

CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:95-cv-03033-JFK-AJP**

Giles, et al v. Coughlin, et al
Assigned to: Judge John F. Keenan
Referred to: Magistrate Judge Andrew J. Peck
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/28/1995
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**James Giles**

represented by **James Giles**
(84-A-1856)
James Giles
Great Meadow Corr. Fac.
P.O. Box 51
Comstock, NY 12821
PRO SE

V.

Defendant

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

represented by **Kevin J. Lamberson**
State of New York
Office of the Attorney General
120 Broadway
New York, NY 10271
(212) 416-8659
LEAD ATTORNEY

Defendant

MD Robert Greifinger
*Commissioner and Chief Medical
Officer*

represented by **Kevin J. Lamberson**
(See above for address)
LEAD ATTORNEY

Defendant

John P. Keane
*Superintendent, Sing Sing Correctional
Facility*

represented by **Kevin J. Lamberson**
(See above for address)
LEAD ATTORNEY

Defendant

Charles Greiner
*Deputy Superintendent of Security Sing
Sing Correctional Facility*

represented by **Kevin J. Lamberson**
(See above for address)
LEAD ATTORNEY

Defendant

Dr. Satish Kapoor
*Head Medical Doctor, Sing Sing
 Correctional Facility*

represented by **Kevin J. Lamberson**
 (See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
04/28/1995	2	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ IFP RECEIPT # IFP (sc) (Entered: 05/08/1995)
04/28/1995		It is suggested that the case be classified as unknown. Magistrate Judge Peck is so Designated. (sc) (Entered: 05/08/1995)
05/01/1995	1	Order endorsed on declaration and support of request to proceed in forma pauperis, granted ; (signed by Chief Judge Thomas P. Griesa) (sc) (Entered: 05/08/1995)
06/15/1995	3	Filed Memo_Endorsement on letter dated 5/30/95, plntf request for an order allowing him to attend ptc is denied (signed by Judge John F. Keenan) (cd) (Entered: 06/19/1995)
07/10/1995	4	AMENDED COMPLAINT by James Giles , (Answer due 7/23/95 for Satish Kapoor, for Charles Greiner, for John P. Keane, for Robert Greifinger, for Thomas A. Coughlin Mr.) amending [2-1] complaint ; Summons issued. (ls) (Entered: 07/14/1995)
07/21/1995	5	ORDER, The Court further directs Plaintiff to take the steps necessary to effect service of the Amended Complaint on all Defendants within sixty (60) days of the date of this order. Plaintiff is advised that failure to effect service within the sixty days may result in the dismissal of the action... SO ORDERED: (signed by Judge John F. Keenan) (ae) (Entered: 07/25/1995)
08/14/1995	6	AFFIDAVIT in support of Kevin J. Lamberson by Thomas A. Coughlin Mr., John P. Keane, Charles Greiner, Satish Kapoor Re: application for an ext. of time from 08/17/95 and 08/18/95 to and including 09/29/95 to answer,etc. (rag) (Entered: 08/18/1995)
08/22/1995	7	ORDER, answer due for 9/29/95 for Thomas A. Coughlin Mr., for John P. Keane, for Satish Kapoor, for Charles Greiner (signed by Judge John F. Keenan); Copies mailed (cd) (Entered: 08/24/1995)
09/05/1995	8	RETURN OF SERVICE executed as to Thomas A. Coughlin Mr. by mail on 7/19/95 Answer due on 8/8/95 for Thomas A. Coughlin Mr. (pl) (Entered: 09/15/1995)
09/05/1995	8	RETURN OF SERVICE executed as to Robert Greifinger by mail on 7/19/95 Answer due on 8/8/95 for Robert Greifinger (pl) (Entered: 09/15/1995)
09/05/1995	8	RETURN OF SERVICE executed as to John P. Keane by mail on 7/19/95 Answer due on 8/8/95 for John P. Keane (pl) (Entered: 09/15/1995)

