

CLOSED

U.S. District Court
Northern District of New York – Main Office (Syracuse) [LIVE – Version 6.1.1]
(Prisoner)
CIVIL DOCKET FOR CASE #: 9:15-cv-01205-GTS-TWD

Corris v. Koenigsmann et al
Assigned to: Chief Judge Glenn T. Suddaby
Referred to: Magistrate Judge Therese Wiley Dancks
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/07/2015
Date Terminated: 05/06/2016
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Adam Corris

represented by **Alissa R. Hull**
Prisoners' Legal Services of New York –
Plattsburgh
24 Margaret Street, Suite 9
Plattsburgh, NY 12901
518-561-3088
Fax: 518-561-3262
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Carl Koenigsmann
*M.D., Chief Medical Officer, Department
of Corrections and Community
Supervision*

represented by **Bruce J. Boivin**
Office of Attorney General – Albany
State of New York
The Capitol
Albany, NY 12224
518-776-2590
Fax: 518-915-7740
Email: bruce.boivin@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Kasulke
*M.D., Facility Health Services Director,
Gouverneur Correctional Facility
TERMINATED: 12/22/2015*

represented by **Bruce J. Boivin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Brian Connelly
*M.D., Bare Hill Correctional Facility
TERMINATED: 12/22/2015*

represented by **Bruce J. Boivin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Vijay Kumar Mandalaywala
*M.D., Facility Health Services Director,
Upstate Correctional Facility
TERMINATED: 12/22/2015*

represented by **Bruce J. Boivin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Seidman
M.D., Facility Health Services Director,

represented by **Bruce J. Boivin**
(See above for address)

Riverview Correctional Facility
TERMINATED: 12/22/2015

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jon Miller
M.D., Facility Health Services Director,
Coxsackie Correctional Facility
TERMINATED: 12/22/2015

represented by **Bruce J. Boivin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Amanda Rupert
R.N., Infection Control Nurse
TERMINATED: 12/22/2015

represented by **Bruce J. Boivin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Sherry Burke
R.N., Gouverneur Correctional Facility
TERMINATED: 12/22/2015

represented by **Bruce J. Boivin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/07/2015	<u>1</u>	COMPLAINT against Sherry Burke, Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert, Michael Seidman filed by Adam Corris. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> cover letter, # <u>3</u> proposed summons for Seidman, # <u>4</u> proposed summons for Burke, # <u>5</u> proposed summons for Rupert, # <u>6</u> proposed summons for Connelly, # <u>7</u> proposed summons for Miller, # <u>8</u> proposed summons for Mandalaywala, # <u>9</u> proposed summons for Koenigsmann, # <u>10</u> proposed summons for Kasulke)(nas) (Entered: 10/08/2015)
10/07/2015	<u>2</u>	MOTION for Leave to Proceed in forma pauperis and INMATE AUTHORIZATION form filed by Adam Corris. (nas,) Modified on 10/8/2015 (see,). (Entered: 10/08/2015)
10/08/2015		CLERK'S CORRECTION OF DOCKET ENTRY re <u>2</u> Motion for Leave to Proceed in forma pauperis. Added to the docket text of this entry that it also contains the Inmate Authorization Form. (see) (Entered: 10/08/2015)
10/13/2015	<u>3</u>	ORDER: ORDERED that Plaintiff's in forma pauperis application (Dkt. No. <u>2</u>) is GRANTED. The Clerk shall issue summonses for service, along with the complaint and packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York, upon the Defendants by Plaintiff's counsel. Signed by Magistrate Judge Therese Wiley Dancks on 10/13/15. (nas) (Entered: 10/13/2015)
10/13/2015	<u>4</u>	G.O. 25 FILING ORDER ISSUED: Initial Conference set for 1/13/2016 10:00 AM in Syracuse before Magistrate Judge Therese Wiley Dancks. Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 1/6/2016. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (nas,) (Entered: 10/13/2015)
10/13/2015	<u>5</u>	Summons Issued as to Sherry Burke, Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert, Michael Seidman. (Main document: Koenigsmann; Attachments: # <u>1</u> Seidman, # <u>2</u> Burke, # <u>3</u> Rupert, # <u>4</u> Connelly, # <u>5</u> Miller, # <u>6</u> Mandalaywala, # <u>7</u> Kasulke)(nas,) (Entered: 10/13/2015)
10/13/2015		Provided Superintendent of Gouverneur Correctional Facility with notice of the instant action and a copy of the inmate authorization form – copies of same provided to Financial Deputy. (nas,) (Entered: 10/13/2015)

