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 10/12/1995)
11/15/1995	38	STIPULATION and ORDER, defts' time to designate an expert witness by and hereby is extended until 12/6/95 , reset discovery due for 1/8/96 , reset pretrial conference for 10:30 1/12/96 (signed by Judge John E. Sprizzo). (emil) (Entered: 11/16/1995)
01/16/1996	39	STIPULATION and ORDER, reset discovery due for 3/7/96 , set pretrial conference for 3/8/96 , no further extensions will granted for any reason (signed by Judge John E. Sprizzo). (emil) Modified on 01/16/1996 (Entered: 01/16/1996)
02/06/1996	40	NOTICE OF REDESIGNATION OF A CIVIL CASE TO ANOTHER MAGISTRATE JUDGE. The above entitled action has been redesignated to Magistrate Judge Eaton. Please note that this is the reassignment of the designation only. Copy of notice mailed to Attorney(s) of record: Marion Buchbinder, Ferdinand I. Ubozoh . (ba) (Entered: 02/13/1996)
03/08/1996		Pre-trial conference held (emil) (Entered: 03/14/1996)
03/13/1996	41	ORDER, deft may file a motion for summary judgment on or before 4/8/96. The Court will review the motion and advise the parties whether a response to the motion and/or Oral Argument is necessary. The plttfs' expert shall be deposed on 3/14/96 at 10:00 a.m. If plttfs' expert fails to appear at the pretrial conference, leaves the deposition early, or fails to bring requested documents, the Court will entertain an appropriate application for sanctions, including dismissal of the complaint , set pretrial order due for 6/7/96. If the pretrial order is not filed on that date, the Court will entertain appropriate applications for dismissal or default , set pretrial conference for 10:30 7/12/96 (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 03/14/1996)
06/05/1996	42	Filed Memo-Endorsement on letter dated 5/31/96, reset pretrial order due for 7/12/96 (signed by Judge John E. Sprizzo) (emil) (Entered: 06/06/1996)
07/09/1996	43	STIPULATION and ORDER, reset pretrial conference for 10:30 9/27/96 , reset pretrial order due for 9/27/96 (signed by Judge John E. Sprizzo). (emil) (Entered: 07/10/1996)
09/27/1996	44	STIPULATION and ORDER, reset pretrial conference for 10/25/96 (signed by Judge John E. Sprizzo). (emil) (Entered: 09/30/1996)
10/28/1996	45	STIPULATION and ORDER, reset pretrial conference for 12/6/96 (signed by Judge John E. Sprizzo). (emil) (Entered: 10/29/1996)
12/06/1996		Pre-trial conference held (emil) (Entered: 12/16/1996)
12/13/1996	46	ORDER, set settlement conference for 1:30 1/31/97 (signed by Judge John E. Sprizzo); Copies mailed (emil) (Entered: 12/16/1996)

02/05/1997	47	Order of discontinuance/dismissal without prejudice to either party to apply on five days' notice for its restoration to the trial calendar of this Court, if the settlement is not consummated. The parties shall file a Stip of Disc. and shall exchange releases within 90 days of the date hereof (signed by Judge John E. Sprizzo) (emil) (Entered: 02/06/1997)
02/05/1997		Case closed (emil) (Entered: 02/06/1997)
04/03/1997	48	STIPULATION and ORDER, for settlement. Pltffs agree to withdraw all claims for attys' fees, costs and disbursements incurred in connection w/ this action, except as set forth in this Stip & Order. Defts agree to pay for pltffs to be tested, within 60 days after receipt by counsel for defts of a copy of this stip signed by the Court, to establish their current clinical status w/ regard to asbestos-related disease. Defts agree to pay for pltffs to be tested by the physicians specified in paragraph 4 in the following sequence: five years after the tests in paragraph 4, ten years after the tests in paragraph 4, and then annually thereafter. Defts agree to pay to pltffs and their counsel the amount of \$50,0290 in full settlement of all claims for damages for emotional distress arising out of the actions alleged in the complaint, and of all claims for attys' fees and costs relating to this action. The damages claims in the complaint are dismissed without prejudice to the institution of a new action arising out of the events described in the complaint herein, by any pltff who is hereinafter diagnosed as suffering from an asbestos-related disease by a physician identified in paragraph 4 or 6 of this Stip & Order (signed by Judge John E. Sprizzo). (emil) (Entered: 04/04/1997)

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