

CLOSED

**U.S. District Court**  
**Northern District of New York [LIVE - Version 2.4] (Prisoner)**  
**CIVIL DOCKET FOR CASE #: 9:87-cv-00141-NPM**

Anderson, et al v. Coughlin, et al  
Assigned to: Senior Judge Neal P. McCurn  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/17/1987  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Ronald Anderson**

represented by **Betsy C. Sterling**  
Prisoners' Legal Services of New York,  
Inc.  
114 Prospect Street  
Ithaca, NY 14850  
607-273-2283  
Fax: 607-272-9122  
Email: bsterling@plsny.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David C. Leven**  
Office of David C. Leven  
544 Manor Ridge Road  
Pellham Manor, NY 10803  
212-513-7373  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Karen L. Murtagh-Monks**  
Prisoners' Legal Services of New York  
- Constable Office  
P.O. Box 159  
Constable, NY 12926  
518-438-8046  
Fax: 518-438-3290  
Email: kmmonks@plsny.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Betsy Fuller**  
Prisoners' Legal Services  
118 Prospect Street  
Babcock Hall, Suite 307  
Ithaca, NY 14850  
607-273-2283

Fax: 606-272-9122  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Kerr**  
Prisoners' Rights Project  
Legal Aid Society  
199 Water Street  
New York, NY 10038  
212-577-3530  
Fax: 212-509-8433  
Email: skerr@legal-aid.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas Terrizzi**  
Office of Thomas Terrizzi  
209 Hudson Street  
Ithaca, NY 14850  
607-227-1172  
Email: tterrizzi@yahoo.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Armando Dieppa**

represented by **Betsy C. Sterling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David C. Leven**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Karen L. Murtagh-Monks**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Betsy Fuller**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Kerr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas Terrizzi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Diane Gibson**  
*on behalf of themselves and all other  
persons similarly situated*

represented by **Betsy C. Sterling**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David C. Leven**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Karen L. Murtagh-Monks**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Betsy Fuller**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sarah Kerr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas Terrizzi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Thomas A. Coughlin**  
*Commissioner of Correctional Services*

represented by **David B. Roberts**  
Office of Attorney General - Albany  
State of New York  
The Capitol  
Albany, NY 12224  
518-408-2516  
Fax: 518-473-1572  
Email: David.Roberts@oag.state.ny.us  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Charles Scully**  
*Superintendent, Green Haven  
 Correctional Facility*

represented by **David B. Roberts**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Robert J. Henderson**  
*Superintendent, Auburn Correctional  
 Facility*

represented by **David B. Roberts**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Steven E. Katz**  
*Commissioner of Mental Health*

represented by **David B. Roberts**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Joel A. Dvoskin**  
*Director of Forensic Services, New  
 York State Office of Mental Health; in  
 their official capacities*

represented by **David B. Roberts**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Robert Selcov**  
 Office of Robert Selcov  
 4371 Albany Post Road  
 Hyde Park, NY 12538  
 845-229-9440  
 Fax: 845-229-9477  
 Email: robertselcov@verizon.net  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/17/1987	4	COMPLAINT filed; TRANSFERRED FROM SD/NY. (cbm) (Entered: 06/27/1991)
02/17/1987	11	MOTION by Ronald Anderson, Armando Dieppa, Diane Gibson to Certify Class . (cbm) (Entered: 06/27/1991)
02/17/1987	16	ANSWER to Complaint by Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. Dvoskin (Attorney David B. Roberts), (cbm) (Entered: 06/27/1991)
02/17/1987	17	MEMORANDUM and Proposed Order by Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. Dvoskin in opposition to [11-1] motion to Certify Class (cbm) (Entered: 06/27/1991)

