

CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:99-cv-11693-WHP**

Hirschfeld, et al v. Stone, et al
Assigned to: Judge William H. Pauley, III
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 12/01/1999
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Sidney Hirschfeld

*Director, Mental Hygiene Legal
Service, Second Judicial Department*

represented by **Dennis B. Feld**
Mental Hygiene Legal Service
170 Old Country Road, Suite 500
Mineola, NY 11501
(516) 746-4373
LEAD ATTORNEY

Laura R. Johnson
Legal Aid Society
Special Litigation Unit
90 Church Street
New York, NY 10007
(212) 577-3366
LEAD ATTORNEY

Valdi Licul
Mental Hygiene Legal Service
Second Judicial Department
170 Old Country Road
Mineola, NY 11501
(516) 746-4545
LEAD ATTORNEY

Plaintiff

O. J.

*individually and on behalf of all others
similarly situated*

represented by **Dennis B. Feld**
(See above for address)
LEAD ATTORNEY

Laura R. Johnson
(See above for address)
LEAD ATTORNEY

Valdi Licul
(See above for address)
LEAD ATTORNEY

Plaintiff

M. P.
individually and on behalf of all others
similarly situated

represented by **Dennis B. Feld**
(See above for address)
LEAD ATTORNEY

Laura R. Johnson
(See above for address)
LEAD ATTORNEY

Valdi Licul
(See above for address)
LEAD ATTORNEY

Plaintiff

J. M.
individually and on behalf of all others
similarly situated

represented by **Dennis B. Feld**
(See above for address)
LEAD ATTORNEY

Laura R. Johnson
(See above for address)
LEAD ATTORNEY

Valdi Licul
(See above for address)
LEAD ATTORNEY

Plaintiff

J. R.
individually and on behalf of all others
similarly situated

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(See above for address)
LEAD ATTORNEY

Laura R. Johnson
(See above for address)
LEAD ATTORNEY

Valdi Licul
(See above for address)
LEAD ATTORNEY

Plaintiff

A. L.

Plaintiff

S. B.

Plaintiff

R. H.

V.

Defendant

Commissioner James Stone
*New York State Office of Mental
Health, in his official capacity*

represented by **William Benjamin Jaffe**
Attorney General of the State of New
York(EPB)
120 Broadway
New York, NY 10271
212-416-8610
Fax: 212-416-6075
Email: william.jaffe@oag.state.ny.us
LEAD ATTORNEY

Defendant

Executive Director Richard Bennett
*Mid-Hudson Forensic Psychiatric
Center, in his official capacity*

represented by **William Benjamin Jaffe**
(See above for address)
LEAD ATTORNEY

Defendant

M.D. Charles Smith
*Clinical Director, Mid-Hudson
Forensic Psychiatric Center, in his
official and individual capacities*

