

CLOSED

U.S. District Court
United States District Court for the Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:03-cv-00859-CLB

Rosario, et al v. Goord, et al
Assigned to: Judge Charles L. Brieant
Demand: \$0
Cause: 42:12112 Americans with Disabilities Act of 1990

Date Filed: 02/06/2003
Date Terminated: 09/29/2006
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Carlos Rosario

represented by **Betsy R. Ginsberg**
Legal Aid Society
Prisoners' Rights Projects
199 Water Street
6th Floor
New York, NY 10038
(212) 577-3530
LEAD ATTORNEY

Plaintiff

Worley Hall

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Roger Zydor

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Marshall Rosado

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Donald Smith

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Vincent Rios

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Vincent Kimbro
TERMINATED: 04/22/2003

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Gilbert Santiago

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Roderick Reyes

represented by **Betsy R. Ginsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Christopher Aldrich

represented by **Betsy Ginsberg**
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**Commissioner NYDOCS Glenn S.
Goord**

represented by **Bruce A. Brown**
Attorney General of the
State of New York
120 Broadway
New York, NY 10271
(212) 416-8513
LEAD ATTORNEY

Defendant

Frank Headly
*DOCS Deputy Commissioner for
Programs*

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Deputy Commissioner Stephen Bernardi
of Policy and Compliance Review

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Donna Masterson
*DOCS Americans with Disabilities Act
Coordinator*

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Lester Wright
*DOCS Deputy Commissioner and Chief
Medical Officer*

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

William Massuca
*Superintendent, Fishkill Correctional
Facility ("CF")*

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Superintendent Kenneth S. Perlman
Mohawk CF

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Edward Donnelly
Superintendent

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Jimmy Harris
Deputy Superintendent for Programs

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Jim Mance
*Deputy Superintendent For Prgorams,
Mohawk CF*

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Helen Dean
Superintendent fro Programs, Wende CF

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Anne Cole
*Deputy Superintendent for the
Correctional Health Care Facility, Fishkill
CF*

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Joan Rosado
*Deputy Superintendent for the
Correctional Health Care Facility, Walsh
Rmu.*

represented by **Bruce A. Brown**
(See above for address)
LEAD ATTORNEY

Defendant

Susan Post
*Deputy Superintendent for the Correctional
 Health Care Facility, Wende Cf.*

represented by **Bruce A. Brown**
 (See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
02/06/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 464338. (sv) (Entered: 02/10/2003)
02/06/2003		Magistrate Judge Lisa M. Smith is so designated. (sv) (Entered: 02/10/2003)
03/05/2003	2	NOTICE OF MOTION by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Vincent Kimbro, Gilbert Santiago, Roderick Reyes for Betsy R. Ginsberg to appear pro hac vice . Return Date March 28, 2003. (dcr) (Entered: 03/11/2003)
03/05/2003	3	AFFIDAVIT of Betsy R. Ginsberg by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Vincent Kimbro, Gilbert Santiago, Roderick Reyes in support of [2-1] motion for Betsy R. Ginsberg to appear pro hac vice. (dcr) (Entered: 03/11/2003)
03/11/2003	4	ORDER granting [2-1] motion for Betsy R. Ginsberg to appear pro hac vice . (signed by Judge Charles L. Brieant); Copies mailed by Clerk's Office (pf) (Entered: 03/12/2003)
04/22/2003	5	AMENDED COMPLAINT by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes (Answer due) amending [1-1] complaint against Christopher Aldrich; Summons issued. (jma) (Entered: 04/24/2003)
04/25/2003	6	Memorandum to Docket Clerk: 4/25/03. Court Reporter: C. Arends-Dieck. Pre-trial Conference held & Concluded. All parties present. Civil Case Management Plan and Scheduling Order filed. Trial ready date set for Jan ,2 2004. Next Pre-trial conference is set for June 27th, 2003 @ 9:00am. See transcript. So Ordered. Charles L. Brieant. clk/cpys.. (sv) (Entered: 04/28/2003)
04/25/2003		PRETRIAL CONFERENCE held before Judge Charles L. Brieant . (sv) (Entered: 04/28/2003)
04/25/2003		PRETRIAL CONFERENCE concluded before Judge Charles L. Brieant . (sv) (Entered: 04/28/2003)
04/25/2003		PRETRIAL CONFERENCE set at 9:00 6/27/03 before Judge Charles L. Brieant . (sv) (Entered: 04/28/2003)
04/25/2003	7	CIVIL CASE DISCOVERY PLAN & SCHEDULING ORDER: This Court requires that this case shall be ready for trial on or after 1/2/04; The case is not to be tried to a jury; Joinder of additional parties and Amended Pleadings by 6/15/03; Interrogatories by 9/15/03; Depositions to be completed by 11/1/03; Any further interrogatories, including expert by 10/15/03; Requests to admit by 10/15/03; All discovery to be complete by 12/1/03; Next Case Mgmt Conference 6/27/03 at 9:00 a.m.; So Ordered: (signed by Judge Charles L. Brieant); Copies mailed

