

CLOSED

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:98-cv-06722-DLC-THK

Reynolds v. Goord, et al
Assigned to: Judge Denise L. Cote
Referred to: Magistrate Judge Theodore H. Katz
Demand: \$2500000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/24/1998
Jury Demand: Defendant
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff**Dennis Reynolds**

represented by **Dennis Reynolds**
(83-A-3783)
Green Haven Correctional Facility
Drawer B
Stormville, NY 12582
PRO SE

Daniel J. Beller
1285 Avenue of the Americas
New York, NY 10019
(212) 315-3082
LEAD ATTORNEY

Lynn Beth Bayard
Paul, Weiss et al.
1285 Ave. of the Americas
NY, NY 10019-6064
LEAD ATTORNEY

V.

Defendant**Commissioner G. Goord**
D.O.C.S.

represented by **Michael Oliver Hueston**
Eliot Spitzer
Atty. General, NYS
120 Broadway
New York, NY 10271
(212) 416-8633
LEAD ATTORNEY

Defendant**Christopher C. Artuz**
Supt. Green Haven Corr. Fac.

represented by **Michael Oliver Hueston**
(See above for address)
LEAD ATTORNEY

Defendant

MD Norman Selwin
Faculty Health Serv. Dir.

represented by **Michael Oliver Hueston**
 (See above for address)
LEAD ATTORNEY

Defendant

Larry Zwilliger
Regional Health Ser. Administrator

represented by **Michael Oliver Hueston**
 (See above for address)
LEAD ATTORNEY

Defendant

RN II Catherine Metzger

represented by **Michael Oliver Hueston**
 (See above for address)
LEAD ATTORNEY

Defendant

Nurse Admin. Don Stevens

represented by **Michael Oliver Hueston**
 (See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
09/24/1998	1	Order endorsed on declaration and support of request to proceed in forma pauperis, granted ; (signed by Chief Judge Thomas P. Griesa) (bm) (Entered: 10/02/1998)
09/24/1998	2	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); (bm) (Entered: 10/02/1998)
09/24/1998		Magistrate Judge Peck is so Designated. (bm) (Entered: 10/02/1998)
01/06/1999	3	ORDER, reset answer due for 2/12/99 for Don Stevens, for Catherine Metzger, for Larry Zwilliger, for Norman Selwin, for Christopher C. Artuz, and for G. Goord ; set pretrial conference for 9:30 a.m. on 2/18/99 (signed by Judge Denise L. Cote); Copies mailed (kw) (Entered: 01/07/1999)
01/19/1999	4	ACKNOWLEDGEMENT OF SERVICE as to Don Stevens by mail on 12/15/98 Answer due on 1/4/99 for Don Stevens (djc) (Entered: 01/22/1999)
01/19/1999	4	ACKNOWLEDGEMENT OF SERVICE as to Catherine Metzger by mail on 12/18/98 Answer due on 1/7/99 for Catherine Metzger (djc) (Entered: 01/22/1999)
01/19/1999	4	ACKNOWLEDGEMENT OF SERVICE of summons and complaint as to Larry Zwilliger by mail on 12/15/98. Answer due on 1/4/99 for Larry Zwilliger (djc) (Entered: 01/22/1999)
01/19/1999	4	ACKNOWLEDGEMENT OF SERVICE as to Christopher C. Artuz by mail on 12/15/98 Answer due on 1/4/99 for Christopher C. Artuz (djc)