09/05/1995	8	RETURN OF SERVICE executed as to Charles Greiner by mail on 7/19/95 Answer due on 8/8/95 for Charles Greiner (pl) (Entered: 09/15/1995)
09/05/1995	8	RETURN OF SERVICE executed as to Satish Kapoor by mail on 7/19/95 Answer due on 8/8/95 for Satish Kapoor (pl) (Entered: 09/15/1995)
09/21/1995	10	AMENDED COMPLAINT by James Giles , amending [4-1] amended complaint ; Summons issued. (kk) (Entered: 10/06/1995)
10/02/1995	9	ANSWER to Complaint by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor (Attorney Kevin J. Lamberson); by attorney Kevin J. Lamberson for defendants (emil) (Entered: 10/05/1995)
10/05/1995	11	NOTICE of attorney appearance for James Giles by Mitchell A. Karlan. (lam) (Entered: 10/12/1995)
12/04/1995	12	STIPULATION.. setting Deadline for filing any motion for preliminary injunction and any motion to amend the complaint by 1/2/96 ; Response to motion deadline 2/2/96 ; Reply to response to motion deadline 2/22/96 ; (signed by Judge John F. Keenan) ; Copies mailed (kk) (Entered: 12/08/1995)
12/29/1995	13	NOTICE OF MOTION by James Giles for an order, purs to Rule 65 of the FRCP, granting a temporary restraining order , and for a preliminary injunction in this action. Return date not indicated. (lam) (Entered: 01/02/1996)
12/29/1995	14	MEMORANDUM by James Giles in SUPPORT of [13-1] motion for an order, purs to Rule 65 of the FRCP, granting a temporary restraining order, [13-2] motion for a preliminary injunction in this action. (lam) (Entered: 01/02/1996)
12/29/1995	15	DECLARATION by James Giles in SUPPORT of [13-1] motion for an order, purs to Rule 65 of the FRCP, granting a temporary restraining order, [13-2] motion for a preliminary injunction in this action. (lam) (Entered: 01/02/1996)
12/29/1995	16	DECLARATION of Lawson M. Sullivan, atty for James Giles in SUPPORT of [13-1] motion for an order, purs to Rule 65 of the FRCP, granting a temporary restraining order, [13-2] motion for a preliminary injunction in this action. (lam) (Entered: 01/02/1996)
12/29/1995	17	DECLARATION of Leslie E. Moore, atty for James Giles in SUPPORT of [13-1] motion for an order, purs to Rule 65 of the FRCP, granting a temporary restraining order, [13-2] motion for a preliminary injunction in this action. (lam) (Entered: 01/02/1996)
01/02/1996	18	SECOND AMENDED COMPLAINT by James Giles (Answer due 1/22/96 for Satish Kapoor, for Charles Greiner, for John P. Keane, for Robert Greifinger, for Thomas A. Coughlin Mr. amending [2-1] complaint ; Summons issued. (kg) (Entered: 01/03/1996)

01/29/1996	19	Filed Memo_Endorsement on letter by Mitchell A. Karlan to Judge Keenan dated 1/16/96, Set pretrial conference for 9:30 2/1/96. SO ORDERED: (signed by Judge John F. Keenan) (ae) (Entered: 01/30/1996)
01/29/1996	20	ANSWER by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor (Attorney) to second amended complaint ; Firm of: by attorney Kevin J. Lamberson. (kw) (Entered: 02/02/1996)
02/02/1996	21	AFFIDAVIT of Lester N. Wright, M.D. by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in opposition to Re: [13-2] motion for a preliminary injunction in this action. (ae) (Entered: 02/05/1996)
02/02/1996	22	MEMORANDUM OF LAW by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in opposition to [13-2] motion for a preliminary injunction in this action. (ae) Modified on 02/05/1996 (Entered: 02/05/1996)
02/07/1996	23	REPLY MEMORANDUM by plttf James Giles re: in further SUPPORT of [13-1] motion for an order, purs to Rule 65 of the FRCP, granting a temporary restraining order, [13-2] motion for a preliminary injunction in this action. (lam) (Entered: 02/08/1996)
02/23/1996	24	NOTICE OF MOTION by James Giles for award of attorney fees under U.S.C. S 1988. , Return date 3/4/96 (ae) (Entered: 02/26/1996)
02/23/1996	25	MEMORANDUM OF LAW by James Giles in support of [24-1] motion for award of attorney fees under U.S.C. S 1988. (ae) (Entered: 02/26/1996)
02/23/1996	26	AFFIDAVIT of Mitchell A. Karlan by James Giles in support of Re: [24-1] motion for award of attorney fees under U.S.C. S 1988. (ae) (Entered: 02/26/1996)
03/07/1996	27	STIPULATION and ORDER, Pltff will not be placed in medical keeplock etc....for the remainder of his sentence due to his refusal to takea PPD test for TB infection ; Nothing in this stip. shall be construed as an admission of liability etc... ; This stip. shall not be admissible in evidence of the trial of this action ; This order finally determines plttf's claims for injunctive relief in this action. This Order does not resolve plttf's claims for menetary & declaratory relief, or for attys fees. (signed by Judge John F. Keenan). (lam) (Entered: 03/07/1996)
03/12/1996	28	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement (signed by Judge John F. Keenan) Referred to Magistrate Judge Andrew J. Peck (kg) (Entered: 03/13/1996)
03/12/1996	29	Filed Memo_Endorsement on letter by Mitchell A. Karlan, dated 3/11/96, Counsel may serve and file the supplemental papers on or before 3/14/96 , set response brief due for 4/3/96 , set Plaintiffs' reply brief due for 4/12/96 , set oral argument set for 4:00 4/25/96. Mr. Karlan is