		by Clerk's Office (pf) (Entered: 04/28/2003)
04/25/2003		Case Management Conference set at 9:00 6/27/03 (pf) (Entered: 04/28/2003)
05/21/2003	8	NOTICE OF MOTION by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich to certify class action . No Return Date 9:00. (pf) (Entered: 05/23/2003)
05/21/2003	9	MEMORANDUM OF LAW by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich in support of [8-1] motion to certify class action . (pf) (Entered: 05/23/2003)
05/21/2003	10	DECLARATION of Betsy Ginsberg by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich in support Re: [8-1] motion to certify class action . (pf) (Entered: 05/23/2003)
05/30/2003	11	Letter filed by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes addressed to Judge Briant from Betsy Ginsbert, dated 05/29/03, re: Failure of the deft's to adhere to deadlines for filing their answer and discovery responses and to seek the Court's assistance with this matter, so that the case can proceed according to the Case Management Plan. (dcr) (Entered: 06/02/2003)
06/03/2003	12	Letter filed by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Vincent Kimbro, Gilbert Santiago, Roderick Reyes addressed to Judge Briant from Betsy Ginsberg, dated 5/29/03, re: failure of defendants deadline. (bls) (Entered: 06/04/2003)
06/09/2003	16	ANSWER to Complaint by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post (Attorney Bruce A. Brown from the Firm: Eliot Spitzer, Attorney General) . (jma) Modified on 2/21/2006 (mde,). (Entered: 06/12/2003)
06/10/2003	13	Letter filed by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes addressed to Judge Briant from Betsy Ginsberg, dated June 5, 2003, re: request for an extension to serve their opposition to Plaintiffs' Motion for Class Certification. (sv) (Entered: 06/10/2003)
06/10/2003	14	Letter filed addressed to Judge Briant from Bruce A. Brown, dated 06/05/03, re: Request that the briefing schedule be adjusted so that deft's opposition be due June 12th and plaintiffs' reply will be due June 23, 2003. (dcr) (Entered: 06/11/2003)
06/11/2003	15	Letter filed by Carlos Rosario addressed to Dear Ms. Brown from Betsy Ginsberg, dated 06/05/03, re: I write to inform you that the Court has scheduled a discovery conference for Friday, June 13, 2003 at 9:30..... (jma) (Entered: 06/11/2003)