10/19/2015	<u>6</u>	Emergency MOTION for Preliminary Injunction by Adam Corris. (Attachments: # <u>1</u> Proposed Order/Judgment Order to Show Cause, # <u>2</u> Memorandum of Law, # <u>3</u> Affidavit Hull Affidavit, # <u>4</u> Exhibit(s) Ex. A, # <u>5</u> Exhibit(s) Ex. B, # <u>6</u> Exhibit(s) Ex. C, # <u>7</u> Exhibit(s) Ex. D, # <u>8</u> Exhibit(s) Ex. E, # <u>9</u> Exhibit(s) Ex. F, # <u>10</u> Exhibit(s) Ex. G, # <u>11</u> Exhibit(s) Ex. H, # <u>12</u> Exhibit(s) Ex. I, # <u>13</u> Exhibit(s) Ex. J, # <u>14</u> Exhibit(s) Ex. K, # <u>15</u> Exhibit(s) Ex. L)(Hull, Alissa) (Entered: 10/19/2015)
10/20/2015	7	TEXT ORDER denying # <u>6</u> Plaintiff's motion for an Order to Show Cause. While Plaintiff has submitted an affidavit, that affidavit does not clearly and specifically show[] good and sufficient cause why the standard Notice of Motion procedure cannot be used, and demonstrate "good cause and substantial prejudice that would result from the requirement of reasonable [advance] notice" to the other parties. N.D.N.Y. L.R. 7.1(e). Under the circumstances, the Court reserves decision on Plaintiff's motion for a preliminary injunction and imposes the following expedited briefing schedule on that motion. Plaintiff shall promptly serve on Defendants a copy of the Summons and Complaint, Motion for a Preliminary Injunction, and this Text Order pursuant to Rule 4 and thereafter electronically file a Certificate of Service with the Court no later than 10/27/15. A Hearing on Plaintiff's Motion for a Preliminary Injunction is set for 11/20/15 at 9:30 am in Syracuse, NY before Chief Judge Glenn T. Suddaby. Defendants response to Plaintiffs motion for a preliminary injunction is due by 11/6/15. Counsel is directed to file any exhibit list and witness list no later than 11/12/13. Exhibits must be pre-marked (P-1, P-2, etc. for Plaintiff and D-1, D-2, etc. for Defendant) in a binder with a binder for the Judge and a binder for opposing counsel and brought to court on the day of the hearing. Plaintiffs is directed to file a letter request no later than 10/27/15 as to whether a Writ of Habeas Corpus Ad Testificandum is needed to produce Plaintiff Adam Corris for the hearing. Authorized by Chief Judge Glenn T. Suddaby on 10/20/15. (lmw) (Entered: 10/20/2015)
10/20/2015		TEXT NOTICE of Hearing: Evidentiary Hearing set for 11/20/2015 at 9:30 AM in Syracuse before Chief Judge Glenn T. Suddaby. Defendant's Response to # <u>6</u> Emergency Motion for Preliminary Injunction due by 11/6/15. Exhibit list and witness list due by 11/12/13. (lmw) (Entered: 10/20/2015)
10/22/2015	<u>8</u>	ORDER AND WRIT of Habeas Corpus ad Testificandum issued by Chief Judge Glenn T. Suddaby directing Gouverneur Correctional Facility to produce Adam Corris for an evidentiary hearing on 11/20/15 at 8:30 am at the U.S. Courthouse in Syracuse, NY. (lmw) (Copy served upon Gouverneur Correctional Facility via email at doccs.sm.gouverneur.irc and regular mail) (Entered: 10/22/2015)
10/22/2015	<u>9</u>	Letter Motion from Alissa R. Hull, Plaintiff's counsel for Adam Corris requesting Amended Summons submitted to Judge Suddaby . (Attachments: # <u>1</u> Proposed Summons Defendant Rupert)(Hull, Alissa) (Entered: 10/22/2015)
10/23/2015	10	TEXT ORDER RE <u>9</u> : Plaintiff's request for an amended summons to be issued for defendant Amanda Rupert is granted. The Clerk shall issue the amended summons. Authorized by Chief Judge Glenn T. Suddaby on 10/23/15. (nas) (Entered: 10/23/2015)
10/23/2015	<u>11</u>	Summons Reissued as to Amanda Rupert. (nas,) (Entered: 10/23/2015)
10/27/2015	<u>12</u>	AFFIDAVIT of Service for Sumons, Complaint, General Order 25, Motion for Preliminary Injunction, Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction, Affidavit and Exhibits, and Court Text Order dated October 20, 2015 served on Defendants Koenigsmann and Miller on October 23, 2015, filed by Adam Corris. (Attachments: # <u>1</u> Affirmation Service on Defendant Miller)(Hull, Alissa) (Entered: 10/27/2015)
10/27/2015	<u>13</u>	AFFIDAVIT of Service for Sumons, Complaint, General Order 25, Motion for Preliminary Injunction, Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction, Affidavit and Exhibits, and Court Text Order dated October 20, 2015 served on Defendants Kasulke, Connelly, Mandalaywala, Seidman, Rupert, and Burke on October 27, 2013, filed by Adam Corris. (Attachments: # <u>1</u> Affirmation Service on Defendant Burke, # <u>2</u> Affirmation Service on Defendant Connelly, # <u>3</u> Affirmation Service on Defendant Mandalaywala, # <u>4</u> Affirmation Service on Defendant Seidman, # <u>5</u> Affirmation Service on Defendant Rupert)(Hull, Alissa) (Entered: 10/27/2015)