		directed to notify all parties ...So Ordered.... (signed by Judge John F. Keenan) (pl) (Entered: 03/13/1996)
03/13/1996	30	STIPULATION and ORDER, This action is stayed until 10 days after the date on which the US Court of Appeals for the 2nd Circuit issues its opinion disposing of the appeal by plttf in Williams v. Greifinger 95cv0385(JSM) ; Within 20 days after the issuance of the opinion of the Court of Appeals in Williams, counsel for plttf is this action shall advise counsel for defts by letter whether platff wishes to proceed with is action or will consent to entry of judgment dismissing all remaining claims. If plttf proceeds with this action, counsel for defts shall have 45 days to serve & file a motion for summary jugment. (signed by Judge John F. Keenan). (lam) (Entered: 03/14/1996)
03/20/1996	31	NOTICE OF MOTION by James Giles for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988. Return date 4/25/96. (kg) (Entered: 03/22/1996)
03/20/1996	32	AFFIDAVIT in support of Leslie E. Moore by James Giles Re: [31-1] motion for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988. (kg) (Entered: 03/22/1996)
04/01/1996	33	ORDER, defts' request to stay the 4/4/96 settlment conference is denied. If nothing else, the parties can discuss settlement of plttf's application for attorneys' fees. (signed by Magistrate Judge Andrew J. Peck); Copies mailed (kg) (Entered: 04/02/1996)
04/01/1996	34	Filed Memo_Endorsement on letter by Kevin J. Lamberson to Judge Keenan dated 3/22/96, Defendants' Response to motion reset to 4/3/96 for [31-1] motion for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988. , Plaintiff's Reply to Response to Motion reset to 4/12/96 for [31-1] motion for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988. (signed by Judge John F. Keenan) (ae) (Entered: 04/03/1996)
04/03/1996	35	MEMORANDUM OF LAW by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in to [31-1] motion for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988. (kg) (Entered: 04/05/1996)
04/03/1996	36	AFFIDAVIT in opposition of Kevin J. Lamberson by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor Re: [31-1] motion for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988. (kg) (Entered: 04/05/1996)
04/04/1996		Before MJ Peck; Settlement conference held (cd) (Entered: 04/04/1996)
04/08/1996	37	Transcript of record of proceedings filed for dates of 2/15/96 before Judge Keenan. (mb) (Entered: 04/08/1996)
04/17/1996	38	STIPULATION and ORDER, Return date reset to Return date reset to

		5/9/96 [31-1] motion for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988. , plaintiff shall have until Thursday, April 25, 1996 to serve and file its reply. (signed by Judge John F. Keenan). (djc) (Entered: 04/17/1996)
05/03/1996	39	STIPULATION and ORDER withdrawing [31-1] motion for an order granting plttf an award of supplemental attorney's fees and costs under 42 USC 1988., withdrawing [24-1] motion for award of attorney fees under U.S.C. S 1988. - ... IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties herein, as follows: ... Plaintiff may resubmit the March 20, 1996 Application at any time. Plaintiff agrees that, if he resubmits the March 20, 1996 Application, he will reduce the amount claimed to no more than \$9,935.25, which amount refers to fees generated in preparation for trial. ... Defendants will pay Gibson, Dunn & Crutcher as counsel for plaintiff, \$40,000.00 within 60 days of the date that this stipulation is "so ordered" in full satisfaction of all attys' fees and expenses incurred by plaintiff in the litigation of plaintiff's motion for a preliliminary injunction in this action.... (signed by Magistrate Judge Andrew J. Peck). (djc) (Entered: 05/07/1996)
05/03/1996		Case closed (djc) (Entered: 05/08/1996)
05/06/1996	40	NOTICE of change of address by James Giles (ls) (Entered: 05/07/1996)
11/04/1996	41	Filed Memo_Endorsement on letter from Kevin J. Lamberson dated 10/21/96, set pretrial conference for 9:45 a.m. on 11/15/96...A CONFERENCE IS SCHEDULED FOR 11/15/96 AT 9:45 A.M. MS. HATHAWAY IS DIRECTED TO INFORM ALL PARTIES OF THIS ORDER...SO ORDERED... (signed by Judge John F. Keenan) (ls) (Entered: 11/06/1996)
02/13/1997	42	Filed Memo_Endorsement on letter dated 2/6/97 to Judge Keenan from Elizabeth Forman. reset discovery due for 4/30/97 , reset pretrial conference for 9:45 a.m. on 5/5/97 (signed by Judge John F. Keenan) (kw) (Entered: 02/14/1997)
04/24/1997		hearing held (contested Issue) on 4/24/97 before Judge Keenan (ls) (Entered: 04/25/1997)
05/12/1997	43	NOTICE OF MOTION by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor to amend/modify the preliminary injunction , Return date not indicated (cd) (Entered: 05/13/1997)
05/12/1997	44	MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in support of [43-1] motion to amend/modify the preliminary injunction (cd) (Entered: 05/13/1997)
05/15/1997	45	Filed Memo_Endorsement on letter to Judge Keenan from Rachel Goslins dated 5/12/97, granting nunc pro tunc plttf's application to postpone the briefing schedule for defts' Motion for Modification of the Injunction for two days. , Response to motion reset to 5/16/97 for [43-1] motion to amend/modify the preliminary injunction , Reply to to Motion