06/12/2003	17	Letter filed by Carlos Rosario addressed to Dear Judge Brieant from Betsy Ginsberg, dated 06/10/03, re: to inform the Court that the parties in the case have agreed that there is now no need for a discovery conference to resolve the issues that I raised in my May 29, 2003 letter to the Court..... (jma) (Entered: 06/12/2003)
06/12/2003	19	NOTICE OF MOTION by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post to dismiss for failure to exhaust administrative remedies . Return Date 6/27/03 at 9:00. (dcr) (Entered: 06/17/2003)
06/12/2003	20	MEMORANDUM OF LAW by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post in support of [19-1] motion to dismiss for failure to exhaust administrative remedies. (dcr) (Entered: 06/17/2003)
06/13/2003	18	Letter filed addressed to USDJ Brieant from Betsy Ginsberg, dated 6/10/03, re: to inform the Court that the parties in the case have agreed that there is now no need for a discovery conference to resolve the issues that I raised in my May 29, 2003 letter to the COurt.... (pf) Modified on 06/16/2003 (Entered: 06/16/2003)
06/23/2003	21	REPLY MEMORANDUM by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich in support re: [8-1] motion to certify class action . (pf) (Entered: 06/24/2003)
06/23/2003	22	DECLARATION of Betsy Ginsberg by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich in support Re: [21-1] reply memorandum . (pf) (Entered: 06/24/2003)
06/25/2003	23	MEMORANDUM OF LAW by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post in opposition to [8-1] motion to certify class action. (dcr) (Entered: 06/26/2003)
06/25/2003	24	MEMORANDUM OF LAW by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich in opposition to [19-1] motion to dismiss for failure to exhaust administrative remedies . (pf) (Entered: 06/27/2003)
06/25/2003	25	DECLARATION of Betsy Ginsberg by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich in opposition Re: [19-1] motion to dismiss for failure to exhaust administrative remedies . (pf) (Entered: 06/27/2003)
06/27/2003	26	Memorandum to Docket Clerk: 6/27/03-Court Reporter: Mary Staten. Conference held and concluded. Oral argument heard on (Doc #19) Motion to Dismiss and (Doc #8) for Class Certification. Motions are fully submitted,

		decision reserved. See transcript. ...submitted by Alice Cama (pf) (Entered: 06/30/2003)
06/27/2003		PRETRIAL CONFERENCE held before Judge Charles L. Brieant . (pf) (Entered: 06/30/2003)
07/30/2003	27	Transcript of record of proceedings before Judge Charles L. Brieant for the date(s) of 06/27/03. (jma) (Entered: 07/30/2003)
08/26/2003	28	STIPULATION and PROTECTIVE ORDER: ... (see document for details)...No paper shall be filed under seal without the prior consultation with the Court...So Ordered: (signed by Judge Charles L. Brieant) COpies sent by Clerk's Office (pf) (Entered: 09/02/2003)
09/24/2003	29	ORDER granting [19-1] motion to dismiss for failure to exhaust administrative remedies, denying [8-1] motion to certify class action .Copies mailed by the clerk's office. The action is dismissed w/o prejudice and w/o costs for failure of exhaustion. No purpose will be served by deciding Plaintiff's motion for class certification at this time. The clerk shall file a final judgment. So Ordered: (signed by Judge Charles L. Brieant); (ll) (Entered: 09/25/2003)
09/25/2003	30	JUDGMENT ...ORDERED, ADJUDGED AND DECREED: That the complaint be and it is hereby dismissed without prejudice and without costs for failure of exhaustion. No purpose will be served by deciding Plaintiff's motion for class certification at the time. (signed by J.Michael McMahan); Mailed copies and notice of right to appeal. Entered On Docket: 09/26/03. (mov) (Entered: 09/26/2003)
09/25/2003		Case closed. (mov) (Entered: 09/26/2003)
10/22/2003	31	NOTICE OF APPEAL by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes, Christopher Aldrich, Christopher Aldrich from [30-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Betsy R. Ginsberg, Bruce A. Brown, John A. Beck . Appeal record due on 11/21/03 *\$105.00 fee paid, receipt #489430*. (pf) (Entered: 10/24/2003)
10/24/2003		Notice of appeal and certified copy of docket to USCA: [31-1] appeal by Christopher Aldrich, Christopher Aldrich, Roderick Reyes, Gilbert Santiago, Vincent Rios, Donald Smith, Marshall Rosado, Roger Zydor, Worley Hall, Carlos Rosario ; Copy of notice of appeal sent to District Judge. (pf) (Entered: 10/24/2003)
04/06/2004	32	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for [31] Notice of Appeal, filed by Carlos Rosario, Donald Smith, Gilbert Santiago, Roderick Reyes, Worley Hall, Roger Zydor, Marshall Rosado, Vincent Rios, Christopher Aldrich USCA Case Number 03-289, 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (cg,) (Entered: 04/13/2004)
07/22/2004		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for [31] Notice of Appeal, filed by Carlos Rosario, Donald Smith, Gilbert Santiago, Roderick Reyes, Worley Hall, Roger Zydor, Marshall Rosado, Vincent Rios, Christopher Aldrich USCA Case Number 03-289, were transmitted to the U.S.