		(Entered: 01/22/1999)
01/19/1999	4	ACKNOWLEDGEMENT OF SERVICE as to Norman Selwin by mail on 12/15/98 Answer due on 1/4/99 for Norman Selwin (dj) (Entered: 01/22/1999)
01/19/1999	4	ACKNOWLEDGEMENT OF SERVICE as to G. Goord by Leonard A. Mancini on 12/9/98 Answer due on 12/29/98 for G. Goord (dj) (Entered: 01/22/1999)
02/03/1999	5	ORDER, defendants shall respond to the plaintiff's February 2 letter by February 5, 1999. In all future correspondence with the Court, the parties shall include an affidavit of service on the opposing party. The Court will forward a copy of the February 2 letter to counsel for the defendant. (signed by Judge Denise L. Cote); Copies mailed. Forwarded copy of letter w. order to Rebecca Ann Durden, Asst. Att General (dj) Modified on 02/05/1999 (Entered: 02/04/1999)
02/19/1999	7	ANSWER to Complaint by G. Goord, Christopher C. Artuz, Norman Selwin, Larry Zwilliger, Catherine Metzger, Don Stevens (Attorney Michael O. Hueston); jury demand. (rec'd in the night deposit box on 2/17/99 at 5:22 p.m.) (sac) (Entered: 02/25/1999)
02/22/1999	6	ORDER; discovery shall close on 5/28/99; any party may ask for an extension of time to complete discovery by writing a letter to the Court; if in that letter the party shows due diligence in pursuing discovery, the request will be granted; any motion following discovery shall be served and fld. by 6/25/99; the opposition shall be served and fld. by 8/27/99; the reply shall be served and fld. by 9/10/99; the depts shall notify the Court by 6/25/99, if no motion will be fld.; either party may request an extension of time to submit his papers by writing a letter to the Court showing diligence in pursuing this action; failure to comply w/ any of the terms of this order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of jgmt. by default, or any such other action as may be just in the circumstances ; (signed by Judge Denise L. Cote); copies mailed (ls) (Entered: 02/23/1999)
05/11/1999	8	Transcript of record of proceedings before Judge Cote filed for dates of 2/18/99 (jp) (Entered: 05/13/1999)
05/19/1999	9	ORDER; that an Assistant Atty General may take the deposition of plttf Dennis Reynolds before a notary public, or some other officer authorized to administer oaths by the laws of the U.S. or of the State of N.Y., at any N.Y.S. Correctional Facility, upon notice to the plttf and superintendent of the correctional facility. Plttf is further advised that if he fails to attend and complete his own deposition, the Court may impose sanctions purs. to FRCP 37(d), which may include an order dismissing the complaint in this action. (signed by Judge Denise L. Cote); Copies mailed (sac) (Entered: 05/20/1999)
06/15/1999	10	ORDER, that any motion shall be served and filed by 8/13/99; The opposition shall be served and filed by 10/15/99; The reply shall be served and filed by 10/29/99 ; The defendants shall notify the Court by

		8/13/99, if no motion will be filed. Either party may request an extension of time to submit his papers by writing a letter to the Court showing diligence in pursuing this action ; Failure to comply with any terms of this order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or any such other action as may be just in the circumstances (signed by Judge Denise L. Cote); Copies mailed (ri) (Entered: 06/16/1999)
07/21/1999	11	ORDER, denying plntf's request for the Court to request counsel, without prejudice to its renewal at such time as the existence of a potentially meritorious claim may be demonstrated (signed by Judge Denise L. Cote); Copies mailed. (cd) (Entered: 07/22/1999)
08/09/1999	12	Filed Memo-Endorsement on letter addressed to Judge Cote from Tiffany M. Foo, dated 8/5/99; granting defts request that the Court grant them permission to submit a memorandum of law in support of their summary jdgmt. motion in excess of the Court's 25 page limit; (signed by Judge Denise L. Cote); copies mailed. (ls) (Entered: 08/10/1999)
08/13/1999	13	MEMORANDUM by G. Goord, Christopher C. Artuz, Norman Selwin, Larry Zwilliger, Catherine Metzger, Don Stevens in support of their motion for summary jdgmt. (ls) (Entered: 08/16/1999)
08/13/1999	14	NOTICE OF MOTION by G. Goord, Christopher C. Artuz, Norman Selwin, Larry Zwilliger, Catherine Metzger, Don Stevens for summary judgment purs to FRCP 56 ; Return date 10/8/99; attached are papers in support (cd) Modified on 01/05/2000 (Entered: 08/16/1999)
08/31/1999	15	ORDER, reset scheduling order deadlines: Pltff's opposition to defts' motion for summary judgment deadline 11/19/99; Defts' reply to opposition to motion for summary judgment deadline 12/3/99 . (signed by Judge Denise L. Cote); Copies mailed. (sn) (Entered: 09/01/1999)
11/18/1999	16	ORDER; plaintiff's response to motion reset to 12/20/99 for [14-1] motion for summary judgment purs to FRCo 56 ; defendants' reply to response to motion reset to 1/10/2000 for [14-1] motion for summary judgment purs to FRCP 56 . (signed by Judge L. Cote); Copies mailed. (pl) (Entered: 11/19/1999)
12/29/1999	17	Memo-Endorsement on letter addressed to Judge Cote from Rebecca Ann Durden, dated 12/23/99; granting defendant's request for an extension of time from 12/27/99 to 01/07/00 to respond to plaintiff's request for a preliminary injunction ; (signed by Judge Denise L. Cote); Copies mailed. (djc) Modified on 01/04/2000 (Entered: 12/29/1999)
12/29/1999	18	Memo-Endorsement on letter addressed to Judge Cote from Tiffany M. Foo, dated 12/22/99. Re: defts' reply to response to motion reset to 1/14/00 for [14-1] motion for summary judgment purs to FRCo 56 ; (signed by Judge Denise L. Cote); copies mailed (ls) (Entered: 01/03/2000)
01/14/2000	19	REPLY MEMORANDUM by G. Goord, Christopher C. Artuz, Norman Selwin, Larry Zwilliger, Catherine Metzger, Don Stevens in support of:

		[14-1] motion for summary judgment purs to FRCP 56. (jp) (Entered: 01/18/2000)
03/01/2000	20	ORDER, granting plntf's request for counsel is granted. The firm of Paul Weiss Rifkind Wharton and Garrison shall serve as counsel for plntf Reynolds ; set pre-trial conference for 10:00 3/31/00 (signed by Judge Denise L. Cote); Copies mailed. (cd) (Entered: 03/01/2000)
03/01/2000	21	OPINION AND ORDER #83553, granting in part, denying in part [14-1] motion for summary judgment purs to FRCP 56. The motion to dismiss the plntf's Eighth Amendment claim is granted, denied in all other respects; plntf's application for appointment of counsel, previously denied without prejudice, is granted ; during a conference with all counsel, to be held following the appearance of counsel on behalf of the plntf, a schedule for the further conduct of this litigation shall be set (signed by Judge Denise L. Cote); Copies mailedl (forwarded copy to Pro Se) (cd) (Entered: 03/01/2000)
03/02/2000		Memo endorsed on motion; granting in part, denying in part [14-1] motion for summary judgment purs to FRCP 56 (signed by Judge Denise L. Cote); Copies mailed. (cd) (Entered: 03/02/2000)
03/02/2000	22	MEMORANDUM OF LAW by Dennis Reynolds in opposition to [14-1] motion for summary judgment purs to FRCP 56. (Originally received in Judge Cote's Chambers on 12/20/99. Received for docketing on 3/2/00.) (emil) Modified on 03/03/2000 (Entered: 03/03/2000)
03/16/2000	23	NOTICE of attorney appearance for Dennis Reynolds by Daniel J. Beller, Lynn Beth Bayard (ls) (Entered: 03/17/2000)
03/29/2000	24	Memo-Endorsement on letter addressed to Judge Cote from Tiffany M. Foo, dated 3/27/00; counsel for the defts writes to request an adjournment of the 3/31/00 pre-trial conference in this matter. Application Granted. Conference is adjourned to 4/14/00 at 11:30 a.m. (signed by Judge Denise L. Cote); Copies mailed. (jp) Modified on 03/30/2000 (Entered: 03/29/2000)
04/20/2000	25	PRETRIAL SCHEDULING ORDER: all discovery must be completed by 10/27/00; should any party wish a conference with the Court toward the end of fact discovery, a conference shall be held on 7/21/00 at 9:30 a.m.; any motion for summary judgment is to be served by 11/17/00; opposition is to be served by 12/22/00; reply is to be served by 1/12/01. (signed by Judge Denise L. Cote); Copies mailed. (jp) (Entered: 04/21/2000)
05/17/2000	26	SCHEDULING ORDER: All document production by defendants is to be completd by 05/19/00; On 06/29/00 the documents as listed in this scheduling order are to be submitted to the court and served by hand on each party's adversary; By 07/05/00, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the hearing; By 07/06/00 at 12:00 p.m. the parties shall submit any reply memorandum of law; The final prehearing conference is scheduled for 07/07/00 at 9:30 a.m. in Courtroom 11B, 500 Pearl Street; The