		reset to 5/23/97 for [43-1] motion to the preliminary injunction (signed by Judge John F. Keenan) (ls) (Entered: 05/16/1997)
05/16/1997	46	DECLARATION in opposition by James Giles [43-1] motion to amend/modify the preliminary injunction (djc) (Entered: 05/20/1997)
05/16/1997	47	MEMORANDUM OF LAW by James Giles in opposition to [43-1] motion to amend/modify the preliminary injunction; received in night dep. 8:55pm. (djc) (Entered: 05/20/1997)
05/23/1997	48	Filed Memo-Endorsement on letter to Judge Keenan from Sue J. Nam dated 5/22/97, Defts' Reply to Response to Motion reset to 6/2/97 for [43-1] motion to amend/modify the preliminary injunction , Pltff. opened the door by referring and relying upon expert testimony they "will" present at a hearing, and Defts. are entitled to properly reply to that argument after deposing the expert. Once the motion is fully submitted, the Court will make a determination as to whether a hearing is necessary. (signed by Judge John F. Keenan) (ls) (Entered: 05/23/1997)
05/29/1997	49	Filed Memo-Endorsement on letter by Elizabeth A. Forman to Judge Keenan dated 5/21/97, that defendants serve and file reply papers on the motion by 6/2/97. (signed by Judge John F. Keenan) (ae) (Entered: 05/30/1997)
06/02/1997	50	REPLY MEMORANDUM of Law by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in Support of re: [43-1] motion to amend/modify the preliminary (djc) (Entered: 06/03/1997)
06/02/1997	51	Reply AFFIDAVIT in support of Lester N.Wright, M.D. by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor Re: [43-1] motion to amend/modify the preliminary injunction (djc) (Entered: 06/03/1997)
06/02/1997	51	Reply AFFIDAVIT of Elizabeth A.Forman by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor (djc) (Entered: 06/03/1997)
06/04/1997	52	Transcript of record of proceedings before Judge Keenan filed for dates of April 24, 1997. (sac) (Entered: 06/04/1997)
06/11/1997	53	ORDER, upon consideration of defts' motion to modify the injunction in this case, the Court will reopen the hearing on this matter. The hearing will begin at 10:00 a.m. on 6/23/97. The parties may elicit testimony from Dr. Lester Wright on any matters not fully addressed by Dr. Wright at the last hearing. Pltff may present the expert testimony of Charles Albert Braslow to address Dr. Wright's testimony, the tuberculin hold policy, the necessity of testing pltff Giles for TB and the means by which that testing may be done. If the parties wish to call witnesses other than these two individuals, they must make a letter application to the Court explaining the relevance of the add'l witnesses (signed by Judge John F. Keenan); Copies mailed (emil) (Entered: 06/11/1997)

06/18/1997	54	Filed Memo-Endorsement on letter by Mitchell A. Karlan dated 6/13/97 reset discovery due for 7/31/97 ; reset pretrial conference for 9:45 8/1/97 ; the Court adjourns the scheduled 6/23/97 hearing on the motion to amend the permanent injunction to 7/9/97 @10:00am (signed by Judge John F. Keenan) (pl) (Entered: 06/19/1997)
06/25/1997	55	ORDER, the Court directs counsel for both sides to formulate a stipulation that would obviate the need for Mr. Giles' testimony. If the stipulation does not obviate the need for Mr. Giles' testimony in its entirety, plaintiff's counsel must provide the Court with a brief letter explaining what Mr. Giles will specifically testify to that is outside the scope of the stipulation. The stipulation must be submitted by 4:00 p.m. on 6/20/97. Any letter application for testimony beyond the stipulation must be submitted by 12:00 p.m. 7/1/97 (signed by Judge John F. Keenan); Copies mailed (kw) Modified on 06/30/1997 (Entered: 06/27/1997)
07/02/1997	56	Filed Memo-Endorsement on letter by Sue J. Nam to Judge Keenan dated 6/30/97, granting nunc pro tunc, extension of time until 7/1/97 at 12:00 p.m. to file the stipulation that would obviate the need for Mr. Giles' testimony and extending time to submit a letter application for testimony beyond the stipulation until 7/1/97 at 5:00 p.m. (signed by Judge John F. Keenan) (ae) (Entered: 07/03/1997)
07/03/1997	58	Transcript of record of proceedings filed before Judge Keenan for dates of May 5, 1997 (jp) (Entered: 07/08/1997)
07/07/1997	57	ORDER, defense counsel may take the deposition of Mr. Giles and reopen the deposition of Dr. Braslow ; defense counsel may call the rebuttal witnesses referred to in the July 1, 997 letter and plaintiff may depose those witnesses. The July 9, 1997 hearing is adjourned to July 21, 1997 at 10:00a.m. The parties have July 21 and July 22 in which to complete the hearing and there will be no testimony by affidavit (signed by Judge John F. Keenan); Copies mailed (djc) (Entered: 07/09/1997)
07/08/1997	59	STIPULATION and ORDER, for the purposes of defendants' motion to modify the preliminary injunction in this matter, that: 1. Mr. Giles was transferred to the Downstate Corr. Facility on 5/8/97. He did not wear a mask and rode in a van with other persons. 2. Mr. Giles was in the general population at the Downstate Correctional Facility from 5/9/97 to 5/29/97. 3. Mr. Giles attended a deposition at the Downstate Corr. Facility in an unrelated case while he was there. 4. Mr. Giles was transferred back to the Great Meadow Facility on 5/29/97. He did not wear a mask and rode in a bus with other persons. (signed by Judge John F. Keenan). (ae) (Entered: 07/10/1997)
07/16/1997	60	Filed Memo-Endorsement on letter dated 7/11/97 from Elizabeth A. Forman, Motion hearing set for 7/21/97 and 7/22/97 for [43-1] motion to amend/modify the preliminary injunction; Dr. Wright's testimony may take place on 7/23/97 at 10:00 a.m. (signed by Judge John F.) (kw) (Entered: 07/23/1997)