		Court of Appeals. (mde,) (Entered: 07/22/2004)
01/26/2005	33	LETTER addressed to Judge Brieant from Kimberly Ann Dasse dated 01/15/05 re: Request that the Court vacate its previous dismissal of the captioned case and restore the case to the Court's calendar upon the anticipated remand by the Second Circuit.... (dcr,) (Entered: 01/26/2005)
05/04/2005	34	MANDATE of USCA (Certified Copy) as to [31] Notice of Appeal, filed by Carlos Rosario,, Donald Smith,, Gilbert Santiago,, Roderick Reyes,, Worley Hall,, Roger Zydor,, Marshall Rosado,, Vincent Rios,, Christopher Aldrich, USCA Case Number 03-0289. Ordered, Adjudged and Decreed that the judgment of the District Court is Vacated and Remanded for further proceedings. Tracy W. Young, Clerk USCA. Issued As Mandate: 04/26/05. (dcr,) (Entered: 05/04/2005)
05/06/2005	35	LETTER addressed to Ms. Cama from Betsy Ginsberg dated 5/5/05 re: I write to confirm that a status conference in this action has been scheduled for 5/20/05 at 9:00 a.m. (ae,) (Entered: 05/09/2005)
05/06/2005		Set Deadlines/Hearings: Status Conference set for 5/20/2005 09:00 AM before Judge Charles L. Brieant. (ae,) (Entered: 05/09/2005)
05/20/2005		Minute Entry for proceedings held before Judge Charles L. Brieant : Status Conference held on 5/20/2005. The parties are to provide a Status Report due by 6/6/2005. (Court Reporter Christina) (ae,) (Entered: 05/25/2005)
06/07/2005	38	LETTER addressed to Dear Judge Brieant from Betsy Ginsberg dated 6/7/2005 re: Deft's. in the their 6/7/2005 letter, persist in their efforts to delay these proceedings by trying to make the issue of class certification..... Document filed by Worley Hall.(jma,) (Entered: 06/13/2005)
06/13/2005	36	LETTER addressed to Dear Ms. Ginsberg from John M. Schwartz dated 6/8/2005 re: Judge Brieant's chambers has granted deft's. request that they be permitted to file additional material on the class..... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(jma,) (Entered: 06/13/2005)
06/13/2005	37	LETTER addressed to Dear Judge Brieant from Betsy Ginsberg dated 6/8/2005 re: request that the Court's permission to respond to respond to deft's. papers on or before 7/6/2005..... Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes.(jma,) (Entered: 06/13/2005)
06/22/2005	39	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition to Class Certification. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (pl,) (Entered: 06/24/2005)
06/22/2005	40	DECLARATION of Lester N. Wright, M.D. in Opposition re: [8] Motion to Certify Class. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (ae,) (Entered: 06/27/2005)

06/22/2005	41	DECLARATION of Theresa Knapp-David in Opposition re: [8] Motion to Certify Class. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (ae,) (Entered: 06/27/2005)
06/22/2005	42	DECLARATION of James Granger in Opposition re: [8] Motion to Certify Class. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (ae,) (Entered: 06/27/2005)
06/24/2005	43	(CORRECTED) DECLARATION of James Granger in Opposition re: [8] Motion to Certify Class. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (mde,) (Entered: 06/27/2005)
07/11/2005	44	SUPPLEMENTAL REPLY MEMORANDUM OF LAW in Support re: [8] Motion to Certify Class. Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes. (ae,) (Entered: 07/11/2005)
07/11/2005	45	DECLARATION of Betsy Ginsberg in Support re: [8] Motion to Certify Class. Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes. (ae,) (Entered: 07/11/2005)
07/11/2005	46	AFFIDAVIT of Vincent Rios in Support re: [8] Motion to Certify Class. Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes. (ae,) (Entered: 07/11/2005)
07/18/2005	48	LETTER addressed to Judge Charles L. Brieant from John M. Schwartz dated 7/15/05 re: Defendants respond to Plaintiffs' Supplemental Reply Memorandum of Law in Support of Motion for Class Certification, together w/ its supporting declarations. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(ae,) (Entered: 07/20/2005)
07/19/2005	47	LETTER addressed to Judge Charles L. Brieant from John M. Schwartz dated 6/21/05 re:....we request that we will be able to submit additional material in opposition to plntffs' motion for class certification on 6/22/05..... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(pf,) (Entered: 07/19/2005)
07/21/2005	49	LETTER addressed to Dear Judge Brieant from John Boston/Betsy Ginsberg dated 7/20/2005 re: Defense counsel's letter of July 15, 2005, recounting their pro forma assertions concerning exhaustion of the prison grievance system in this case..... Document filed by Carlos Rosario, Christopher Aldrich, Christopher

		Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes.(jma,) (Entered: 07/22/2005)
08/22/2005		Appeal Record Returned. Indexed record on Appeal Files for [31] Notice of Appeal, filed by Carlos Rosario,, Donald Smith,, Gilbert Santiago,, Roderick Reyes,, Worley Hall,, Roger Zydor,, Marshall Rosado,, Vincent Rios,, Christopher Aldrich, USCA Case Number 03-0289pr, returned from the U.S. Court of Appeals. (cg,) (Entered: 08/22/2005)
08/30/2005	50	LETTER addressed to Betsy Ginsberg from John Schwartz dated 8/17/05 re: In response to your letter of 8/15/05.... (pf,) (Entered: 08/30/2005)
08/30/2005	51	LETTER addressed to Judge Charles L. Briant from Betsy Ginsberg dated 8/25/05 re:.... request a pre-motion conference with the Court regarding discovery dispute that has arisen between the parties.... Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes.(pf,) (Entered: 08/30/2005)
09/12/2005	52	LETTER addressed to Judge Briant from John M. Schwartz dated 09/08/05 re: Discovery Dispute. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(dcr,) (Entered: 09/12/2005)
09/12/2005		Minute Entry for proceedings held before Judge Charles L. Briant : Discovery Hearing held on 9/12/2005. Judge's Decision: Discovery issues are resolved by the Court. Remark: Plaintiff to fax a proposed class, and proposed Notice to the Court on 9/13/05. See Transcript. (Court Reporter Sue Ghorayeb) (ae,) (Entered: 09/13/2005)
09/15/2005	53	LETTER addressed to Judge Briant from John M. Schwartz dated 09/14/05 re: Counter-Order and Notice to the Class. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(dcr,) (Entered: 09/20/2005)
09/15/2005	55	MEMORANDUM AND ORDER; Plaintiffs' motion to declare a class action under Rule 23(b)(1) and (2) FRCP (Document 8) is granted. (Signed by Judge Charles L. Briant on 9/15/05) "Copies Mailed By Chambers".(ae,) (Entered: 09/20/2005)
09/15/2005	56	COUNTER-ORDER FOR CLASS CERTIFICATION AND NOTICE TO THE COURT; Upon consideration of Plaintiffs' Motion for Class Certification and Notice to the Class and all responsive papers. This action is certified as a class action for the plaintiff class purs. to Rule 23(a), 23(b)(1)(A) and 23(b)(2), FRCP; Plaintiffs' Motion for Class Certification is denied in all respects. (Signed by Judge Charles L. Briant on 9/15/05) (ae,) (Entered: 09/20/2005)
09/16/2005	57	LETTER addressed to Judge Briant from Betsy Ginsberg dated 09/15/05 re: Response to defendants' September 14, 2005 submission to the Court concerning classification.. (dcr,) (Entered: 09/21/2005)