		preliminary injunction hearing will begin at 9:30 a.m. on 07/10/00; (signed by Judge Denise L. Cote); Copies mailed. (djc) (Entered: 05/18/2000)
06/06/2000	27	NOTICE OF MOTION by G. Goord, Christopher C. Artuz, Norman Selwin, Larry Zwilliger, Catherine Metzger, Don Stevens; for an order pursuant to Local Rule 1.3(c) for Jeffrey H. Horowitz to appear pro hac vice on behalf of defendants . Return date: not indicated (pl) Modified on 06/08/2000 (Entered: 06/07/2000)
06/06/2000	28	ORDER granting [27-1] motion for an order pursuant to Local Rule 1.3 (c) for Jeffrey H. Horowitz to appear pro hac vice on behalf of defendants. (signed by Judge Denise L. Cote); Copies mailed. (Forwarded to Attorney Admissions Clerk) (sn) Modified on 06/08/2000 (Entered: 06/08/2000)
06/09/2000	29	Memo-Endorsement on letter addressed to Judge Cote from Jeffrey H. Horowitz, dated 6/6/00. Re: Counsel for defts writes to confirm that Dr. Reichman's cross and redirect examinations will take place in court on 7/5/00; and advises that his office will deliver by hand Dr. Reichman's affidavit to Mr. Beller on 6/13/00 by 5:00 PM. Dr. Reichman's examination will begin at 9:30 AM on 7/5/00 . (signed by Judge Denise L. Cote); Copies mailed. (sn) Modified on 06/15/2000 (Entered: 06/14/2000)
06/26/2000	30	MEMORANDUM OPINION and Order #84133; For the reasons stated, Dr. Shansky shall be appointed to serve as the Court's expert at the preliminary injunction hearing scheduled to begin on July 10, 2000 ; The parties shall confer and attempt to reach agreement as to the procedures that should govern Dr. Shansky's involvement in this litigation, including what materials and questions he should be sent in preparation for his testimony. All proposals as to materials, questions, and procedures regarding Dr. Shansky must be submitted to the Court by June 23, 2000 at noon. A conference with the parties will be held on June 23, 2000 at 3:30 p.m. ; (signed by Judge Denise L. Cote); Copies mailed. (djc) (Entered: 06/28/2000)
06/27/2000	31	Memo-Endorsement on letter addressed to Judge Cote from Daniel J. Beller, dated 6/26/00. Re: plaintiff requests that in addition to the documents previously identified, plaintiffs believe that Dr. Shamsky should also have a copy of the Second Circuit's decision in Jolly v. Coughlin, 76 F. 3d 468 (2d Cir. 1996); the parties may provide Dr. Shansky with any documents that they believe would assist him in forming or rendering an opinion on the condition that those same materials are provided to the adversary and the Court . (signed by Judge Denise L. Cote); Copies mailed. (pl) Modified on 06/30/2000 (Entered: 06/29/2000)
06/27/2000	32	ORDER; that DOCS shall provide by 6/28/00, the following data: A. For each inmate who since 1/1/94, has been diagnosed while a DOCS inmate as suffering from active tuberculosis; and B. For inmates placed in TB Hold since May 1996; The parties shall provide Dr. Shansky by