02/17/1987		CASE REFERRED to Magistrate Judge Gustave J. DiBianco (cbm) (Entered: 06/27/1991)
03/02/1987	19	Reply Affidavit (dd 2/26/87); w/ exhibits A-C in response to [11-1] motion to Certify Class (cbm) (Entered: 06/27/1991)
05/29/1987	21	Report-Recommendation of Mag Conan dd 5/15/87; Copies sent to parties via certified mail (cbm) (Entered: 06/27/1991)
03/01/1988	35	MEMORANDUM-DECISION & ORDER granting [11-1] motion to Certify Class ( signed by Chief Judge Neal P. McCurn ) (cbm) (Entered: 07/08/1991)
07/26/1988	37	Stipulation/Protective Order on behalf of Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. Dvoskin, (signed by Magistrate Judge Gustave J. DiBianco ) (cbm) (Entered: 06/27/1991)
02/26/1990		MINUTE ENTRY; 2/26/90 Pre-trial Conference; (Mag DiBianco presiding] Appearances: PLS by Stephen Latmier for pltfs, Robert Abrams by AAG David Roberts for defts; Preliminary injunction hearing. Pltf Witness Albury; Witness for defts: Dr Edward Chung. (cbm) (Entered: 06/27/1991)
02/27/1990		MINUTE ENTRY; Pre-trial Conference continued from 2/27/90 presiding] Appearances: same. Witnesses for defts: Warren William Skoy, Dr Edward Chung. Mr Latimer for pltfs moves for TRO to prevent Anthony Perry from being placed in Special Housing Unit. R-R to be issued. Counsel advised of option to consent to proceed before the magistrate. Defts to file brief by 3/6/90 (cbm) (Entered: 06/27/1991)
03/13/1990	40	REPORT AND RECOMMENDATIONS of Magistrate Judge Gustave J. DiBianco Re: ; Motion(s) no longer referred (cbm) (Entered: 06/27/1991)
06/11/1990	53	ORDER,approving R-R & denying pltfs' motion for Preliminary Injunction , and for Temporary Restraining Order ( signed by Chief Judge Neal P. McCurn ) (cbm) (Entered: 06/27/1991)
10/10/1990	56	ORDER, granting pltfs' motion to Compel discovery subject to the submission & signing of an appropriate protective order which pltfs shall submit to this court for review. ( signed by Magistrate Judge Gustave J. DiBianco ) (cbm) (Entered: 06/27/1991)
11/14/1990	57	ORDER ( signed by Magistrate Judge Gustave J. DiBianco ) re: inspection and copying of discovery materials by counsel for pltfs, w/certain conditions, etc. (cbm) (Entered: 06/27/1991)
01/18/1991	58	Stipulation & Protective Order ( signed by Magistrate Judge Gustave J. DiBianco ) re: discovery. (cbm) (Entered: 06/27/1991)
06/12/1991	60	Supplemental RESPONSE by Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. Dvoskin to Discovery : pltfs' 2nd request for production of documents. (cbm) (Entered: 06/27/1991)

06/28/1991	61	ORDER, set Pretrial Conference for 10:00 8/21/91 in Syracuse before Magistrate Scanlon, set Brief deadline to 8/7/91 ( signed by Chief Judge Neal P. McCurn ); transferring action to Mag. Scanlon. (cbm) (Entered: 07/08/1991)
06/28/1991		CASE NO LONGER REFERRED TO Magistrate Judge Gustave J. DiBianco (cbm) (Entered: 07/08/1991)
06/28/1991		CASE REFERRED to Magistrate Judge Daniel Scanlon Jr. (cbm) (Entered: 07/08/1991)
08/06/1991	62	Pltfs' memo of law on consolidation with Perri v. Coughlin, 90-CV-1160. (cbm) (Entered: 08/07/1991)
08/07/1991	63	Defts' memo of law respecting consolidation of this action with 90-CV-1160 and 84-CV-1035. (cbm) (Entered: 08/08/1991)
09/13/1991	64	ORDER, to Consolidate Cases 90-CV-1160, 87-CV-141 and 84-CV-1035 for trial; set Motion Filing deadline to 9/25/91 , set Discovery deadline to 1/15/92 , set Bench Trial for 1/15/92 ( signed by Magistrate Judge Daniel Scanlon Jr. ) [served] (cbm) (Entered: 09/18/1991)
09/13/1991		Consolidated Member Case . Lead Case Number: 6cv84 1035 (cbm) (Entered: 10/18/1991)
09/24/1991	65	MOTION by Ronald Anderson for Summary Judgment , Hearing set for 10/16/91 at 11:30 , Response Deadline 10/2/91 , Reply to Response Deadline 10/9/91 (cbm) (Entered: 09/25/1991)
09/24/1991	66	MEMORANDUM by Ronald Anderson in support of [65-1] motion for Summary Judgment (cbm) (Entered: 09/25/1991)
10/02/1991	67	Response to pltfs' motion for partial summary judgment and CROSS MOTION by Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. Dvoskin for partial Summary Judgment dismissing this action insofar as it purports to state a claim for alleged deprivation of due procees rights under the Tier III disciplinary process utilized by DOCS , Hearing set for 10/16/91 at 11:30 , Response Deadline 10/9/91 (cbm) (Entered: 10/08/1991)
10/02/1991	68	MEMORANDUM by Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. Dvoskin in opposition to [65-1] motion for Summary Judgment and in support of depts' cross-motion for partial summary judgment. (cbm) (Entered: 10/08/1991)
10/11/1991	69	AFFIDAVIT of Sarah Betsy Fuller of PLS Re: incidents at Auburn CF relevant to this litigation, dd 10/10/91. (cbm) (Entered: 10/17/1991)
10/15/1991	70	MEMORANDUM by Ronald Anderson, Armando Dieppa, Diane Gibson in opposition to [67-1] cross motion for partial Summary Judgment dismissing this action insofar as it purports to state a claim for alleged deprivation of due procees rights under the Tier III disciplinary process utilized by DOCS (cbm) (Entered: 10/18/1991)