07/21/1997		Motion hearing re:Preliminary Injunction/TRO held before Judge Keenan. (kk) (Entered: 07/28/1997)
07/22/1997		Motion hearing re: Preliminary Injunction/TRO held before Judge Keenan (kk) (Entered: 07/28/1997)
07/23/1997		Motion hearing re: Preliminary Injunction/TRO concluded before Judge Keenan.. Decision Reserved. (kk) (Entered: 07/28/1997)
08/01/1997	61	OPINION AND ORDER #79020 granting in part, denying in part [43-1] motion to amend/modify the preliminary injunction ; reset all discovery in the underlying civil action w/ respect to the remaining issues on damages and qualified immunity due for 9/5/97 ; reset trial ready deadline set for 10/24/97 (Signed by Judge John F. Keenan); Copies mailed (ls) Modified on 08/05/1997 (Entered: 08/04/1997)
08/04/1997	62	NOTICE OF APPEAL by James Giles ; from [61-1] order ; reset all discovery in the underlying civil action w/ respect to the remaining issues on damages and qualified immunity due for set for 9/5/97 . Copies of notice of appeal mailed to Attorney(s) of Record: Elizabeth Forman, Esq., Fee Pd. \$105.00, rec # 294300 . (as) (Entered: 08/05/1997)
08/08/1997	64	MEMORANDUM by James Giles in support of his Motion for Reconsideration and for a stay pending appeal (motion not filed) (lam) (Entered: 08/12/1997)
08/08/1997	65	DECLARATION of James Giles re: transference from Great Meadow to Downstate Correctional Facility. (lam) (Entered: 08/12/1997)
08/08/1997	66	AFFIDAVIT in support of Simone Procas, atty for by James Giles Re: in further support of plttf's motion for a stay of this Court's 8/1/97 Opinion and Order. (lam) (Entered: 08/12/1997)
08/08/1997	63	ORDER TO SHOW CAUSE by James Giles to stay this Court's 8/1/97 Opinion and Order ; and granting the relief requested in plaintiff's motion for reconsideration (signed by Judge John F. Keenan); Copies mailed. (ae) Modified on 08/13/1997 (Entered: 08/13/1997)
08/12/1997	68	MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in opposition to motion for reconsideration and for an injunction pending appeal (ls) (Entered: 08/18/1997)
08/13/1997	67	MEMORANDUM OPINION AND ORDER #79091; denying [63-1] motion to stay this Court's 8/1/97 Opinion and Order; denying [63-2] motion granting the relief requested in plaintiff's motion for reconsideration; denying plttf's motion for reconsideration; (Signed by Judge John F. Keenan); Copies mailed (ls) (Entered: 08/14/1997)
08/18/1997	70	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [62-1] appeal by James Giles (as) (Entered: 08/20/1997)
08/19/1997	69	Filed Memo Endorsement on letter to Judge Keenan from M. Karlan,

		dated 8/14/97, the Court declines to writ Mr. Giles back to the MCC. However, Drs. Sanford Drob and Henry Weinstein are authorized to visit plntf re psychologivcal examinations between 8/19/97 and 9/5/97 ; reset discovery due for 9/12/97 (signed by Judge John F. Keenan) (cd) (Entered: 08/20/1997)
08/28/1997	71	NOTICE OF APPEAL by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor ; from [61-1] order ; reset all discovery in the underlying civil action w/ respect to the remaining issues on damages and qualified immunity due for 9/5/97 . Copies of notice of appeal mailed to Attorney(s) of Record:Sue Nam, fee pd. \$105.00, rec.# 295932 . (as) (Entered: 08/28/1997)
08/29/1997	72	Transcript of record of proceedings before Judge Keenan filed for dates of July 21,22,23, 1997 (jp) (Entered: 08/29/1997)
09/02/1997	73	ORDER TO SHOW CAUSE by James Giles; Show Cause Hearing set for 10:30 9/8/97 why pursuant to FRCP 65(b) an order should not be issued in light of the 8/26/97 Second Circuit Opinion in Benjamin v. Jacobson, Moore Aff. Ex. A, 1) to stay this Court's 8/1/97 Opinion and Order and 2) to grant the relief requested in plaintiff's motion for reconsideration (signed by Chief Judge Thomas P. Griesa, Part 1); Copies mailed. (pl) (Entered: 09/03/1997)
09/02/1997	74	AFFIDAVIT in support of Leslie E. Moore by James Giles Re: [73-1] motion why pursuant to FRCP 65(b) an order should not be issued in light of the 8/26/97 Second Circuit Opinion in Benjamin v. Jacobson, Moore Aff. Ex. A, 1) to stay this Court's 8/1/97 Opinion and Order and 2) to grant the relief requested in plaintiff's motion for reconsideration (sac) (Entered: 09/05/1997)
09/02/1997	75	DECLARATION of Sue J. Nam by James Giles in support of [73-1] motion why pursuant to FRCP 65(b) an order should not be issued in light of the 8/26/97 Second Circuit Opinion in Benjamin v. Jacobson, Moore Aff. Ex. A, 1) to stay this Court's 8/1/97 Opinion and Order and 2) to grant the relief requested in plaintiff's motion for reconsideration (sac) (Entered: 09/05/1997)
09/02/1997	76	CERTIFICATE OF SERVICE by plttf for the Order to Show Cause and Temporary Restraining Order dated 8/29/97, the Declaration of Sue J. Nam, executed 8/29/97, and Affidavit in Support of plttf on 8/29/97 by personal delivery to defts on 8/29/97. (sac) Modified on 09/05/1997 (Entered: 09/05/1997)
09/08/1997	77	NOTICE OF MOTION by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor ifor continued relief and a declaration , Return date 10/3/97 (cd) (Entered: 09/10/1997)
09/08/1997	78	MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in support of [77-1] motion ifor continued relief and a declaration (cd) (Entered: 09/10/1997)
09/10/1997	79	MANDATE OF USCA (certified copy) Re: Plaintiff-appellant moves to