represented by **William Benjamin Jaffe**
(See above for address)
LEAD ATTORNEY

Defendant

M.D. Muzaffar M. Khan
in his individual capacity

represented by **William Benjamin Jaffe**
(See above for address)
LEAD ATTORNEY

Defendant

M.D. Dominic Ferro
in his individual capacity

represented by **William Benjamin Jaffe**
(See above for address)
LEAD ATTORNEY

Defendant

M.D. Amruta Kodukula
in his individual capacity

represented by **William Benjamin Jaffe**
(See above for address)
LEAD ATTORNEY

Defendant

M.D. Patricia Khoo
in her individual capacity

represented by **William Benjamin Jaffe**
(See above for address)
LEAD ATTORNEY

Defendant

Quazi S. Al-Tariq

Defendant

Harlna Kosson

Defendant

Charles Sarner

Date Filed	#	Docket Text
12/01/1999	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$150.00. RECEIPT # 362486. (em) (Entered: 12/06/1999)
12/01/1999		Magistrate Judge Theodore H. Katz is so Designated. (em) (Entered: 12/06/1999)
12/13/1999		Pre Motion Confernce held and concluded before Judge Pauley. (lam) (Entered: 12/13/1999)
12/15/1999	2	SCHEDULING ORDER: plaintiffs shall serve and file their motion for preliminary injunction by 12/14/99; defendants shall serve and file opposition papers and answer plaintiffs' complaint by 1/5/00; plaintiffs shall serve and file reply papers by 1/11/00 at 12:00 p.m.; oral argument is set for 1/14/00 at 11:00 a.m. (signed by Judge William H. Pauley III); Copies mailed. (kw) (Entered: 12/16/1999)
12/15/1999	3	ORDER TO SHOW CAUSE by Sidney Hirschfeld; Show Cause Hearing set for 11:00 1/14/00 certifying this lawsuit as a plttf class action purs to FRCP 23 ; for preliminary injunction purs to FRCP 65 ; and directing that all papers in this lawsuit identifying plttfs by their full names be sealed (signed by Judge William H. Pauley III); Copies mailed. (lam) (Entered: 12/16/1999)
12/15/1999	4	AFFIDAVIT of Oswald Johnson. (kw) (Entered: 12/16/1999)
12/15/1999	5	AFFIDAVIT of John Mercado. (kw) (Entered: 12/16/1999)
12/15/1999	6	AFFIDAVIT of Juan Rivera. (kw) (Entered: 12/16/1999)
12/15/1999	7	AFFIDAVIT of Maria Piovanetti. (kw) (Entered: 12/16/1999)
12/15/1999	8	MEMORANDUM OF LAW by Sidney Hirschfeld in support of [3-1] motion certifying this lawsuit as a plttf class action purs to FRCP 23, [3-2] motion for preliminary injunction purs to FRCP 65, and [3-3] motion directing that all papers in this lawsuit identifying plttfs by their full names be sealed. (kw) (Entered: 12/16/1999)
12/17/1999	9	Affidavit of service as to James Stone by Peter A. Durfee on 12/8/99. Answer due on 12/28/99 for James Stone. (kw) (Entered: 12/21/1999)
12/17/1999	9	Affidavit of service upon Eliot Spitzer, Attorney General by leaving the papers with Sam "Doe" on 12/3/99. (kw) (Entered: 12/21/1999)
12/17/1999	9	Affidavit of service as to Dominic Ferro by Renee Evansicsw on 12/3/99 and by mail on 12/6/99. Answer due on 12/23/99 for Dominic Ferro. (kw) (Entered: 12/21/1999)
12/17/1999	9	Affidavit of service as to Patricia Khoo by Paul Dropauer on 12/7/99 and by mail on 12/8/99. Answer due on 12/27/99 for Patricia Khoo. (kw) (Entered: 12/21/1999)