		overnight mail with a set of the papers they are submitting to the Court on 6/29/00. That Dr. Wright shall attend the preliminary injunction hearing and to be available to the Court each from July 10 to July 12, from 9:00 a.m. to 5:00 p.m. (signed by Judge Denise L. Cote); Copies mailed. (sac) Modified on 06/29/2000 (Entered: 06/29/2000)
06/29/2000	33	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by Dennis Reynolds. (pl) (Entered: 06/30/2000)
07/05/2000	34	ORDER; the Court has created the attached summary chart of the data provided by DOCS pursuant to the Court's June 26 Order to assist in its analysis and understanding of this material; in making this chart, the Court assumed that if, in "Field3" of the DOCS' spread sheet, the date of diagnosis of active TB did not correspond to the appropriate year, the entry had been placed in the wrong grouping of data; thus, for example, if, under the heading "1995 Cases" the date of diagnosis was listed as "12/1/94," the Court counted that entry among the "1994 Cases"; the parties should review this summary chart and determine whether they have any objections to the Court's calculations; in the event there are objections, the parties are instructed to consult with each other and attempt to reach agreement as to any correction or adjustment that should be made; in any event, any objection to this chart must be received by the Court by Thursday, July 6, 1000 at 5:00 p.m; at the request of the parties, the briefing schedule for the motion for a preliminary injunction is adjusted as follows: by July 7, 2000 at 12:00 p.m. the parties shall submit any reply memorandum of law ; (signed by Judge Denise L. Cote); Copies mailed. (lf) (Entered: 07/06/2000)
07/05/2000	35	ORDER; that in order to assist in the presentation and resolution of the preliminary injunction hearing scheduled to begin 7/10/00, the Court is today submitting the following "Questions for Dr. Ronald Shansky, Court-Appointed Expert." After giving Dr. Shansky the opportunity to review the questions presented, the Court will arrange for a telephone conference with Dr. Shansky on record during the week of 7/2/00. A transcript of this conversation, during which Dr. Shansky will respond to the Court's questions, will be provided to the parties to enable them to prepare for their own questioning of Dr. Shansky at the July 10 hearing . (signed by Judge Denise L. Cote); Copies mailed. (pl) (Entered: 07/06/2000)
07/05/2000		Hearing held before Judge Cote. (jp) (Entered: 07/17/2000)
07/06/2000		Hearing held before Judge Cote. (jp) (Entered: 07/17/2000)
07/07/2000	36	REPLY MEMORANDUM by Dennis Reynolds re: Plntf's Motion for a Preliminary Injunction (cd) (Entered: 07/10/2000)
07/10/2000	37	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of 5/15/00. (ri) (Entered: 07/10/2000)
07/10/2000	38	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of 5/12/00 at 3:00 PM. (sn) (Entered: 07/10/2000)

07/10/2000		Hearing held before Judge Cote. (jp) (Entered: 07/17/2000)
07/11/2000		Hearing held before Judge Cote. (jp) (Entered: 07/17/2000)
07/12/2000		Hearing held before Judge Cote. Judge's decision reserved. (jp) (Entered: 07/17/2000)
07/13/2000	39	OPINION AND ORDER #84201; that for the reasons set forth on this Opinion and Order, the plttf's motion for a preliminary injunction is granted . (signed by Judge Denise L. Cote); Copies mailed. (jp) (Entered: 07/13/2000)
07/19/2000	40	SCHEDULING ORDER: the parties are instructed to contact the chambers of Mag. Judge Katz prior to 07/21/00, in order to pursue settlement discussions under his supervision; all discovery must be completed by 11/17/00; The following Motion will be served by the dates indicated below. any motion for summary judgment - Motion served by 12/15/00; Opposition served by 01/12/01; Reply served by 01/19/01; In the event no motion for summary judgment is filed, the Joint Pretrial Order must be filed by 12/15/00; (signed by Judge Denise L. Cote); Copies mailed. (djc) Modified on 07/20/2000 (Entered: 07/19/2000)
07/19/2000	41	ORDER, that during the pendency of this action, defendants, in their official and individual capacities, their successors, and their present and future agents, servants, representatives, employees, and attorneys, and all persons in active concert and participation with them, are restrained and enjoined as set forth in this Order ; Disobedience with this Order shall be punishable by contempt . (signed by Judge Denise L. Cote); Copies mailed. (ri) (Entered: 07/19/2000)
07/19/2000	42	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement; (signed by Judge Denise L. Cote); Referred to Magistrate Judge Theodore H. Katz. (pl) (Entered: 07/25/2000)
07/26/2000	43	ORDER TO SHOW CAUSE; defts shall show cause by 8/11/00, why defts should not be required to pay the costs of Dr. Shansky's services. Any responses by plttf must be received by the Court by 8/18/00. any reply by the defts is due 8/25/00 . (signed by Judge Harold Baer Jr.- Part I); Copies mailed. (sn) (Entered: 07/28/2000)
08/10/2000		Settlement Conference held before Magistrate Judge Theodore H. Katz . (jp) (Entered: 08/14/2000)
08/10/2000		Settlement Conference held before Magistrate Judge Theodore H. Katz . (jp) (Entered: 08/23/2000)
08/10/2000		Settlement Conference held before Magistrate Judge Theodore H. Katz . (jp) (Entered: 08/24/2000)
08/11/2000	44	NOTICE OF APPEAL by G. Goord, Christopher C. Artuz, Norman Selwin, Larry Zwilliger, Catherine Metzger, Don Stevens ; from [41-1] order that during the pendency of this action, defendants, in their official and individual capacities, their successors, and their present and future