11/06/2015	<u>14</u>	NOTICE of Appearance by Bruce J. Boivin on behalf of All Defendants (Boivin, Bruce) (Entered: 11/06/2015)
11/06/2015	<u>15</u>	Letter Motion from AAG Bruce J. Boivin for Sherry Burke, Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert, Michael Seidman requesting that the PI hearing scheduled for November 20, 2015 be adjourned without date submitted to Judge Suddaby . (Boivin, Bruce) (Entered: 11/06/2015)
11/09/2015	16	TEXT ORDER granting # <u>15</u> Defendants' Letter Request to adjourn without date the evidentiary hearing scheduled for 11/20/15 and all responses/replies associated with the # <u>6</u> motion for preliminary injunction. The Writ of Habeas Corpus to produce Defendant at the hearing will be canceled. Counsel are directed to file a status report by 11/19/15. Authorized by Chief Judge Glenn T. Suddaby on 11/9/15. (lmw) Modified on 12/1/2015 to correct Judge (lmw). (Entered: 11/09/2015)
11/19/2015	<u>17</u>	STATUS REPORT <i>in complianc</i> with the Court's November 9, 2015 text order by Sherry Burke, Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert, Michael Seidman. (Boivin, Bruce) (Entered: 11/19/2015)
11/19/2015	<u>18</u>	Letter Motion from AAG Bruce Boivin for Sherry Burke, Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert, Michael Seidman requesting an extension of time to respond to the complaint until January 19, 2016 submitted to Judge Dancks . (Boivin, Bruce) (Entered: 11/19/2015)
11/19/2015	19	TEXT ORDER: As requested in dkt. no. <u>17</u> , defendants' status report in complianc with this Court's November 9, 2015 Text Order is due by 11/30/2015. Authorized by Chief Judge Glenn T. Suddaby on 11/19/15. (nas) (Entered: 11/19/2015)
11/30/2015	<u>20</u>	STATUS REPORT by Sherry Burke, Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert, Michael Seidman. (Boivin, Bruce) (Entered: 11/30/2015)
12/01/2015	21	TEXT ORDER directing Plaintiff to advise the court by 12/7/15 as to whether he withdraws his # <u>6</u> Motion for Preliminary Injunction as referenced in Defendants' # <u>20</u> Status Report. If Plaintiff's motion is not withdrawn by 12/7/15, the Court will reinstate response/reply deadlines. SO ORDERED by Chief Judge Glenn T. Suddaby on 12/1/15. (lmw) (Entered: 12/01/2015)
12/01/2015	22	TEXT ORDER granting <u>18</u> Letter Request for extension of time for defendants to respond to the complaint. Sherry Burke, Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert and Michael Seidman: answer due 1/19/2016. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 12/1/2015. (sg) (Entered: 12/01/2015)
12/01/2015		TEXT NOTICE OF RESCHEDULING OF INITIAL CONFERENCE: The Telephone Initial Conference originally set for 1/13/2016 has been RESCHEDULED for 2/1/2016 at 10:00 AM before Magistrate Judge Therese Wiley Dancks. Plaintiff's counsel is directed to initiate the call as directed in General Order 25 (Dkt. No. <u>4</u>). PLEASE TAKE NOTICE: Civil Case Management Plan must be filed and Mandatory Disclosures are to be exchanged by the parties on or before 1/25/2016. (Pursuant to Local Rule 26.2, mandatory disclosures are to be exchanged among the parties but are NOT to be filed with the Court.) (sg) (Entered: 12/01/2015)
12/04/2015	<u>23</u>	Letter Motion from Alissa R. Hull for Adam Corris requesting to withdraw plaintiff's Motion for Preliminary Injunction (Docket No. 6) submitted to Judge Suddaby . (Hull, Alissa) (Entered: 12/04/2015)
12/07/2015	24	TEXT ORDER granting # <u>23</u> Plaintiff's Letter Request to withdraw its # <u>6</u> Motion for Preliminary Injunction as the relief sought has been commenced by Defendant. SO ORDERED by Chief Judge Glenn T. Suddaby on 12/7/15. (lmw) (Entered: 12/07/2015)
12/21/2015	<u>25</u>	STIPULATION of Dismissal <i>in Part (discontinuing this action as to all defendanst except defendant Koenigsmann)</i> by Brian Connelly, Robert Kasulke, Carl Koenigsmann, Vijay Kumar Mandalaywala, Jon Miller, Amanda Rupert, Michael