09/19/2005	54	LETTER addressed to Dear Judge Brieant from Betsy Ginsberg dated 9/13/2005 Document filed by Carlos Rosario....see document for more details.....(jma,) (Entered: 09/20/2005)
09/27/2005	58	ENDORSED LETTER addressed to Judge Charles L. Brieant from Betsy Ginsberg dated 9/26/05 re:....seeking permission to correct what we believe was an aversight by the COurt in the Notice to the class ordered by the Court on 9/15/05.....ENDORSEMENT: Application Granted. So Ordered:. (Signed by Judge Charles L. Brieant on 9/27/05) Copies sent by Chambers.(pf,) (Entered: 09/28/2005)
09/27/2005	59	LETTER addressed to Judge Charles L. Brieant from John M. Schwartz dated 9/27/2005 re:..I enclose another copy of the proposed Notice with both paragraphs corrected... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(mde,) (Entered: 09/28/2005)
12/27/2005	60	LETTER addressed to Dear Mr. Schwartz from Betsy Ginsberg dated 12/27/2005 re: I write to inform you that Judge Brieant has scheduled a conference with the parties in the.....lawsuit to take place on January 3, 2006 at 9:30am..... Document filed by Carlos Rosario.(jma,) (Entered: 12/27/2005)
01/03/2006		NOTICE OF CHANGE OF ADDRESS by Betsy R. Ginsberg on behalf of Carlos Rosario, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes. New Address: Legal Aid Project, 199 Water Street, 6th Floor, New York, New York, 10038. (mde,) (Entered: 01/03/2006)
01/03/2006		Minute Entry for proceedings held before Judge Charles L. Brieant : Discovery Hearing held on 1/3/2006. Discovery Conference held and concluded. Court resolves all outstanding discovery issues. Case to be ready for trial on 6/15/06. Civil Case Discovery Plan signed and adopted by the Court. Next pretrial conference set for 2/24/06 at 10:00 a.m.. See transcript. (pf,) (Entered: 01/03/2006)
01/03/2006	61	LETTER addressed to Judge Charles L. Brieant from Betsy Ginsberg and John Boston dated 12/23/06 re:... to request the Court's assistance with document discovery.... Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Gilbert Santiago, Roderick Reyes.(pf,) (Entered: 01/03/2006)
01/03/2006	62	LETTER addressed to Judge Charles L. Brieant from John Schwartz dated 12/29/05 re:....to request a very brief adjournment of the 1/3/06 conference, and to advise the Court that Plntff's assetions are incorrect in view of the very close attention dfts are giving to discovery and to the case.... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(pf,) (Entered: 01/03/2006)
01/03/2006	63	CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER: case shall be ready for trial by June 15, 2006; the case is not to be tried to a jury; joinder of

		additional parties must be accomplished by 02/15/06; amended pleadings may be filed until 02/15/2006; interrogatories are to be served no later than 01/15/2006; depositions to be completed by 05/01/2006; any further interrogatories to be served no later than 05/01/2006; requests to admit no later than 05/01/2006; all discovery is to be completed by 06/15/2006; next case management conference 02/24/2006 at 10:00am..... (Signed by Judge Charles L. Brieant on 01/03/2006) "The Clerk's Office Has Mailed Copies".(jma,) (Entered: 01/03/2006)
01/09/2006		Received returned mail re: [63] Scheduling Order,,. Mail was addressed to John A. Beck of The Legal Aid Society, Prisoners' Rights Project at 1 Battery Park Plaza, New York, NY, 10004 and was returned for the following reason(s): Attempted Not Known. (gco,) (Entered: 01/09/2006)
01/17/2006	64	CASE MANAGEMENT PLAN: Amended Pleadings due by 2/15/2006. Joinder of Parties due by 2/15/2006. All Discovery due by 6/15/2006. Ready for Trial by 6/15/2006. (Signed by Judge Charles L. Brieant on 1/11/06) "The Clerk's Office Has Mailed Copies".(ae,) (Entered: 01/18/2006)
02/17/2006	65	NOTICE OF MOTION for Joinder, joining Edward Nesmith and Dennis McGlotten as plaintiffs in this action and permitting plaintiffs to file a Second Amended Complaint to include their claims... Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Vincent Kimbro, Gilbert Santiago, Roderick Reyes. Return Date set for 3/24/2006 10:00 AM. (mde,) (Entered: 02/21/2006)
02/17/2006	66	MEMORANDUM OF LAW in Support re: [65] MOTION for Joinder.. Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Vincent Kimbro, Gilbert Santiago, Roderick Reyes. (mde,) (Entered: 02/21/2006)
02/17/2006	67	DECLARATION of Betsy Ginsberg in Support re: [65] MOTION for Joinder.. Document filed by Carlos Rosario, Christopher Aldrich, Christopher Aldrich, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Vincent Rios, Vincent Kimbro, Gilbert Santiago, Roderick Reyes. (mde,) (Entered: 02/21/2006)
02/17/2006	68	MOTION to Amend/Correct [16] Answer to Complaint,. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (mde,) (Entered: 02/21/2006)
02/24/2006		Minute Entry for proceedings held before Judge Charles L. Brieant : Show Cause Hearing began & completed on 2/24/2006. Judge's Decision: Oral Argument heard on motion Dkt #65 is granted on consent. Motion dkt #68 is withdrawn. The Court grants leave to file an amended complaint & answer in accordance with Federal Rules. Remark: Term motions Dkt. #65 and #68. A conference is scheduled for 4/7/2006 at 9:00 a.m. (Submitted by Alice Cama). (Court Reporter Mary Staten) (mde,) (Entered: 02/27/2006)