10/15/1991	71	Certificate of service of pltfs' reply brief and brief in opposition to defts' motion for summary judgment, dd 10/11/91. (cbm) (Entered: 10/18/1991)
10/16/1991		Pre-trial conference held (cbm) (Entered: 11/12/1991)
10/21/1991	72	Letter from pltf Perri to Judge McCurn dd 10/10/91 w/copies of rcts for cert. mail, etc. (original filed in 84-CV-1035) (cbm) Modified on 10/25/1991 (Entered: 10/25/1991)
10/21/1991	73	Letter from pltf Perri to Judge McCurn dd 10/14/91 w/copies of rcts for cert. mail, etc. (original filed in 84-CV-1035) (cbm) Modified on 10/25/1991 (Entered: 10/25/1991)
11/01/1991	74	RESPONSE in opposition by Joel A. Dvoskin to pltfs' [65-1] motion for Summary Judgment and in support of defts' cross-motion for summary judgment. (cbm) (Entered: 11/05/1991)
11/01/1991	75	MEMORANDUM by Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. in reply to pltfs' [70-1] opposition memorandum, submitted in accordance w/court's directive of 10/16/91. (cbm) (Entered: 11/05/1991)
11/01/1991	76	3rd REQUEST for Production of Documents by Ronald Anderson, Armando Dieppa, Diane Gibson (cbm) (Entered: 11/05/1991)
11/01/1991	77	TRANSCRIPT filed for 10/10/89 EBT of Joel A. Dvoskin. (cbm) (Entered: 11/05/1991)
11/01/1991	78	TRANSCRIPT filed for 12/5/89 EBT of Donald Selsky. (cbm) (Entered: 11/05/1991)
11/01/1991	79	TRANSCRIPT filed for 11/2/89 EBT of S. Thomas Dodson. (cbm) (Entered: 11/05/1991)
11/01/1991	80	TRANSCRIPT filed for 12/19/89 EBT of non-party witness Warren W. Skov, held at Green Haven CF. (cbm) (Entered: 11/05/1991)
11/04/1991	81	Second Set of INTERROGATORIES propounded by Ronald Anderson to Thomas A. Coughlin, Charles Scully, Robert J. Henderson, Steven E. Katz, Joel A. Dvoskin, Armando Dieppa, Diane Gibson (fce) (Entered: 11/05/1991)
11/06/1991	82	ORDER, set Witness List deadline to 11/15/91 , for pltfs to provide witness list to defts; that time for motions has expired; set Discovery deadline to 1/15/92 , set Bench Trial for 2/16/92 ; w/directions to clerk, etc. ( signed by Magistrate Judge Daniel Scanlon Jr. ) (cbm) (Entered: 11/12/1991)
11/12/1991	83	AFFIDAVIT of Sarah Betsy Fuller Re: [74-1] motion response (cbm) (Entered: 11/18/1991)
11/13/1991	84	Pltfs' rebuttal MEMORANDUM to [75-1] defts' sur-reply brief. (cbm) (Entered: 11/18/1991)
12/03/1991	85	ORDER, reset Discovery deadline to 4/1/92 , reset Bench Trial for 5/1/92

		( signed by Magistrate Judge Daniel Scanlon Jr. ) (cbm) (Entered: 12/05/1991)
12/03/1991	86	Letter from AAG Roberts to Judge Scanlon dd 11/29/91 re: extension of discovery deadline, on consent, to 4/1/92, etc. (cbm) (Entered: 12/05/1991)
02/24/1992	88	Copy of letter from pltf to Judge McCurn dd 2/16/92 re: deposition/ (fce) (Entered: 03/04/1992)
02/27/1992	87	4th REQUEST for Production of Documents by Ronald Anderson, Armando Dieppa, Diane Gibson (cbm) (Entered: 02/28/1992)
04/09/1992	89	SIXTH REQUEST for Production of Documents by Ronald Anderson, Armando Dieppa, Diane Gibson (fce) (Entered: 04/13/1992)
04/21/1992	90	Letter to Judge McCurn from Pltf. mailed 4/17/92 re: conditions in prison. (fce) (Entered: 04/22/1992)
07/09/1992	91	Pltf's letter to Judge McCurn and Magistrate Judge Scanlon dd 7/1/92 re: trial date. (cbm) (Entered: 07/14/1992)
08/03/1992	92	Letter from pltf Perri to clerk's office dd 7/28/92 w/copy of letter from pltf Perri to Judge McCurn & Magistrate Judge Scanlon dd 8/1/92 attached. (cbm) (Entered: 08/03/1992)
11/19/1992	93	Copy of letter from AAG Roberts to Judge Scanlon dd 11/17/92 in regard to Mr. Latimer's 11/2/92 correspondence. (cbm) (Entered: 11/23/1992)
12/09/1994		Motion(s) referred: [67-1] cross motion for partial Summary Judgment , [65-1] motion for Summary Judgment referred to Magistrate Judge Daniel Scanlon Jr. (cbm) (Entered: 12/09/1994)
12/13/1996	94	Sixth REQUEST for Production of Documents by Diane Gibson, Armando Dieppa, Ronald Anderson (fce) (Entered: 12/13/1996)
03/02/1998		Motion(s) no longer referred: [65-1] motion for Summary Judgment, [67-1] cross motion for partial Summary Judgment dismissing this action insofar as it purports to state a claim for alleged deprivation of due procees rights under the Tier III disciplinary process utilized by DOCS (cbm) (Entered: 03/02/1998)
03/02/1998		CASE NO LONGER REFERRED TO Magistrate Judge Daniel Scanlon Jr.; Order on consent was filed 6/10/94 (consolidation of cases was 9/13/91) (cbm) (Entered: 03/02/1998)
03/02/1998		CASE reassigned to Magistrate Judge Daniel Scanlon Jr. (Order on consent filed in lead case on 6/10/94) (cbm) (Entered: 03/02/1998)
07/06/1998	95	REPORT AND RECOMMENDATIONS of Magistrate Judge Daniel Scanlon Jr. Service Date: 7/1/98 Re: [67-1] cross motion for partial Summary Judgment dismissing this action insofar as it purports to state a claim for alleged deprivation of due procees rights under the Tier III disciplinary process utilized by DOCS, [65-1] motion for Summary Judgment RECOMMENDED, Pltfs' motion for partial summary