		agents, servants, representatives, employees, and attorneys, and all persons in active concert and participation with them, are restrained and enjoined as set forth in this Order, [39-1] order that for the reasons set forth on this Opinion and Order, the plttf's motion for a preliminary injunction is granted . Copies of notice of appeal mailed to Attorney(s) of Record: Daniel J. Beller, Esq. \$105.0 Appeal filing fee paid 8/11/00 on receipt # E 381519. (dt) (Entered: 08/14/2000)
08/14/2000		Notice of appeal and certified copy of docket to USCA: [44-1] appeal by Don Stevens, Catherine Metzger, Larry Zwilliger, Norman Selwin, Christopher C. Artuz, G. Goord ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 08/14/2000)
08/15/2000		Settlement (telephone) Conference held before Magistrate Judge Theodore H. Katz . (jp) (Entered: 08/23/2000)
08/29/2000	45	ORDER; that for the reasons set forth on this Order, debts are to pay, by 9/11/00, the costs of Dr. Shansky's services in the amount of \$8,351.70 . (signed by Judge Denise L. Cote); Copies mailed. (jp) (Entered: 08/30/2000)
09/06/2000	46	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of 6/23/00. (jp) (Entered: 09/06/2000)
09/06/2000	47	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of 6/29/00. (jp) (Entered: 09/06/2000)
09/06/2000	48	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of 7/6/00. (jp) (Entered: 09/06/2000)
09/06/2000	49	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of July 18, 2000. (djc) (Entered: 09/06/2000)
09/07/2000	50	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of 7/13/00. (lf) (Entered: 09/07/2000)
09/20/2000	51	Transcript of record of proceedings before Judge Denise L. Cote for the date(s) of July 5, 2000. (rag) (Entered: 09/20/2000)
10/17/2000		USCA Case Number Re: [44-1] appeal by Don Stevens, Catherine Metzger, Larry Zwilliger, Norman Selwin, Christopher C. Artuz, G. Goord USCA NUMBER: 00-227. (dt) (Entered: 10/17/2000)
12/01/2000	52	ORDER; Defendants, DOCS and all persons acting on their behalf, be and are hereby permanently enjoined as set forth in this order ; In the event that during the remaining term of plaintiff's current incarceration it is ascertained that plaintiff has come into contact with another inmate or staff member who (at th time of said contact) had active infectious tuberculosis disease, and it is determined that it is necessary to require plaintiff to submit to a PPD test, or equivalent procedure, purs to a Contact Investigation as defined in section V(B)(2) of New York State Dept. of Correctional Services Health Services Policy 1.18, the procedures as stated in this order shall govern ; Purs to the parties' Settlement Agreement, plaintiff's claim for monetary relief is hereby