		withdraw his appeal without prejudice to reinstate once the District Court rules on his Fed. R. Civ. P. 60(b) motion. IT IS HEREBY ORDERED that the motion be and it hereby is granted. (97-2503) George Lange III, Clerk, U.S.C.A. (dt) (Entered: 09/11/1997)
09/19/1997	80	REPLY MEMORANDUM by James Giles (djc) (Entered: 09/23/1997)
09/23/1997	81	NOTICE of change of address by James Giles (jp) (Entered: 09/24/1997)
09/25/1997	82	Filed Memo Endorsement on letter to Judge Keenan from M. Karlan, dated 9/23/97, there is no need for a ptc at this time ; set trial ready deadline 10/24/97 ; reset discovery due for 10/15/97 ; Reply to Response to Motion reset to 10/2/97 for [77-1] motion ifor continued relief and a declaration ; the Court refers this case to MJ Peck for general pre-trial supervision, Thus the issues raised in defense counsel's 9/24/97 letter pertaining to discovery should be addressed to MJ Peck (signed by Judge John F. Keenan) (cd) (Entered: 09/26/1997)
09/26/1997		Pre-trial conference held before Magistrate Judge Peck. (rag) (Entered: 10/03/1997)
09/29/1997	83	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for general pretrial/discovery supervision & handling of discovery motions (signed by Judge John F. Keenan) Referred to Magistrate Judge Andrew J. Peck; Discovery is to be completed by 10/15/97; the ready for trial date is 10/24/97. (ae) (Entered: 09/29/1997)
10/02/1997	84	REPLY MEMORANDUM of LAW by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor re: in Opposition to Plaintiff's Motion to Vacate and in Support of Defendants' Cross-Motion for Continued Relief and a Declaration (djc) (Entered: 10/03/1997)
10/08/1997	85	Filed Memo-Endorsement on letter to Judge Keenan from Rosalie J. Hronsky dated 10/3/97; granting defts' request that the court extend the date for pre-trial submissions to the Court to 11/14/97 at 3:00 p.m. ; reset trial ready deadline 11/17/97. No further extensions will be granted absent exigent circumstances documented to the Court ; (signed by Judge John F. Keenan) (ls) (Entered: 10/09/1997)
10/29/1997	86	MANDATE OF USCA (certified copy) Re: [71-1] appeal by Satish Kapoor, Charles Greiner, John P. Keane, Robert Greifinger, Thomas A. Coughlin Mr. It is hereby ordered that the motion be and it hereby is granted. (97-2585) George Lange, III, Clerk, USCA. (as) (Entered: 10/31/1997)
10/31/1997		Pre-trial conference held before Magistrate Judge Peck. (rag) (Entered: 11/07/1997)
11/17/1997	87	Filed Memo-Endorsement on letter to Judge Keenan from Mitchell A. Karlan dated 11/05/97, reset trial ready deadline for 12/1/97 ; pre-trial submissions are due by November 24, 1997. Plaintiff may conduct any additional discovery necessitated by the most recent document

		production. Mr. Karlan is directed to inform all parties of this order (signed by Judge John F. Keenan) (djc) (Entered: 11/18/1997)
11/24/1997	88	Filed Memo-Endorsement on letter addressed to Judge Keenan from Cassandra Mullen, dated 11/13/97, the ready for trial date is adjourned to 1/13/98 ; pretrial submissions are due by 1/9/98. Ms. Mullen is directed to inform all parties of this order (signed by Judge John F. Keenan). (sac) Modified on 11/26/1997 (Entered: 11/25/1997)
11/24/1997	89	Filed Memo-Endorsement on letter to Judge Keenan from Sue J. Nam dated 11/07/97, denying plaintiff's transfer application pending the Court's decision as to a firm trial date. Ms. Nam is directed to inform all parties of this order (signed by Judge John F. Keenan) (djc) (Entered: 11/25/1997)
12/05/1997	90	Transcript of record of proceedings before Magistrate Judge Peck filed for dates of October 31, 1997 (bm) (Entered: 12/08/1997)
12/11/1997	91	MEMORANDUM OPINION AND ORDER #79757, denying [77-1] motion for modification of the 3/6/96 consent decreed under Rule 60(b) (5)-(6) (Signed by Judge John F. Keenan); Copies mailed. (ae) (Entered: 12/11/1997)
12/22/1997	92	NOTICE OF MOTION by James Giles for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 ; Return date 1/7/98 (sac) (Entered: 12/29/1997)
12/22/1997	93	AFFIDAVIT in support of Mitchell A. Karlan by James Giles Re: [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (sac) (Entered: 12/29/1997)
12/22/1997	94	MEMORANDUM by James Giles in support of [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (sac) (Entered: 12/29/1997)
01/06/1998	95	Filed Memo-Endorsement on letter by Cassandra Mullen to Judge Keenan dated 12/30/97, defendants request a briefing schedule to address the issue of collateral estoppel; a conference is scheduled before the Court on 1/9/98 at 9:45 a.m. to address the issues raised in the 12/19 and 12/30 letters to the Court. The pre-trial materials need not be filed on 1/8/98, and the Court will address the issue of a ready for trial date, as well as submission of pre-trial materials, at the 1/9 conference (signed by Judge John F. Keenan) (ae) (Entered: 01/07/1998)
01/10/1998	97	AFFIDAVIT in opposition of Elizabeth A. Forman by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor Re: [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (ys) (Entered: 01/21/1998)
01/20/1998	96	MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in opposition to [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988. (rec'd night deposit 1/20/98 11:10 p.m) (ys)