		judgment [#65] be DENIED & Defts' cross motion for partial summary judgment [#67] be DENIED. (Objection to R and R due by 7/21/98 for Thomas A. Coughlin, for Ronald Anderson, for Charles Scully, for Robert J. Henderson, for Steven E. Katz, for Joel A. Dvoskin, for Armando Dieppa, for Diane Gibson); Motion(s) no longer referred (Imp) (Entered: 07/06/1998)
07/15/1998	96	ORDER, to Amend [64-1] order to Consolidate Cases , w/84-CV-1035 as lead case, rescinding same; cases are no longer consolidated; trial in this case to be scheduled at a later date. (signed by Senior Judge Neal P. McCurn on 7/14/98) (Imp) (Entered: 07/15/1998)
07/15/1998	97	ORDER, to Amend 6/23/98 Report-Recommendation [95-1] to set forth correct title as Anderdson, et v. Coughlin, et al., 87CV141 ; further amending same to give parties 45 days to lodge written objections to same. (signed by Senior Judge Neal P. McCurn on 7/14/98) (Imp) Modified on 07/16/1998 (Entered: 07/15/1998)
07/15/1998		CASE reassigned to Senior Judge Neal P. McCurn (Imp) (Entered: 07/15/1998)
07/16/1998		Deadline updated; Objections reset to 8/14/98 for [95-1] report and recommendations (Imp) (Entered: 07/16/1998)
01/06/1999	98	ORDER adopting 6/23/98 Report-Recommendation; denying [67-1] cross motion for partial Summary Judgment dismissing this action insofar as it purports to state a claim for alleged deprivation of due procees rights under the Tier III disciplinary process utilized by DOCS, denying [65-1] motion for Summary Judgment (signed by Senior Judge Neal P. McCurn on 1/5/99) (Imp) (Entered: 01/06/1999)
07/28/1999	99	LETTER ORDER requesting AAG Roberts to contact Pltfs. attys. & arrange for status conf.; please check w/secretary Judy West, concerning date & time for same. (signed by Senior Judge Neal P. McCurn on 7/28/99) (Imp) (Entered: 07/28/1999)
08/13/1999	100	Minute entry: Tel. Conf. re issues remaining, further discovery necessary & proposed schedule - after discussion court directs Pltf's atty. to send letter within 20 days as to what trial issues are, what discovery is needed & how much time needed to accomplish same; set Status Report deadline to 9/2/99 ; Defts. to respond to same within 20 days of receipt & court will then issue ruling or set further tel. conf. at which trial date will be set. APP: Thomas Terrizzi, Sarah Betsy Fuller & Sarah Kess for Pltfs.; David Roberts, Thomas Goetz & Steve Stark-Riemer for Defts.; Court Reporter/ECRO: None (Imp) (Entered: 08/18/1999)
09/08/1999	101	STATUS REPORT by Thomas Terrizzi, Esq., for Pltfs. Diane Gibson, Armando Dieppa, Ronald Anderson, identifying issues & description of what Pltfs. need to prepare for trial & timetable therefor. (Imp) (Entered: 09/08/1999)
09/21/1999	102	STATUS REPORT/Letter from AAG Roberts dtd 9/20/99 for Defts. Joel A. Dvoskin, Steven E. Katz, Robert J. Henderson, Charles Scully,