12/17/1999	9	Affidavit of service as to Amruta Kodukula by Paul Dropauer on 12/7/99 and by mail on 12/8/99. Answer due on 12/27/99 for Amruta Kodukula. (kw) (Entered: 12/21/1999)
12/17/1999	9	Affidavit of service as to Charles Smith by Paul Dropauer on 12/7/99 and by mail on 12/8/99. Answer due on 12/27/99 for Charles Smith. (kw) (Entered: 12/21/1999)
12/17/1999	9	Affidavit of service as to Richard Bennett by Paul Dropauer on 12/7/99 and by mail on 12/8/99. Answer due on 12/27/99 for Richard Bennett. (kw) (Entered: 12/21/1999)
01/05/2000	10	AFFIDAVIT of Dr. Charles Smith, Dir. of Clinical Services, by James Stone, Richard Bennett, Charles Smith, Muzaffar M. Khan, Dominic Ferro, Amruta Kodukula, Patricia Khoo in opposition Re: [3-1] motion certifying this lawsuit as a plttf class action purs to 23, [3-2] motion for preliminary injunction purs to FRCP [3-3] motion directing that all papers in this lawsuit identifying by their full names be sealed. (lam) Modified on 01/07/2000 (Entered: 01/07/2000)
01/05/2000	11	MEMORANDUM OF LAW by James Stone, Richard Bennett, Charles Smith, Muzaffar M. Khan, Dominic Ferro, Amruta Kodukula, Patricia Khoo in to [3-1] motion certifying this lawsuit as a plttf class action purs to FRCP 23, [3-2] motion for preliminary injunction purs to FRCP 65, [3-3] motion directing that all papers in this lawsuit identifying plttfs by their full names be sealed (lam) Modified on 01/07/2000 (Entered: 01/07/2000)
01/05/2000	12	ANSWER to Complaint by James Stone, Richard Bennett, Charles Smith, Muzaffar M. Khan, Dominic Ferro, Amruta Kodukula, Patricia Khoo (Attorney William B. Joffe from the Attorney General's Office). (lam) (Entered: 01/07/2000)
01/11/2000	13	REPLY MEMORANDUM by Sidney Hirschfeld, O. J., M. P., J. M., and J. R. in support of re: [3-1] motion certifying this lawsuit as a plttf class action purs to FRCP 23, [3-2] motion for preliminary injunction purs to FRCP 65, and [3-3] motion directing that all papers in this lawsuit identifying plttfs by their full names be sealed. (kw) (Entered: 01/12/2000)
01/12/2000	14	AMENDED ANSWER to Complaint by James Stone, Richard Bennett, Charles Smith, Muzaffar M. Khan, Dominic Ferro, Amruta Kodukula, and Patricia Khoo : amends [12-1] answer; jury demand. (kw) (Entered: 01/14/2000)
01/14/2000		Oral argument held and concluded before Judge William H. Pauley III. Contested issue - yes. (kw) (Entered: 01/19/2000)
05/10/2000	15	MEMORANDUM AND ORDER, granting [3-1] motion certifying this lawsuit as a plttf class action purs to FRCP 23, granting [3-2] motion for preliminary injunction purs to FRCP 65, and granting [3-3] motion directing that all papers in this lawsuit plttfs by their full names be sealed; set pre-trial conference for 3:30 p.m. on 5/18/00 ; (signed by

		Judge William H. Pauley III); copies mailed. (kw) (Entered: 05/11/2000)
05/18/2000		Pretrial Conference held before Judge William H. Pauley III (lam) (Entered: 05/24/2000)
05/24/2000	16	SCHEDULING ORDER: status conference set for 7/7/00 at 11:00 a.m. (Signed by Judge William H. Pauley III); copies mailed. (kw) (Entered: 05/25/2000)
05/31/2000	17	SEALED DOCUMENT placed in vault. (afo) (Entered: 05/31/2000)
07/10/2000	18	Memo-Endorsement on letter addressed to Judge Pauley from Dennis B. Feld and William B. Jaffe, dated 6/29/00 reset status conference for 11:00 8/18/00 (signed by Judge William H. Pauley III); Copies mailed. (cd) Modified on 07/11/2000 (Entered: 07/10/2000)
08/10/2000	19	Memo-Endorsement on letter addressed to Judge Pauley from William B. Jaffe, dated 08/04/00; reset status conference for 9:45 a.m. on 9/22/00 ; (signed by Judge William H. Pauley III); Copies mailed. (djc) (Entered: 08/11/2000)
09/22/2000		Status Conference held before Judge William H. Pauley III. (lam) (Entered: 09/25/2000)
09/25/2000	20	SCHEDULING ORDER: setting further status conference for 2:30 p.m. on 1/19/01; (signed by Judge William H. Pauley III); Copies mailed. (kg) (Entered: 09/26/2000)
01/19/2001		Status Conference held before Judge William H. Pauley III. (kw) (Entered: 02/07/2001)
01/29/2001	21	SCHEDULING ORDER: status conference is set for 11:00 a.m. on 2/16/01. If the parties wish to raise any issues with the Court at that time, letters detailing those issues should be submitted to the Court by 2/13/01. (signed by Judge William H. Pauley III); Copies mailed. (kw) (Entered: 02/01/2001)
02/06/2001		Telephone Conference held before Judge William H. Pauley III. (lam) (Entered: 03/29/2001)
02/08/2001	22	SCHEDULING ORDER: that all counsel in this civil action appeared before the Court for a telephone conference on 2/6/01. The status conference set for 2/16/01 is adjourned until 3/6/01 at 2:15. If the parties wish to raise any issues with the Court at that time, letters detailing those issues should be submitted to the Court by 3/2/01. (signed by Judge William H. Pauley III); Copies mailed. (pl) Modified on 02/09/2001 (Entered: 02/09/2001)
03/13/2001	23	Memo-Endorsement on letter addressed to Judge Pauley from William B. Jaffe, dated 03/05/01; reset status conference for 3:30 p.m. on 4/6/01 ; (signed by Judge William H. Pauley III); Copies mailed. (djc) Modified on 03/14/2001 (Entered: 03/13/2001)
04/06/2001		Status Conference held before Judge William H. Pauley III (lam)