		(Entered: 01/21/1998)
01/23/1998	98	NOTICE OF MOTION by James Giles for partial summary judgment pursuant to FRCP 56 (kw) (Entered: 01/27/1998)
01/23/1998	99	AFFIDAVIT of Mitchell A. Karlan in support of James Giles's Re: [98-1] motion for partial summary judgment pursuant to FRCP 56. (kw) (Entered: 01/27/1998)
01/23/1998	100	MEMORANDUM by James Giles in support of [98-1] motion for partial summary judgment pursuant to FRCP 56. (kw) (Entered: 01/27/1998)
02/09/1998	101	REPLY MEMORANDUM by James Giles re: [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (cd) (Entered: 02/10/1998)
02/09/1998	102	Supplemental affidavit of M. Karlan by James Giles in support of [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (cd) (Entered: 02/10/1998)
02/14/1998	103	MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in opposition to [98-1] motion for partial summary judgment pursuant to FRCP 56 (ys) (Entered: 02/19/1998)
02/20/1998	105	AMENDED MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, and Satish Kapoor in opposition to [98-1] motion for partial summary judgment pursuant to FRCP 56. (kw) (Entered: 02/25/1998)
02/23/1998	104	Filed Memo-Endorsement on letter by Sue J. Nam to Judge Keenan dated 2/19/98, reset plaintiff's reply brief to motion for partial summary judgment due for 2/27/98 (signed by Judge John F. Keenan) (ae) (Entered: 02/24/1998)
02/27/1998	106	REPLY MEMORANDUM by James Giles re: [98-1] motion for partial summary judgment pursuant to FRCP 56 (cd) (Entered: 03/02/1998)
05/08/1998	107	Filed Memo-Endorsement on letter by Mitchell A. Karlan to Mag. Judge Peck dated 5/7/98, plaintiff's counsel writes to inform the court that they will attend any conference that Your Honor wishes to hold, but that they do not believe that a settlement conference can be fruitful at this time and further request that the settlement conference be deferred until Judge Keenan issues his decision on whether or not liability remains an open issue; Denied, because, inter alia, the application does not comply with my Chambers Rules (signed by Magistrate Judge Andrew J. Peck) (ae) (Entered: 05/11/1998)
06/12/1998	108	STIPULATION and ORDER of Settlement, defendants shall pay to plaintiff the sum of \$50,000.00 in full settlement of all claims plaintiff asserted or could have asserted in this action, or any other action or proceeding plaintiff has or could have commenced arising out of the same facts and circumstances. Payment of the settlement amount \$50,000.00 shall be by check made payable to "James Giles" and

		delivered to plaintiff c/o Gibson, Dunn and Crutcher LLP. Payment of the Settlement amount shall occur as soon as possible, but no later than 90 from the date the stipulation is "So Ordered." In the event that payment of the entire Settlement Amount is not made within 90 days, interest on the settlement amount shall accrue at the statutory rate under 28 U.S.C. section 1961, commencing on the 91st day after the stipulation is "so ordered." (signed by Magistrate Judge Andrew J. Peck). (dj) (Entered: 06/12/1998)
07/06/1998	109	NOTICE OF MOTION by James Giles for an order, for an award of attys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 ; Return date 7/27/98 (rec'd in the night deposit box on 7/6/98 at 9:10 p.m.) (sac) (Entered: 07/07/1998)
07/06/1998	110	MEMORANDUM by James Giles in support of [109-1] motion for an order, for an award of attys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (sac) (Entered: 07/07/1998)
07/06/1998	111	AFFIDAVIT in support of Mitchell A. Karlan by James Giles Re: [109-1] motion for an order, for an award of attys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (sac) (Entered: 07/07/1998)
07/10/1998	112	Filed Memo-Endorsement on letter by Valerie Singleton to Mag. Judge Peck dated 7/9/98, defendants request that the Court adjourn the settlement conference scheduled for 7/13/98 at 9:00 a.m.; Request denied. The settlement conference will address both the Giles & Major cases (signed by Magistrate Judge Andrew J. Peck) (ae) Modified on 07/15/1998 (Entered: 07/15/1998)
07/17/1998	113	Filed Memo Endorsement on letter to Mag. Judge Peck from Thomas Sheehan, dated 7/14/98, Response to motion reset to 7/24/98 for [109-1] motion for an order, for an award of attys fees and costs under FRCP 54 (d) and U.S.C. 1988, reset to 7/24/98 for [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 ; Reply to Response to Motion reset to 7/31/98 for [109-1] motion for an order, for an award of attys fees and costs under FRCP 54(d) and 42 U.S.C. 1988, reset to 7/31/98 for [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (signed by Magistrate Judge Andrew J. Peck) (cd) (Entered: 07/20/1998)
07/25/1998	114	MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, and Satish Kapoor in opposition to [109-1] motion for an order, for an award of attys fees and costs under FRCP 54 (d) and 42 U.S.C. 1988. (kw) (Entered: 07/27/1998)
07/27/1998	115	AMENDED MEMORANDUM by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in opposition to [109-1] motion for an order, for an award of attys fees and costs under FRCP 54(d) and 42 U.S.C. 1988. (rec'd in the night deposit box on 7/27/98 at 10:42 p.m.) (sac) (Entered: 07/28/1998)
08/05/1998	116	REPLY MEMORANDUM by James Giles re: in further support of [109-