		Thomas A. Coughlin in response to Pltfs' atty's 9/2/99 letter. (Imp) (Entered: 09/21/1999)
09/24/1999	103	LETTER ORDER, set Pretrial Conference for 2:00 pm on 9/30/99 in Syracuse, NY. (signed by Senior Judge Neal P. McCurn on 9/23/99) [sent via FAX] (Imp) (Entered: 09/24/1999)
09/30/1999		Pre-trial conference held (Imp) (Entered: 09/30/1999)
09/30/1999	104	Minute entry: Tel. Conf. re discovery schedule - court reviewed discovery requests as set forth in 9/2 & 9/22 letters & set limits & parameters on forthcoming discovery to be set forth in pretrial discovery order to be issued by court. APP: Thomas Terrizzi & Sarah Betsy Fuller for Pltfs.; David Roberts, Thomas Goetz, Sr. & Steve Stark-Riemer for Defts.; Court Reporter/ECRO: None (Imp) (Entered: 10/04/1999)
10/04/1999	105	Scheduling Order Issued. 1) Pltfs. shall file 1st Discovery Request designed to identify current class members by 10/15/99 & Defts. shall comply by 11/15/99; 2) upon receipt of Defts' response, Pltfs. may make 2nd Document Request for DOCS & OMH records for selected class members, etc., by 2/1/00 & Defts. shall comply by 2/1/00; 3) upon receipt of Defts. compliance, Pltf. shall have until 4/15/00 to review same & prepare them for review by expert; 4) Pltfs' expert shall have until 6/1/00 records & prepare to interview selected inmates; 5) interviews shall be accomplished by 7/1/00; 6) Pltf's expert report shall be filed & served by 9/1/00; 7) If Defts. intent to utilize an expert, Defts. shall identify same & file report by 12/1/00; 8) upon receipt of Pltfs' expert report, Pltfs. will have until 12/1/00 to conduct depositions of named Defts. or successors, etc.; 9) depositions of Pltfs' & Defts' experts to be completed by 2/1/01; Discovery Deadline 3/1/01 & there will be no extensions beyond that date; Motion Filing Deadline 4/15/01; court will issue pretrial order requiring submission before trial & trial date will be selected in 6/2001. (Signed by Senior Judge Neal P. McCurn on 10/1/99) (Imp) (Entered: 10/04/1999)
10/15/1999	106	First Discovery REQUEST by Diane Gibson, Armando Dieppa, Ronald Anderson (Imp) (Entered: 10/15/1999)
01/25/2000	107	PLAINTIFFS' SECOND DISCOVERY REQUEST for Production of Documents by Betsy Sterling, Esq. on behalf of Diane Gibson, Armando Dieppa, Ronald Anderson (ljr) (Entered: 01/25/2000)
08/04/2000	108	NOTICE of attorney appearance for Diane Gibson, Armando Dieppa, Ronald Anderson by Sarah Kerr (fce) (Entered: 08/14/2000)
08/29/2000	109	NOTICE of Transfer of Inmate Litigation to Syracuse Divisional Office effective 9/5/00. (fce) (Entered: 08/29/2000)
09/07/2000	110	NOTICE of attorney appearance as co-counsel for Diane Gibson, Armando Dieppa, Ronald Anderson by Betsy C. Sterling. (fce) Modified on 09/07/2000 (Entered: 09/07/2000)
12/20/2000		State Court records returned to Office of the Attorney General. (kmg)

		(Entered: 12/20/2000)
03/06/2001	111	JOINT STATUS REPORT and Request for status conference to address the scheduling order by Ronald Anderson, Thomas A. Coughlin, w/copy of scheduling order filed 10/4/99. (tjm) (Entered: 03/06/2001)
03/09/2001	112	Minute entry: Telephone Status conference before Judge McCurn. Appearances: Betsy Sterling, Esq., Prisoner Legal Services, for Pltf.; David Robers, AAG, for Defts. Court grants counsels' joint request to extend cut-off dates previously ordered on 10/1/99. Pltf's atty to submit agreed upon order. Conference length: 30 min. Court Reporter/ECRO: None (tjm) (Entered: 03/12/2001)
03/15/2001		Tele-conference held (tjm) (Entered: 03/19/2001)
03/19/2001	113	Minute entry: Telephone Conference with Judge McCurn - Appearances: Betsy Sterling, Esq. and Tom Terrizzi, Esq., for Plaintiff; David Roberts, AAG for Defts. Mr. Roberts requests extension of time on behalf of defendants in order to make random selection of inmates and for production of documents, as per para. 2 of Order dtd 10/1/99. Court grants 60 day extension. Plaintiffs are to include same in their proposed order to be submitted to the Court. Court Reporter/ECRO: None (tjm) (Entered: 03/19/2001)
04/12/2001	114	Letter by Betsy Sterling of Prisoners' Legal Services to Judge McCurn dtd 4/11/01 reflecting a revised scheduling order issued by the Court at a telephone conference on 3/8/01, that discovery deadline is 8/1/02 and motion deadline is 10/1/02. (tjm) (Entered: 04/16/2001)
06/18/2001	115	MOTION by Diane Gibson, Armando Dieppa, Ronald Anderson for Sanctions , for failure to comply with the Court's scheduling orders and prohibiting defts from introducing designated matters into evidence, and ordering defts. to pay attorney's fees and costs; w/affirmation by Betsy Sterling, Esq. and exhibits A thru C; Motion returnable before Judge/Mag. Judge: McCurn (tjm) Modified on 06/20/2001 (Entered: 06/20/2001)
06/18/2001	116	CERTIFICATE OF SERVICE by Diane Gibson, Armando Dieppa, Ronald Anderson of motion for sanctions and supporting affirmation, served upon AAG David Roberts by mail on 6/15/01. (tjm) Modified on 06/20/2001 (Entered: 06/20/2001)
06/19/2001	117	ORDER Letter to all counsel dtd 6/19/01 directing plaintiffs to file a memorandum of law in support of their [116-1] Motion for sanctions within 10 days from date of letter. Defts' opposition papers to be filed 14 days after receipt of pltf's memorandum of law. Court will then determine if oral argument will be held and advise of time and place. ( signed by Senior Judge Neal P. McCurn ) Date Entered: 6/19/01 (tjm) Modified on 06/20/2001 (Entered: 06/20/2001)
06/26/2001	119	NOTICE from Judge McCurn to all counsel granting extension of time to meet deadlines. Plaintiff's memorandum of law in support of its motion is due 7/23/01. Defendants' opposition papers will be due 14 days after