		(Entered: 04/27/2001)
04/10/2001	24	SCHEDULING ORDER: A Status conference will be held in this matter on 5/9/01 at 10:00 a.m.; (signed by Judge William H. Pauley III); Copies mailed. (djc) (Entered: 04/11/2001)
05/10/2001	25	Memo-Endorsement on letter addressed to Judge Pauley from Dennis B. Feld, dated 05/08/01; reset status conference for 2:00 p.m. on 5/15/01 ; (signed by Judge William H. Pauley III); Copies mailed. (djc) Modified on 05/14/2001 (Entered: 05/14/2001)
05/16/2001	26	SCHEDULING ORDER: status conference set for 6/1/01 at 12:00 noon. (signed by Judge William H. Pauley III); Copies mailed. (ae) (Entered: 05/16/2001)
06/04/2001	27	Memo-Endorsement on letter addressed to Judge Pauley from William B. Jaffe, dated 05/31/01; reset status conference for 2:30 p.m. on 6/8/01 ; (signed by Judge William H. Pauley III); Copies mailed. (djc) (Entered: 06/05/2001)
06/08/2001		Pretrial Conference held before Judge William H. Pauley III (cd) (Entered: 07/24/2001)
06/11/2001	28	SCHEDULING ORDER: a status conference will be held in this action on 6/22/01 at 3:00 p.m. (signed by Judge William H. Pauley III); Copies mailed. (sac) (Entered: 06/12/2001)
06/25/2001	29	Memo-Endorsement on letter addressed to Judge Pauley from William B. Jaffe, dated 6/21/01; reset status conference for 7/3/01 at 10:30 a.m. (signed by Judge William H. Pauley III); Copies mailed. (sac) (Entered: 06/26/2001)
07/06/2001	30	Memo-Endorsement on letter addressed to Judge Pauley from William B. Jaffe, dated 7/2/01; reset status conference for 2:00 PM on 7/27/01 . (signed by Judge William H. Pauley III); Copies mailed. (sn) (Entered: 07/06/2001)
07/27/2001		Pretrial Conference held before Judge William H. Pauley III. (kw) (Entered: 07/31/2001)
07/31/2001	31	SCHEDULING ORDER: A status conference will be held in this matter on 8/13/01 at 2:30 p.m. Principals of the relevant parties, possessing full settlement authority, are required to attend; (signed by Judge William H. Pauley III); Copies mailed. (djc) (Entered: 08/01/2001)
08/13/2001	32	ORDER ON CONSENT, plntfs are granted leave to file Amended Complaint, dated 8/13/01, purs to FRCP 15 (signed by Judge William H. Pauley III); (cd) (Entered: 08/14/2001)
08/13/2001	33	AMENDED CLASS ACTION COMPLAINT by Sidney Hirschfeld, O. J., M. P., J. M., J. R., A. L., S. B., R. H. (Answer due 8/27/01 for Patricia Khoo, for Amruta Kodukula, for Dominic Ferro, for Muzaffar M. Khan, for Charles Smith, for Richard Bennett, for James Stone) amending [1-1] complaint against Quazi Al-Tariq, Harlna Kosson, Charles Sarner;