03/01/2006	69	SECOND AMENDED COMPLAINT amending [5] Amended Complaint against Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. Document filed by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Christopher Aldrich, Vincent Rios, Gilbert Santiago, Roderick Reyes. Related document: [5] Amended Complaint filed by Carlos Rosario,, Donald Smith,, Gilbert Santiago,, Roderick Reyes,, Worley Hall,, Roger Zydor,, Marshall Rosado,, Vincent Rios.,(jma,) (Entered: 03/07/2006)
03/23/2006	70	LETTER addressed to Judge Brieant from John M. Schwartz dated 03/22/06 re: Request that the Court grant defendants' permission to serve and file its answer to the Second Amended Complaint on or before March 24, 2006.. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(dcr,) (Entered: 03/24/2006)
03/23/2006	71	ANSWER to Second Amended Complaint. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. Related document: [69] Amended Complaint,, filed by Carlos Rosario,, Donald Smith,, Gilbert Santiago,, Roderick Reyes,, Worley Hall,, Roger Zydor,, Marshall Rosado,, Vincent Rios,, Christopher Aldrich.,(jma,) (Entered: 03/24/2006)
03/28/2006	72	TRANSCRIPT of proceedings held on 02/24/2006 before Judge Charles L. Brieant. Court Reporter: Mary M. Staten. (jma,) (Entered: 03/28/2006)
04/07/2006		Minute Entry for proceedings held before Judge Charles L. Brieant : Status Conference held on 4/7/2006. Judge's Decision: Deposition & Discovery dates are so ordered by the Court - A Status Conference is scheduled for 07//21/06 at 11:00 am. Submitted By: Alice Cama, Deputy Court Clerk. (Court Reporter Albi Gorn) (dcr,) (Entered: 04/10/2006)
05/15/2006	73	LETTER addressed to Dear Betsy from John M. Schwartz dated 05/09/2006 re: Confirming my telephone call a few minutes ago, Judge Brieant's chambers has requested that counsel appear foa a conference with him this Friday, May 12, 2006 at 11am..... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(jma,) (Entered: 05/16/2006)
06/05/2006	74	LETTER addressed to Judge Charles L. Brieant from John M. Schwartz dated 5/26/2006 re: request that discovery deadlines be suspended temporarily... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(mde,) (Entered: 06/06/2006)
06/06/2006	75	LETTER addressed to Betsy Ginsberg from John Schwartz dated 6/5/06 re: Notification of temporary suspension of the discovery deadlines.. (fk,) (Entered: 06/07/2006)