		dismissed and discontinued with prejudice purs to Rule 41(a) of the FRCP ; Plaintiff is deemed to be the "prevailing party (42 U.S.C. section 1988) and, as such, shall be entitled to make and shall be permitted to make an application to the court for an award of legal fees and costs purs to 42 U.S.C. section 1988 or any other provision of law or equity as may be applicable, and said application shall be litigated separate and apart from the Settlement Agreement and this Order. Defendants have the right to oppose any such application ; (signed by Judge Denise L. Cote); Copies mailed. (djc) (Entered: 12/04/2000)
12/01/2000	53	ORDER, Deadline for filing of motion attorneys' fees by 12/22/00; Response to motion deadline set for 1/19/01; Reply to response to motion deadline 1/26/01 (signed by Judge Denise L. Cote); Copies mailed. (cd) (Entered: 12/04/2000)
12/04/2000	54	NOTICE OF MOTION by Dennis Reynolds for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable Return date 12/26/00. w. Affidavit in support. (djc) (Entered: 12/05/2000)
12/04/2000	55	MEMORANDUM OF LAW by Dennis Reynolds in support of [54-1] motion for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable . (djc) (Entered: 12/05/2000)
12/14/2000	56	AFFIDAVIT of Daniel J. Beller by Dennis Reynolds in support of [54-1] motion for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable . (djc) (Entered: 12/18/2000)
01/19/2001	57	MEMORANDUM OF LAW by G. Goord, Christopher C. Artuz, Norman Selwin, Larry Zwilliger, Catherine Metzger, Don Stevens in opposition to [54-1] motion for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable. (sac) (Entered: 01/23/2001)
01/26/2001	58	REPLY MEMORANDUM by Dennis Reynolds in support of re: [54-1] motion for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable. (sac) (Entered: 01/29/2001)
01/26/2001	59	SUPPLEMENTL AFFIDAVIT of Daniel J. Beller by Dennis Reynolds in support of [54-1] motion for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable. (sac) (Entered: 01/29/2001)
01/31/2001	60	MANDATE OF USCA (certified copy) Re: Dismiss [44-1] appeal by

		Don Stevens, Catherine Metzger, Larry Zwilliger, Norman Selwin, Christopher C. Artuz, G. Goord. 00-227, Roseann B. Mackechnie, Clerk. (sl) (Entered: 01/31/2001)
02/13/2001	61	OPINION & ORDER #85166, plttf's counsel shall submit a revised application for fees and costs within 10 days ; any further opposition, limited to contentions that the revised application does not conform to the rulings in this Opinion, shall be submitted within 5 days thereafter (signed by Judge Denise L. Cote); Copies mailed. (lam) (Entered: 02/14/2001)
02/13/2001		Memo endorsed on motion; granting in part, plttf's [54-1] motion for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable. (signed by Judge Denise L. Cote); Copies mailed. (sac) Modified on 02/16/2001 (Entered: 02/16/2001)
02/22/2001	62	THIRD SUPPLEMENTAL AFFIDAVIT of Daniel J. Beller by Dennis Reynolds in support of [54-1] motion for attorney fees, expenses and related charges purs to 42 U.S.C. sections 1988 and 1997e, in the total amount of \$315,512.05 or in such amount as the Court deems just and reasonable . (lf) (Entered: 02/23/2001)
03/09/2001	63	ORDER, defendants shall pay plaintiff's counsel \$290,750.93 in fees and costs no later than 4/9/01 ; the Clerk of Court shall enter judgment for the plaintiff and close the case . (signed by Judge Denise L. Cote); Copies mailed. (Sent document to the Judgment Clerk). (kw) Modified on 03/12/2001 (Entered: 03/12/2001)
03/13/2001	64	JUDGMENT #01,0497; that for the reasons stated in the Court's Order dated 3/8/01, judgment is entered for the plttf and defts are ordered to pay plttf's counsel \$290,750.93 in fees and costs no later than 4/9/01; accordingly, this case is closed; (signed: James M. Parkison, Clerk of the Court); Mailed copies and notice of right to appeal. Entered On Docket: 3/14/01. (lf) Modified on 03/15/2001 (Entered: 03/14/2001)
03/13/2001		Case closed. (lf) (Entered: 03/14/2001)
04/11/2001	65	STIPULATION and ORDER; the date by which defendants must pay plaintiff's counsel the fees and costs that were awarded to plaintiff's counsel by Order of the Court dated March 8, 2001, shall be enlarged from April 9, 2001 to May 9, 2001. In the event payment is not made in full on or before April 9, 2001, interest shall accrue on the unpaid portion of said fees and costs at the rate set forth in 28 U.S.C. section 1961 ; (signed by Judge Denise L. Cote) (djc) (Entered: 04/13/2001)

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