		Summons issued. (djc) (Entered: 08/15/2001)
08/13/2001		Pretrial Conference held before Judge William H. Pauley III. (kw) (Entered: 08/29/2001)
08/16/2001	34	CONSENT ORDER; the terms of this stipulation shall apply only to Mid-Hudson. This agreement, which modifies on consent the 5/9/00 order in this action, hereby resolves plttfs' claims for injunctive relief to date. Plttfs' claims for injunctive relief to date shall remain on this Court's active calendar for a period of one year from the date this stipulation is so ordered by the Court. Plttfs' claims for injunctive relief to date will remain on the Court's inactive calendar for an additional period of two more years after the one year period specified in this doc. If plttfs believe that defts have not substantially or materially complied with this agreement during the two-year period referenced in this doc., plttfs may reopen this action as set forth in this doc. Defts agree to pay plttfs' counsel the total amount of \$3,900.00 as plttfs' counsels' costs to date in this action, subject to defts' review and verification of this amount. Mental Hygiene Legal Services and The Legal Aid Society shall not make an application for its fees in this action. (signed by Judge William H. Pauley III) (sac) (Entered: 08/17/2001)
08/16/2001	35	SCHEDULING ORDER: Defendants shall serve and file their motion for summary judgment and supporting papers by 10/2/01; Plaintiffs shall serve and file their opposition papers by 11/2/01; Reply papers, if any, shall be served and filed by 11/19/01; Oral argument is set for 12/7/01 at 3:00 p.m. (signed by Judge William H. Pauley III); Copies mailed. (tp) (Entered: 08/17/2001)
08/27/2001	36	AMENDED SCHEDULING ORDER: defendants shall serve and file their motion to dismiss the Amended Complaint and supporting papers by 10/2/01; plaintiffs shall serve and file their opposition papers by 11/2/01; reply papers, if any, shall be served and filed by 11/19/01; oral argument is set for 12/7/01 at 3:00 p.m. (signed by Judge William H. Pauley III); Copies mailed. (kw) (Entered: 08/28/2001)
10/02/2001	37	Memo-Endorsement on letter addressed to Judge Pauley from William B. Jaffe, dated 9/24/01; counsel for the defendants write to request an extension to 11/2/01 to file defendants' motion to dismiss the amended complaint. Application granted; defendants' motion to dismiss the amended complaint shall be served and filed by 11/2/01; opposition papers shall be served and filed by 11/30/01; reply papers shall be served and filed by 12/14/01; oral argument is set for 1/4/02 at 2:30 p.m. (signed by Judge William H. Pauley III); Copies mailed. (kkc) (Entered: 10/02/2001)
11/01/2001		Telephone Conference held before Judge William H. Pauley III . (jp) (Entered: 11/27/2001)
11/06/2001	38	SCHEDULING ORDER: A further telephone conference will be held on 12/7/01 at 11:45 AM. (signed by Judge William H. Pauley III); Copies mailed. (sn) (Entered: 11/13/2001)

11/06/2001		Deadline(s) updated: set telephone conference for 11:45 12/7/01 . (sn) (Entered: 11/13/2001)
12/12/2001	39	SCHEDULING ORDER: a further telephone conference will be held on 2/8/02 at 10:00 a.m. (signed by Judge William H. Pauley III); Copies mailed. (kw) (Entered: 12/14/2001)
02/11/2002	40	Order of discontinuance of this action w/out costs to any party, and w/out prejudice to restoring the action to this Court's calendar if the application to restore the action is made w/in 30 days of this Order. (signed by Judge William H. Pauley III) (ae) (Entered: 02/11/2002)
02/11/2002		Case closed. (ae) (Entered: 02/11/2002)
03/11/2002	41	STIPULATION; that plntfs' claims against Charles Smith M.D.; , Muzaffar M. Khan, M.D., Dominic Ferro, M.D., Amruta Kodukala M.D., Patricia Khoo, M.D., Quazi S. Al-Tariq, M.D., Harlan Kosson, M.D., and Charles Sarnier, M.D., with prejudice and plntfs' claims for damages against defts Stone and Bennet are dismissed with prejudice and as further set forth in this stipulation (signed by Judge William H. Pauley III) (cd) (Entered: 03/14/2002)
04/04/2002	42	Memorandum to Docket Clerk: Telephone conference held and concluded on 2/8/02. (rmo) (Entered: 04/05/2002)
04/04/2002		Telephone Conference held on 2/8/02 before Judge William H. Pauley III. (rmo) (Entered: 04/05/2002)

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