		Seidman submitted to Judge Suddaby. (Boivin, Bruce) (Entered: 12/21/2015)
12/22/2015	<u>26</u>	ORDER approving # <u>25</u> Stipulation of Dismissal as to Defendants Jon Miller, Brian Connelly, Amanda Rupert, Michael Seidman, Vijay Kumar Mandalaywala, Sherry Burke and Robert Kasulke only. Signed by Chief Judge Glenn T. Suddaby on 12/22/15. (lmw) (Entered: 12/22/2015)
01/19/2016	<u>27</u>	ANSWER to <u>1</u> Complaint., by Carl Koenigsmann.(Boivin, Bruce) (Entered: 01/19/2016)
01/20/2016	<u>28</u>	CERTIFICATE OF SERVICE by Carl Koenigsmann re <u>27</u> Answer to Complaint (Boivin, Bruce) (Entered: 01/20/2016)
01/27/2016	<u>29</u>	Letter Motion from AAG Bruce J. Boivin for Carl Koenigsmann requesting an adjournment of the Rule 16 conference submitted to Judge Dancks . (Boivin, Bruce) (Entered: 01/27/2016)
01/28/2016	30	TEXT ORDER : Court has reviewed letter motion (Dkt. No. <u>29</u>) to adjourn Rule 16 Conference and related deadlines due to settlement negotiations. Letter motion granted. Rule 16 conference will be rescheduled, if necessary, at a future date. Defendants to submit a status report regarding settlement negotiations by 2/29/2016. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 1/28/2016. (sg) (Entered: 01/28/2016)
02/29/2016	<u>31</u>	STATUS REPORT/Letter Request by Carl Koenigsmann. (Boivin, Bruce) Modified on 3/1/2016 (sg). (Entered: 02/29/2016)
03/01/2016	32	TEXT ORDER : Court has reviewed letter motion/status report on settlement (Dkt. No. <u>31</u>). Letter motion granted. Defendant to file status report regarding settlement by 3/31/2016. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 3/1/2016. (sg) (Entered: 03/01/2016)
03/31/2016	<u>33</u>	STATUS REPORT/Letter Request <i>regarding settlement</i> by Carl Koenigsmann. (Boivin, Bruce) Modified on 4/1/2016 (sg). (Entered: 03/31/2016)
04/01/2016	34	TEXT ORDER : Court has reviewed Defendant's <u>33</u> Letter motion/status report on settlement. Letter motion for extension granted. Defendant to file status report regarding settlement by 4/29/2016. SO ORDERED by Magistrate Judge Therese Wiley Dancks on 4/1/2016. (sg) (Entered: 04/01/2016)
04/29/2016	<u>35</u>	STATUS REPORT <i>informing the Court that the parties have reached a settlement</i> by Carl Koenigsmann. (Boivin, Bruce) (Entered: 04/29/2016)
05/03/2016	36	TEXT ORDER: The Court having been advised that this case has settled, the parties are directed to file a stipulation of dismissal by 5/31/16. SO ORDERED by Chief Judge Glenn T. Suddaby on 5/3/15. (lmw) (Entered: 05/03/2016)
05/06/2016	<u>37</u>	SETTLEMENT AGREEMENT <i>submitted for the Court's consideration</i> by Carl Koenigsmann. (Boivin, Bruce) (Entered: 05/06/2016)
05/06/2016	<u>38</u>	ORDER approving # <u>37</u> Stipulation and Order of Discontinuance pursuant to Rule 41(a). Signed by Chief Judge Glenn T. Suddaby on 5/6/16. (lmw) (Entered: 05/06/2016)