		receipt of plaintiff's said memorandum of law (8/6/01). (nas) (Entered: 06/28/2001)
06/28/2001		Deadline updated to 7/23/01 for plaintiff's memorandum of law in support of motion for sanctions and defendants' opposition papers are due 14 days after receipt of said memorandum of law (by 8/6/01) per docket no. 119. (nas) (Entered: 06/28/2001)
07/11/2001	120	REQUEST by AAG David Roberts dtd 7/10/01 on behalf of both parties to adjourn date for plaintiffs' brief in support of its pending motion for sanctions until 8/8/01 to work out out a resolution of the underlying discovery problem, and ORDER granting same. (signed by Senior Judge Neal P. McCurn (tjm) (Entered: 07/12/2001)
08/07/2001	<a href="#">121</a>	ORDER/STIPULATION to Withdraw [115-1] motion for Sanctions ( signed by Senior Judge Neal P. McCurn ) Date Entered: 8/7/01 (nas) (Entered: 08/09/2001)
08/15/2001	122	NOTICE from Attorney Sarah Betsy Fuller informing the Court that she is no longer w/Syracuse University, she is now w/the Prisoner's Legal Services of NY. (nas) (Entered: 08/15/2001)
10/19/2001	<a href="#">123</a>	LETTER ORDER directing attys. to advise as to trial status. (signed by Senior Judge Neal P. McCurn on 10/18/01) (Imp) (Entered: 10/19/2001)
11/01/2001	124	STATUS REPORT by Betsy Sterling, Esq. on behalf of plaintiffs Diane Gibson, Armando Dieppa, Ronald Anderson, advising that discovery is ongoing. (tjm) (Entered: 12/06/2001)
05/02/2002	125	Letter by David Roberts to Judge McCurn on behalf of the parties in this case dtd 4/19/02, requesting a status conference to set a new schedule for the case. (tjm) (Entered: 05/06/2002)
05/02/2002	126	Scheduling Notice by Judge McCurn.: set Status Conference for 11:00 6/12/02 in Syracuse. (tjm) (Entered: 05/06/2002)
06/05/2002	127	NOTICE from David B. Roberts, AAG, on behalf of Steven E. Katz, Robert J. Henderson, Charles Scully, Thomas A. Coughlin (dd 6/3/02) calling to the Court's attention that plaintiff's counsel has initiated another action in the S.D. of NY, enclosing a copy of the complaint, stating that this action and the one filed in S.D.N.Y. raises substantially the same issues. (nas) (Entered: 06/05/2002)
06/13/2002		Pre-trial conference held (tjm) (Entered: 06/14/2002)
06/13/2002	128	Minute entry: Pretrial conference before Judge McCurn in Syracuse. Appearances: S. Betsy Fuller and Sarah Kerr, Esqs., for Plaintiffs; AAG David Roberts, Esq., and Steve Stark-Riemer, Esq., Associate Attorney for Office of Mental Health, for Defendants. Court meets w/counsel re: their 4/19/02 joint letter request for a conference to discuss amendment of the pretrial schedule and lawsuit filed in the Southern District. On consent of counsel, court will bifurcate the trial. If due process claim is not settled on or before August 9, 2002 then, set Bench Trial for 11:00 11/4/02 , one week trial with a final pretrial conference on August 16,