06/08/2006	76	LETTER addressed to Dear Judge Brieant from John M. Schwartz dated 06/06/2006 re: report on the status of settlement negotiations..... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(jma,) (Entered: 06/08/2006)
06/22/2006	77	LETTER addressed to Dear Judge Brieant from John M. Schwartz dated 06/21/2006 re: We hope to achieve a final agreement by June 30, 2006 2006 and by July 12 to submit to the Court for approval a proposed..... Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post.(jma,) (Entered: 06/23/2006)
07/21/2006		Minute Entry for proceedings held before Judge Charles L. Brieant : Status Conference held on 7/21/2006. Consent Order for Notice to the Plaintiff Class submitted to the Court. Conference is scheduled for 09/29/2006 at 11:00. (Court Reporter Sue Ghorayeb) (jma,) (Entered: 07/24/2006)
07/21/2006	78	CONSENT ORDER FOR NOTICE TO THE PLAINTIFF CLASS: WHEREAS, on July 21, 2006 the parties to the above - entitled action entered into a Voluntary Stipulation of Dismissal Subject to Conditions (the Agreement), which sets forth the terms and conditions for the proposed settlement of all claims and provides for the dismissal of the action on the merits with prejudice upon the terms and conditions set forth in the Agreement...see order for more details... (SO ORDERED and signed by Judge Charles L. Brieant on 07/21/2006) The Clerk's Office Has Mailed Copies.(jma,) (Entered: 07/24/2006)
08/04/2006		Received returned mail Mail was addressed to John A. Beck of The Legal Aid Society, Prisoners' Rights Project at 1 Battery Park Plaza, NY NY 10004 and was returned for the following reason(s): Attempted - Not known unable to forward. Copy of docket #78 (ll,) (Entered: 08/04/2006)
09/25/2006	79	DECLARATION of Betsy Ginsberg in Support re: [78] Consent Order,.. Document filed by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Christopher Aldrich, Vincent Rios, Gilbert Santiago, Roderick Reyes. (jma,) (Entered: 09/25/2006)
09/25/2006	80	MEMORANDUM OF LAW in Support re: [78] Consent Order,.. Document filed by Carlos Rosario, Worley Hall, Roger Zydor, Marshall Rosado, Donald Smith, Christopher Aldrich, Vincent Rios, Gilbert Santiago, Roderick Reyes. (jma,) (Entered: 09/25/2006)
09/25/2006	81	MEMORANDUM OF LAW in Support re: [83] Approval of Settlnent,.. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (jma,) Modified on 9/25/2006 (jma,). (Entered: 09/25/2006)
09/25/2006	82	DECLARATION of Angela T. Maume, R.N. re: [78] Consent Order,.. (jma,) (Entered: 09/25/2006)

09/25/2006	83	MOTION to Approve Settlement. Document filed by Glenn S. Goord, Frank Headly, Stephen Bernardi, Donna Masterson, Lester Wright, William Massuca, Kenneth S. Perlman, Edward Donnelly, Jimmy Harris, Jim Mance, Helen Dean, Anne Cole, Joan Rosado, Susan Post. (jma,) (Entered: 09/25/2006)
09/29/2006	84	NOTICE of Voluntary Dismissal pursuant to Rule 41(a)(1) of the F.R.C.P.....This Voluntary Stipulation of Dismissal contains the entire agreement of the parties in this matter and no oral agreement entered into at any time, nor any written agreement entered into prior to the proceedings, shall be deemed to exist or to bind the parties hereto or to vary the terms and cond's. contained herein.....SO ORDERED. COPIES SENT BY CLERKS OFFICE. (Signed by Judge Charles L. Brieant on 09/26/2006) The Clerk's Office Has Mailed Copies.(jma,) (Entered: 10/02/2006)
09/29/2006		Minute Entry for proceedings held before Judge Charles L. Brieant : Oral Argument held on 9/29/2006 re: [83] MOTION to Approve Settlement. MOTION for Settlement. MOTION to Approve Settlement. MOTION for Settlement. filed by Edward Donnelly,, Frank Headly,, Anne Cole,, Susan Post,, Joan Rosado,, Helen Dean,, Lester Wright,, Stephen Bernardi,, Glenn S. Goord,, Donna Masterson,, Kenneth S. Perlman,, William Massuca,, Jimmy Harris,, Jim Mance,...Oral findings of fact and conclusions of law are placed on the record. See transcript. (Court Reporter Angela O' Donnell) (jma,) (Entered: 10/02/2006)
10/16/2006	85	TRANSCRIPT of proceedings held on 9/29/2006 before Judge Charles L. Brieant. Court Reporter: Angela O'Donnell. (cg,) (Entered: 10/16/2006)

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