		1] motion for an order, for an award of attys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (sac) (Entered: 08/06/1998)
08/10/1998		Before Mag. Judge Peck; Pre-trial conference held (cd) (Entered: 08/13/1998)
08/11/1998		Indexed record on appeal files (97-2503) returned from the U.S.C.A. on Augsut 7, 1998. (dt) (Entered: 08/11/1998)
12/16/1998	117	ORDER; the Court directs that this motion be put on the suspense docket until the U.S. Supreme Court decides Johnson v. Hadix (signed by Judge John F. Keenan); Copies mailed (sac) (Entered: 12/17/1998)
01/22/1999		Terminated document 109-1 pursuant to instructions of Magistrate Judge Peck. (rag) (Entered: 01/22/1999)
02/08/1999	118	Filed Memo-Endorsement on letter addressed to Judge Keenan from Mitchell A. Karlan, dated 2/3/99; counsel respectfully suggests that the Court also refer the pending fee application in this case to Magistrate Judge Katz for settlement discussions. The Court has received Mr. Karlan's application and denies the same at this time ; denying [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (signed by Judge John F. Keenan) (sac) (Entered: 02/08/1999)
07/07/1999	119	ORDER; the Court now removes plttf's motion from the suspense docket and directs both parties to submit supplemental briefs addressing the issues purs. to these cases. Plttf is directed to submit its supplemental Memorandum of Law, not to exceed 15 pages in length, no later than 7/28/99. Deft is directed to submit its opposition papers, not to exceed 15 pages in length, no later than 8/18/99, and plttf is to serve its reply papers, not to exceed 10 pages in length, no later than 9/1/99. (signed by Judge John F. Keenan); Copies mailed. (sac) (Entered: 07/07/1999)
07/28/1999	120	MEMORANDUM by James Giles in support of plttf's fee application (sac) (Entered: 07/29/1999)
07/28/1999	121	STIPULATION and ORDER; that defts shall pay to Gibson, Dunn & Crutcher LLP, as counsel for plttf, the sum of fifty-five thousand dollars ("the Settlement Amount"), to be paid as set forth on this Order, purs. to 42 U.S.C. 1988, in full satisfaction of all attys' fees and expenses incurred by plttf in the litigation of his claims for the period of time beginning 2/20/96 and ending 6/30/98, excluding the fees incurred by plttf in opposing defts' motion to modify the consent decree which is the subject of a separate fee application, dated 12/22/97, currently pending before the Honorable John F. Keenan, U.S. District Judge ; in consideration for the payment of the settlement amount, plttf's application, dated 7/6/98, for attys' fees of \$73,508.25 and for costs of \$16,300.41, totaling \$89,808.66, is withdrawn with prejudice; this stipulation is without prejudice to plttf seeking \$212,863.25 in attys fees and \$4,985.09 in costs in the fee application, dated 12/22/97 which is pending before Judge Keenan (signed by Magistrate Judge Andrew J. Peck). (jp) (Entered: 07/29/1999)

08/18/1999	122	MEMORANDUM of LAW by Thomas A. Coughlin Mr., Robert Greifinger, John P. Keane, Charles Greiner, Satish Kapoor in further opposition to plaintiff's application for fees on the motion to modify the consent order. (filed in the Courts night deposit box on 8/18/99 at 7:15pm) (ri) Modified on 08/20/1999 (Entered: 08/20/1999)
09/01/1999	123	REPLY SUPPLEMENTAL MEMORANDUM by James Giles re: in support of [92-1] motion for an order, for an award of attorneys fees and costs under FRCP 54(d) and 42 U.S.C. 1988 (ls) (Entered: 09/02/1999)
12/21/1999	124	OPINION AND ORDER #83252; the Court denies plttf's application for attnys' fees and costs in its entirety ; (signed by Judge John F. Keenan); copies mailed (ls) (Entered: 12/22/1999)

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