		2002 at 2:00 p.m. if needed. set Discovery deadline to 1/1/03 for the 8th amendment claim. Counsel to submit a joint letter to the court confirming the above. Court Reporter/ECRO: None (tjm) (Entered: 06/14/2002)
07/17/2002	129	Letter submitted by David Roberts, AAG, on behalf of the defendants (dd 7/15/02) with an attached confirmation of the scheduling conference that was held on 6/12/02, also informing the Court that the submission is from defendants counsel only, that plaintiff's counsel declined to make a joint submission. (nas) (Entered: 07/17/2002)
08/12/2002	130	Letter from the Attorney General's Office to the Court advising that the parties have been unsuccessful in reaching agreement as to the details of how the settlement will be implanted. (dd 8/9/02) (nas) (Entered: 08/23/2002)
08/28/2002	131	Letter from Sarah Kerr advising the Court of the follow-up to the 8/9/02 letter, attaching a proposed Stipulation (dd 8/26/02) (nas) (Entered: 08/29/2002)
08/30/2002	132	NOTICE from the Attorney General's Office informing the court of the issues that remain outstanding between the parties prior to the Court settlement conference scheduled for 9/3/02. (dd 8/28/02) (nas) (Entered: 08/30/2002)
09/04/2002	133	Minute entry: Pretrial Conference before Judge McCurn in Syracuse. Appearances: Tom Terrizzi and S. Betsy Fuller Sterling, Esqs., Prisoners' Legal Services, for Plaintiffs; David Roberts, AAG, Steve Stark-Riemer, Esq. and Thomas Goetz, Esq., for Defendants. Counsel advise court that the motion in the Southern District case to transfer has been denied. Court reviews propped settlement agreement, particularly in regard to enforcement. After lengthy discussion case is settled as to the prospective regulatory changes to the disciplinary system in accordance with statements made by counsel, reserving the matter of attorneys fees for 30 days. Counsel will submit to the court the stipulation agreed to as well as a scheduling order for the remaining 8th Amendment claim. Court Reporter/ECRO: None (tjm) (Entered: 09/06/2002)
09/25/2002	134	TRANSCRIPT filed for dates of 9/3/02 - settlement conference before Judge McCurn in Syracuse. (tjm) Modified on 09/25/2002 (Entered: 09/25/2002)
11/18/2002	135	Change of Address received for the Prisoners' Rights Project, Legal Aid Society.. Effective date: 11/15/02 New Address: One Battery Park Plaza, New York, NY 10004 (nas) (Entered: 11/18/2002)
04/11/2003	136	Minute entry: April 3, 2003, Hon. McCurn. Court Clerk: J. West. Appearances: For Plaintiff: S. Betsy Fuller Esq., Sarah Kerr, Esq.. For Defendants: David Roberts; Steve Stark-Riemer; Thomas Goetz; Tony Annucci. 11:00 am, telephone conference. The court hears from attorneys for the parties in connection with plaintiffs' request for a status conference. Two main issues discussed: (1) provision for pltfs' to get legal fees and disbursements for monitoring for next 3 years (court can keep continuing jurisdiction over and/or appoint an attorney to monitor).

		Pltfs to respond to this issue on or before May 3. If case not settled at that time counsel to make motion and brief same. (2) 8th amendment claims (relates to housing of patients in special housing unit) seek injunctive relief. Presently plaintiffs and their expert are interviewing these inmates - State said it will use as its expert Raymond Desmond. After discussion court directed plaintiffs to send defendants and the court a new scheduling order. Court directs State to respond within 30 days after receipt of same. Plaintiffs' counsel to submit letter to court within 10 days after receipt of same. Plaintiffs' counsel to submit letter to court and defendants' counsel confirming items discussed. 12:30 am - court recessed. (nas) (Entered: 04/15/2003)
05/05/2003	137	NOTICE from Prisoner's Legal Services of NY informing the court of the revised scheduled order. (dd 5/2/03) (nas) (Entered: 05/07/2003)
05/28/2003	138	Minute entry: Court Clerk: J. West. Hon. McCurn, May 22, 2003. Appearances: for plaintiff: Tom Terrizzi and Betsy Sterling, Sara Kerr; For Defendants: David Roberts; Thomas Goetz. Settlement Conference. Time: 1:00 pm to 5:00 pm. Court meets with counsel regarding proposed settlement agreement on due process claim. Attorney Kerr will submit a stipulation and order setting forth the agreement. (nas) (Entered: 05/28/2003)
10/15/2003	139	Correspondence from Judge McCurn to all counsel telling them to file closing papers and/or a stipulation of discontinuance. (dd 10/13/03) (nas) (Entered: 10/15/2003)
10/28/2003	<a href="#">140</a>	STIPULATION AND ORDER regarding Notice to the Class Pursuant to FRCP 23(e). ( signed by Senior Judge Neal P. McCurn ) Date Entered: 10/30/03 (rjb) (Entered: 10/30/2003)
12/16/2003	<a href="#">141</a>	PRIVATE SETTLEMENT AGREEMENT signed by Judge McCurn approving the agreement as to form only. "Paragraph 29 is so ordered by the Court. (nas) Additional attachment(s) added on 12/22/2003 (nas, ). (Entered: 12/18/2003)
12/17/2003	<a href="#">143</a>	Letter from Betsy Sterling dated 12/16/03 outlining the case status conference that was held via telephone on 12/15/03.(nas) Additional attachment(s) added on 12/31/2003 (nas, ). (Entered: 12/30/2003)
12/22/2003	<a href="#">142</a>	Minute Entry for proceedings held before Judge Neal P. McCurn : Telephone Conference held on 12/15/2003 from 2:00 pm to 3:30 pm. Appearances: for plaintiffs: Tom Terrizzi and Betsy Fuller Sterling Esqs. For defendants: David Roberts, Steve Stark-Reimer, Thomas Goetz. Court and counsel discuss settlement of due process claim, status of the pending 8th amendment violation claim and issue of consolidation of this 8th amendment claim with the case pending in the Southern District. (nas, ) Additional attachment(s) added on 12/22/2003 (nas, ). (Entered: 12/22/2003)
02/20/2004	<a href="#">144</a>	Letter from AAG David Roberts for Thomas A. Coughlin, Joel A. Dvoskin, Robert J. Henderson, Steven E. Katz, Charles Scully requesting adjournment of status report date <i>and enclosing letter by AAG Brewster,</i>

		2/19/04. (Attachments: # <a href="#">1</a> )(Roberts, David) (Entered: 02/20/2004)
02/24/2004	<a href="#">145</a>	LETTER/NOTICE dated 2/24/04; Letter addressed to counsel for parties from Judge McCurn; The Court advises they have no objection to the suggestion of Ms. Kerr to a 3 week extension to attempt to resolve this matter; Parties are advised to work towards disposal of this action (kcl, ) (Entered: 03/03/2004)
03/17/2004	<a href="#">146</a>	Letter from Tom Terrizzi updating the Court on the status of counsels' efforts to work out a settlement. Also, requesting time to update the Court further to the Week of March 29, 2004. Approved by Judge McCurn. (nas) (Entered: 03/19/2004)
04/02/2004	<a href="#">147</a>	Letter from AAG David Roberts for Thomas A. Coughlin, Joel A. Dvoskin, Robert J. Henderson, Steven E. Katz, Charles Scully requesting status report re settlement talks, requesting 2 more weeks. (Roberts, David) (Entered: 04/02/2004)
04/05/2004	<a href="#">149</a>	Letter from Judge McCurn to all parties by fax granting the extension until April 16, 2004 (nas) (Entered: 04/21/2004)
04/16/2004	<a href="#">148</a>	Letter from David Roberts AAG for Thomas A. Coughlin, Joel A. Dvoskin, Robert J. Henderson, Steven E. Katz, Charles Scully requesting status of settlement discussions and requesting another week <i>to report back</i> . (Roberts, David) (Entered: 04/16/2004)
04/20/2004	<a href="#">150</a>	ORDER granting David Roberts' request for an extension of time to inform the court of the progress until 4/23/04. Signed by Judge Neal P. McCurn on 4/19/04. (nas) (Entered: 04/21/2004)
06/02/2004	<a href="#">151</a>	NOTICE of Hearing: At the request of Atty Sterling, the Court has scheduled a telephone conference for 6/7/2004 01:30 PM before Senior Judge Neal P. McCurn. (jlm) (Entered: 06/07/2004)
06/08/2004	<a href="#">152</a>	Minute Entry for proceedings held before Judge Neal P. McCurn : Telephone Conference held on 6/8/2004. (Court Reporter J. Hibbard.) (nas) Modified on 6/28/2004 to correct Court Reporter name (dictlmp, ). (Entered: 06/25/2004)
06/30/2004	<a href="#">153</a>	ORDER granting David Roberts AAG's request for a two week extension to report back to the Court on the status of the settlement until 7/22/04. Signed by Judge Neal P. McCurn on 6/29/04. (nas) (Entered: 07/02/2004)
07/23/2004	<a href="#">154</a>	ORDER granting Betsy Sterling's request for an extension of time to report to the Court as to the negotiations until 9/17/04. Signed by Judge Neal P. McCurn on 7/22/04. (nas) (Entered: 07/23/2004)
09/20/2004	<a href="#">155</a>	STATUS REPORT/ORDER; Letter addressed to Judge McCurn from David Roberts, Esq.; Counsel advises of case status and requests additional time from the Court to resolve the matter; Counsel proposes submitting a stipulation of dismissal by 10/15/04; So Ordered . Signed by Judge Neal P. McCurn on 9/20/04. (kcl, ) (Entered: 09/21/2004)
01/27/2005	<a href="#">156</a>	RULE 41 VOLUNTARY STIPULATION OF DISMISSAL AND

		ORDER. Signed by Judge Neal P. McCurn on 1/17/04. (nas) (Entered: 01/27/2005)
01/31/2005	<a href="#">157</a>	Letter from Judge McCurn to all counsel informing them that the date of 3/1/05 in the "Notice of Plaintiffs Re: Dismissal of Claims" has been changed to 3/8/05. (nas) (Entered: 01/31/2005)
03/11/2005	<a href="#">158</a>	Letter from Judge McCurn to all parties enclosing copies of letters from members of the class. (nas) (Entered: 03/11/2005)
04/14/2005	<a href="#">159</a>	ORDER that the Court finds that the voluntary dismissal of this action is made upon terms that are fair, reasonable and adequate. ORDERED that all remaining claims in this action are dismissed with prejudice. Signed by Judge Neal P. McCurn on 4/14/05. (nas) (Entered: 04/14/2005)
06/27/2005	<a href="#">160</a>	Letter from the Court providing copies of the Stipulation and Protective Order. (nas) (Entered: 06/27/2005)
07/28/2005	<a href="#">161</a>	STIPULATION AND PROTECTIVE ORDER. Signed by Judge Neal P. McCurn on 7/28/05. (nas) (Entered: 07/28/2005)

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